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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing to explore potential policy solutions to improve utility affordability
- Department of Employment Services announces increase in the minimum wage in the District of Columbia from $17.95 to $18.40 per hour for all workers, regardless of size of employer beginning July 1, 2026
- Department of Employment Services announces funding availability for the FY 2026 American Job Center DC Alliance for Healthcare Careers Credential Training & Placement Grant program and the Training for Emerging Cyber Heroes (T.E.C.H.) Force Grant program
- Department of Energy and Environment solicits public comments on the revised Erosion and Sediment Control (ESC) Manual
- Department of Housing and Community Development schedules a public hearing on the fiscal year 2027 annual action plan, the 2027-2031 consolidated plan, and the recovery housing program action plan
- Mayor of the District of Columbia declares a public emergency and a limited juvenile curfew (Mayor's Order 2026-091)
- Office of the Deputy Mayor for Planning and Economic Development invites applications from qualified organizations for a grant under the FY 2026 Rhode Island Avenue Support Grant Program
- Office of the Deputy Mayor for Public Safety and Justice announces funding availability for the FY 2027 Safe and Secure DC Nonprofit Fund and the Safe Commercial Corridors Grant Program

DISTRICT OF COLUMBIA REGISTER

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DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

SUITE 8700 - 899 NORTH CAPITOL STREET, NE - UNION SQUARE - WASHINGTON, D.C. 20002 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-124

"Clemency Board Waiver Authority Temporary Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-558 on First Reading and Final Reading, on January 6, 2026, and February 3, 2026, respectively. Following the signature of the Mayor on March 2, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-274 and was published in the March 6, 2026 edition of the D.C. Register (Vol. 73, page 003151). Act 26-274 was transmitted to Congress on March 5, 2026 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 26-274 is now D.C. Law 26-124, effective May 29, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Month	Dates Counted
March	5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
April	1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30
May	1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,22,26,27,28

COUNCIL OF THE DISTRICT OF COLUMBIA

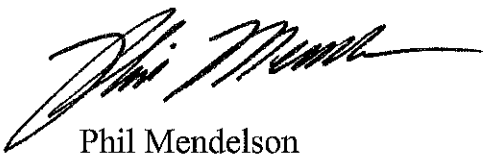
NOTICE

D.C. LAW 26-125

"Pretrial Detention Reporting Temporary Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-562 on First Reading and Final Reading, on January 6, 2026, and February 3, 2026, respectively. Following the signature of the Mayor on March 2, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-267 and was published in the March 6, 2026 edition of the D.C. Register (Vol. 73, page 003134). Act 26-267 was transmitted to Congress on March 5, 2026 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 26-267 is now D.C. Law 26-125, effective May 29, 2026.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Month	Dates Counted
March	5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
April	1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30
May	1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,22,26,27,28

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To recognize and celebrate East City Bookshop, on the occasion of its 10th anniversary, for its longstanding commitment to the neighborhood and for offering a wide array of books and events that foster community.

WHEREAS, East City Bookshop was established in 2016 by Laurie Gillman on Pennsylvania Avenue, SE, in the heart of Capitol Hill;

WHEREAS, East City Bookshop is a gathering place for book lovers of all ages that offers a wide selection curated by knowledgeable book buyers and booksellers who help any customer find the right titles;

WHEREAS, East City Bookshop hosts book clubs, author events, and more to connect people with books that inspire and bring the community together;

WHEREAS, East City Bookshop has staff who know their regulars' names and offer the same care and expertise to every visitor;

WHEREAS, East City Bookshop holds book drives for local organizations, such as Ward 6 Mutual Aid, and donates a percentage of its sales to the organization;

WHEREAS, East City Bookshop books author events in schools for touring authors;

WHEREAS, East City Bookshop offers hybrid one-week book fairs for schools, donating 20 percent of sales designated for the school;

WHEREAS, East City Bookshop provides teacher wish lists to bring more books into local classrooms;

WHEREAS, East City Bookshop hosts 15 book clubs to bring people together in conversation over fiction and nonfiction alike, with 4 of the clubs being for children of different ages;

ENROLLED ORIGINAL

WHEREAS, East City Bookshop regularly hosts events, both in-store and across the District, to expand dialogue on current events, provide thoughtful conversations with authors, and inspire readers of all backgrounds;

WHEREAS, East City Bookshop continually encourages people to shop local, at both its own space and other neighborhood small businesses;

WHEREAS, East City Bookshop offers more beyond books, including unique greeting cards, thoughtful gifts, and items for children, friends, parents, and coworkers;

WHEREAS, East City Bookshop hosts annual summer reading challenges for both school-aged children and adult readers;

WHEREAS, East City Bookshop earned a Ward 6 Brickie Award in 2017, and it has been named Best Indie Bookstore and Best Bookstore by *Washington City Paper*;

WHEREAS, Laurie Gillman is a book lover who opened her business to serve her neighbors with new books, filling a need when local stores were closing;

WHEREAS, Laurie Gillman continually employs staff members who are welcomed and uplifted to share their love of books with the broader community; and

WHEREAS, East City Bookshop continues to be a place for everyone in the community to find connection and common ground.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "East City Bookshop 10th Anniversary Recognition Resolution of 2026".

Sec. 2. The Council of the District of Columbia recognizes and celebrates East City Bookshop, on the occasion of its 10th anniversary, for its longstanding commitment to the neighborhood and for offering a wide array of books and events that foster community.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To recognize and honor the Freedom Riders, civil rights activists who risked their lives to travel to Southern states in protest of racial segregation.

WHEREAS, the Congress of Racial Equality (CORE) was founded in 1942 by James Farmer to combat racial injustice and end discriminatory laws throughout the United States;

WHEREAS, the mission of CORE was to bring equality for all, regardless of race, sex, age, disability, sexual orientation, or religious or ethnic background;

WHEREAS, Supreme Court rulings in *Morgan v. Virginia* in 1946, *Gayle v. Browder* in 1956, and *Boynton v. Virginia* in 1960 overturned state laws permitting segregation on interstate buses and in bus terminals;

WHEREAS, these rulings proceeded to be openly and brazenly violated, with opponents coordinating political strategies of massive resistance, enforcing Jim Crow laws, and attacking and murdering those who resisted;

WHEREAS, from April 9th to April 23rd, 1947, sixteen members of CORE participated in the Journey of Reconciliation, embarking on buses from Washington, D.C. and traveling through Virginia, North Carolina, Tennessee, and Kentucky in open defiance of state laws requiring passengers to sit in designated areas according to their race;

WHEREAS, Black and white participants who refused to move faced assaults and arrests, with three participants in the Journey of Reconciliation ultimately being sentenced to work in segregated chain gangs;

WHEREAS, in response to continued defiance of Supreme Court rulings, CORE organized the Freedom Rides in 1961, with the first bus departing from Washington D.C. on May 4th and additional trips planned through the end of the year;

WHEREAS, the Freedom Riders faced violent mob attacks, often supported by the police, including several attacks in which assailants threw firebombs into the buses in an attempt to burn occupants alive;

ENROLLED ORIGINAL

WHEREAS, international press coverage of the Freedom Rides led to criticism and condemnation of the U.S., with countries including France, the Soviet Union, the People's Republic of China, and Mexico arguing that racism belied American claims of a free and democratic society;

WHEREAS, organizers rejected the federal administration's request for a "cooling off period," instead escalating the campaign with more than sixty rides organized throughout the summer months of 1961;

WHEREAS, in the month of July, 1961, more than 300 Freedom Riders were incarcerated simultaneously;

WHEREAS, 75% of Freedom Riders ultimately were arrested for refusing to comply with segregation laws;

WHEREAS, amongst others, DC-area natives Joan Trumpauer Mulholland, Genevieve Hughes Houghton, and Gwendolyn T. Britt participated in the Freedom Rides;

WHEREAS, amongst others, Howard University students Hank Thomas, John Moody, Kwame Ture, and Dion Diamond participated in the Freedom Rides;

WHEREAS, the Freedom Singers amplified the messages of the civil rights movement through gospel music and call-and-response spirituals, performing across the country and before a crowd of more than 250,000 at the March on Washington in August 1963;

WHEREAS, throughout the civil rights movement, CORE and other organizations, including the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and the National Association for the Advancement of Colored People, organized acts of civil disobedience in the form of sit-ins, bus boycotts, and public marches and demonstrations;

WHEREAS, Black Americans have continued to fight for racial equality, opposing state-imposed voting laws, voter suppression efforts, segregation in public schools, educational discrimination, housing discrimination, employment discrimination, and other forms of legal and illegal injustice.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Freedom Riders Recognition Resolution of 2026".

Sec. 2. The Council of the District of Columbia hereby recognizes all the Freedom Riders who fought against racism and segregation, courageously facing violence and arrests, and risking their lives to ensure a better, more equitable future.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To officially declare May 1st, 2026, as D.C. Statehood Day in the District of Columbia.

WHEREAS, District of Columbia residents contribute more in total internal revenue than 30 states and more in business income taxes than 27 states;

WHEREAS, the over 700,000 residents of the District represent a diverse population with 42% identifying as White Non-Hispanic, 24% as Black, 18% as Hispanic, 11% as Asian, and 5% as other;

WHEREAS, the dollar amount of federal taxes paid by the residents of the District of Columbia in the past year currently stands at $2,065,143,245;

WHEREAS, over 1 million tourist travel to the District of Columbia annually to see the cherry blossoms, and the District has 26 million visitors each year;

WHEREAS, the District has the number one rated park system in the United States with more than 21% of the land used for parks and outdoor recreation, well above the national mean of 15%;

WHEREAS, the United States Constitution as ratified in 1788 provided the right to vote for representation in Congress to the "People of the several States" of the United States, which included citizens living on the land that would later be designated by the federal government for the nation's capital as ceded by Maryland and Virginia to become the District of Columbia;

WHEREAS, despite the provision of the right of vote in the Constitution, through the enactment of the "District of Columbia Organic Act of 1801", D.C. residents were disenfranchised from voting for representative Members of Congress more than 200 years ago;

WHEREAS, the District of Columbia has more residents than the States of Vermont and Wyoming, and almost as many as North Dakota;

ENROLLED ORIGINAL

WHEREAS, the residents of the District of Columbia continue to express their determination to achieve full representation by electing 2 United States Senators and a United States Representative to advocate for statehood and full democracy;

WHEREAS, citizens of the District of Columbia bear all of the responsibilities of citizenship, including fighting in wars and serving in the military, paying federal income taxes, and serving on federal juries;

WHEREAS, no other democratic nation denies basic rights of self-government, including participation in the national legislature, to residents of its capital;

WHEREAS, the United Nations Human Rights Committee has released statements expressing concern over this denial of representation to citizens in D.C.;

WHEREAS, the Organization of American States (OAS), to which the United States is a signatory, has described the disenfranchisement of D.C. residents as a violation of its charter agreement;

WHEREAS, the residents of the District have no voting representation in Congress and therefore cannot hold representatives accountable for arbitrary budget interference;

WHEREAS, despite nearly 3 decades of balanced budgets, D.C. faces the possibility each year of being shut down because of congressional interference;

WHEREAS, it has been more than 50 years since the passage of the Civil Rights Act, and more than 40 years since the District of Columbia was granted home rule, and the residents of the District of Columbia have yet to have the same rights as the residents of the 50 states.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "D.C. Statehood Day Recognition Resolution of 2026."

Sec. 2. The Council of the District of Columbia hereby declares May 1st, 2026 to be D.C. Statehood Day and encourages leaders and residents to discuss statehood for the District of Columbia in high-profile settings in an effort to educate Americans regarding the lack of congressional voting representation and budget autonomy for the residents of the District.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To honor and recognize the Theodore Roosevelt High School boys basketball team and Head Coach Robert Nickens for their outstanding achievements, sustained excellence, and contributions to youth development in the District of Columbia.

WHEREAS, Theodore Roosevelt High School's boys basketball team recently won the 2026 DCIAA Championship, defeating Jackson-Reed High School by a score of 72–65, demonstrating exceptional skill, discipline, and teamwork;

WHEREAS, Head Coach Robert Nickens has served the Roosevelt community for 21 years, during which time the program has become one of the most successful and respected in the District and the broader DMV region;

WHEREAS, during Coach Nickens' tenure, the Roosevelt Rough Riders have won 5 DCIAA Championships (2008, 2011, 2014, 2020, and 2026);

WHEREAS, the team has also finished as DCIAA runner-up 6 times (2012, 2013, 2016, 2017, 2018, and 2019), appeared in 11 championship games, and reached 16 Final Fours;

WHEREAS, for 14 of the last 20 years, the Roosevelt boys basketball team has won 20 or more games in a season, demonstrating sustained competitive excellence;

WHEREAS, the team achieved a historic milestone by winning the 2014 DCSAA State Championship, becoming the first public school to win the title against private school competition;

WHEREAS, Coach Nickens has been recognized for his leadership, including being named Washington Post All-Met Coach of the Year in 2020 and DCIAA Coach of the Year in 2026; and

WHEREAS, Coach Nickens has compiled an extraordinary record of 489–148, making him the winningest coach in DCIAA boys basketball history and placing him within reach of 500 career wins;

ENROLLED ORIGINAL

WHEREAS, the Roosevelt basketball program has provided opportunities for student-athletes to continue their education and athletic careers at all collegiate levels, including NAIA, JUCO, Division I, Division II, Division III, and preparatory programs;

WHEREAS, the Roosevelt basketball program has produced at least 12 players who have gone on to play professionally;

WHEREAS, beyond athletic success, the program has served as a critical source of mentorship, structure, and opportunity for young men navigating challenges in their communities; and

WHEREAS, Coach Nickens has remained committed to Theodore Roosevelt High School despite opportunities elsewhere, demonstrating a deep dedication to the students and families of the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Theodore Roosevelt High School Boys Basketball Team Recognition Resolution of 2026".

Sec. 2. The Council of the District of Columbia honors and recognizes the Theodore Roosevelt High School boys basketball team and Head Coach Robert Nickens for their achievements and contributions to the District.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To honor and recognize Raven L. Hill for her leadership and service as President of Alpha Kappa Alpha Sorority, Incorporated, Xi Omega Chapter in Washington D.C.

WHEREAS, Raven L. Hill is the Centennial President of Alpha Kappa Alpha Sorority, Inc., Xi Omega Chapter and has been a dedicated member of the chapter for 16 years;

WHEREAS, Ms. Hill has served Xi Omega in numerous leadership roles, including First Vice President, Recording Secretary, Ivy Newsletter Editor, and Elections Chairman;

WHEREAS, she is a three-time North Atlantic Region President of the Year, a two-time recipient of the Xi Omega Chapter Officer of the Year Award, and led Xi Omega to back-to-back honors as North Atlantic Region Chapter of the Year;

WHEREAS, during her four-year term as the chapter's 38th President, Ms. Hill demonstrated transformational leadership while managing the operations of one of the sorority's largest, multigenerational chapters;

WHEREAS, she simultaneously served as President of the Pearl and Ivy Educational Foundation (PIEF), a $1 million foundation, ensuring continued support for educational and community initiatives;

WHEREAS, the membership of Xi Omega Chapter rose from 500 to more than 700 during her administration;

WHEREAS, Ms. Hill prioritized awarding a minimum of $100,000 in annual scholarship awards;

WHEREAS, under her leadership theme, "The X-Factor: Exceptional Sisterhood, Exemplary Service," she encouraged members to deepen their engagement and uphold the values of service and sisterhood;

ENROLLED ORIGINAL

WHEREAS, Ms. Hill has contributed to Alpha Kappa Alpha Sorority at the regional and international levels, including service on the Ivy Historical Commission, having been appointed by International President Danette Anthony Reed, and the Editorial Advisory Committee for the sorority's ninth history book, *Monumental PEARLS*;

WHEREAS, she was appointed to the North Atlantic Region Communications Committee by North Atlantic Regional Director Elicia Pegues Spearman, further supporting the sorority's mission and outreach;

WHEREAS, a native of Chicago, Illinois, Ms. Hill was initiated 28 years ago at Gamma Chapter at the University of Illinois and has remained committed to lifelong service; and

WHEREAS, professionally, she serves as Senior Executive Director of Communications for the Maryland State Department of Education, where she continues to advance public service and community impact.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Raven L. Hill and Alpha Kappa Alpha Xi Omega Chapter Recognition Resolution of 2026".

Sec. 2. The Council of the District of Columbia honors and recognizes Raven L. Hill for her outstanding leadership, service, and contributions, and commends the Alpha Kappa Alpha Sorority, Inc., Xi Omega Chapter for its continued impact, growth, and service to the District of Columbia community.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To honor and recognize Howard University Bison men's and women's basketball teams for their historic 2025–2026 seasons, outstanding achievements, and contributions to the District of Columbia.

WHEREAS, Howard University, located in the heart of the District of Columbia, stands as one of the nation's most storied Historically Black Colleges and Universities, with a proud legacy of academic excellence, athletic achievement, and cultural leadership;

WHEREAS, the Howard University Bison men's and women's basketball programs have long served as pillars of pride for the University community, the District, and HBCU athletics nationwide;

WHEREAS, during the 2025–2026 season, both the men's and women's basketball teams delivered historic, nationally recognized performances that elevated the profile of Howard University and inspired residents across all 8 wards;

WHEREAS, the Howard University Bison men's basketball team, under the leadership of Head Coach Kenny Blakeney in his seventh season, completed a 24–11 overall record and an 11–3 Mid-Eastern Athletic Conference record, earning the 2026 Mid-Eastern Athletic Conference Regular Season Championship;

WHEREAS, the Bison went on to win the 2026 Mid-Eastern Athletic Conference Tournament Championship, securing an automatic bid to the NCAA Tournament and representing the District of Columbia on the national stage;

WHEREAS, the men's coaching staff provided exceptional leadership and development throughout the season, including Head Coach Kenny Blakeney, Associate Head Coaches Rod Balanis and Nate James, and Assistant Coaches Tramel Raggs and Thomas Weaver;

ENROLLED ORIGINAL

WHEREAS, the Howard University Bison women's basketball team completed a trailblazing 2025–2026 campaign, demonstrating excellence, resilience, and national-caliber competitiveness;

WHEREAS, the women's coaching staff provided outstanding leadership and mentorship, including Head Coach Ty Grace in her 11th season, Associate Head Coach Brian Davis, and Assistant Coaches Dr. Montel Jones and Casey Monroe-Gaskin;

WHEREAS, the women's basketball team featured a dynamic and diverse group of student-athletes whose talent, teamwork, and academic commitment exemplify the mission and values of Howard University;

WHEREAS, both teams exemplified the highest standards of sportsmanship, academic excellence, and community engagement, uplifting the University and the District through service, leadership, and representation;

WHEREAS, the players, coaches, staff, families, alumni, and supporters contributed immeasurably to these historic seasons, demonstrating the power of collective effort and the importance of investing in equitable athletic opportunities for District youth; and

WHEREAS, the achievements of the 2025–2026 Bison men's and women's basketball teams continue Howard University's legacy of excellence and inspire future generations of athletes, scholars, and community leaders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Howard University Bison Basketball Historic 2025–2026 Seasons Recognition Resolution of 2026".

Sec. 2. The Council of the District of Columbia honors and recognizes the Howard University Bison men's and women's basketball teams for their historic achievements and contributions to the District.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL

26-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To recognize the work of childcare providers, to celebrate their continuous and important impact on individuals and communities, and to declare Friday, May 8, 2026, as Provider Appreciation Day in the District of Columbia.

WHEREAS, Child Care Aware® of America and organizations nationwide are recognizing Child Care Providers on this day;

WHEREAS, the childcare system supports children's growth, development, and educational advancement while creating positive economic impacts for families and communities;

WHEREAS, childcare providers are essential to the health of our communities by fostering safe and welcoming spaces, supporting working families, and creating enriching environments where children develop lifelong skills;

WHEREAS, the District of Columbia recognizes that childcare has been and continues to be a lifeline for families, communities, and the economy;

WHEREAS, support for affordable, accessible, high-quality childcare represents a worthy commitment to help families work, support children's healthy development and learning, and keep our economy growing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Provider Appreciation Day Ceremonial Resolution of 2026".

Sec. 2. The Council of the District of Columbia declares May 8, 2026, as Provider Appreciation Day in the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To recognize, honor, and express gratitude to Diji Omisore for his years of service to the District of Columbia on the occasion of his retirement from the Office of the Chief Financial Officer.

WHEREAS, Diji Omisore is a Certified Public Accountant and a Chartered Global Management Accountant. Mr. Omisore holds a Bachelor's Degree in Accounting from Towson University in Towson, Maryland, from which he graduated *magna cum laude*;

WHEREAS, Prior to joining the District of Columbia government, Mr. Omisore managed the tax, accounting, and auditing practice of Linwood Jennings and Associates, PA, a Maryland-Certified Public Accounting firm specializing in small- and medium-sized businesses;

WHEREAS, Mr. Omisore was first employed by the District of Columbia government as a Group Accountant in the Office of the Chief Financial Officer's Office of Financial Operations and Systems ("OFOS") in June 2001. In September 2005, he was promoted to the position of Financial Reporting and Policy Manager. In that position, he oversaw the compilation of sections of the District's Annual Comprehensive Financial Report ("ACFR") related to capital projects expenditures, construction in progress, and capital assets; developed strategies for implementing new accounting standards; and provided guidance to agencies on technical accounting and financial reporting issues;

WHEREAS, From 2008 to 2014, Mr. Omisore served as the Director for Financial Control and Reporting Division within OFOS. In that capacity, he managed the following functions: compilation of the ACFR in accordance with Generally Accepted Accounting Principles; implementation of newly-issued accounting and financial reporting standards; and provision of professional advisory services to District agencies on the proper application of accounting principles. He also researched and wrote position papers on the proper accounting treatment of new or unusual business events; oversaw remediation of internal control deficiencies noted in the ACFR; and provided accounting systems training to District employees;

WHEREAS, Mr. Omisore is the Deputy Controller for the District of Columbia. During his tenure, he has ensured that the District's general ledger was properly maintained, the ACFR

was issued timely and accurately each year, payrolls were processed timely and in compliance with applicable laws and regulations, and retirement-related services were provided efficiently;

WHEREAS, Mr. Omisore represents the Office of the Chief Financial Officer's ideal of a public servant who strives every day to provide the highest standard of service to residents, businesses, visitors, and the government of the District of Columbia by being Service Driven with a Strong Work Ethic; Motivated and Mission Focused; Accountable; Respectful of his Customers and Co-Workers; Trustworthy and Team-Focused; Empowered to Achieve Excellence; and Results Oriented, or SMARTER; and

WHEREAS, Mr. Omisore will be remembered, with gratitude, by countless colleagues who were better able to perform their jobs because of his commitment to share his extensive knowledge in service to the District of Columbia. Mr. Omisore gained the respect and admiration of his colleagues and clients as a professional who delivered high-quality service to the residents of the District of Columbia for over 24 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Diji Omisore Ceremonial Recognition Resolution of 2026".

Sec. 2. The Council honors Diji Omisore on the occasion of his retirement from the OCFO and for his distinguished service and the valuable contributions he has made to the District of Columbia government.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To acknowledge and express gratitude to David C. Tseng for his years of service to the District of Columbia on the occasion of his retirement from public service.

WHEREAS, David C. Tseng received a bachelor's degree, with honors, from Columbia University in English Literature and a Juris Doctor from the University of California at Los Angeles;

WHEREAS, Mr. Tseng was appointed General Counsel for the Office of the Chief Financial Officer (OCFO) in July of 2007 and served under four Chief Financial Officers (CFO). Mr. Tseng served as the principal legal advisor to the CFO, directing the legal resources of the OCFO with respect to federal and District appropriations, public finance, contracting and procurement, tax accounting, and economic development. Mr. Tseng also represented the CFO in other legal matters in which the CFO was a party or had a legal interest, supervised and managed outside counsel in all legal matters, and ensured the legal sufficiency of the OCFO's programs and policies;

WHEREAS, Prior to his current position, Mr. Tseng served as the OCFO's Associate General Counsel for Legislative Affairs from 2006 to 2007, and Deputy Associate General Counsel for the Office of Tax and Revenue from 2004 to 2006. Before joining the District of Columbia government, Mr. Tseng was a White House Senior Policy Advisor and Staff Director for the National Economic Council under President Bill Clinton from 2000 to 2001. He also served as Chief Assistant Treasurer for the City and County of San Francisco from 1998 to 2000. Mr. Tseng worked as a Special Assistant to the Assistant Secretary of Labor for Pension and Welfare Benefits at the U.S. Department of Labor from 1993 to 1998;

WHEREAS, Mr. Tseng represents the OCFO's ideal of a public servant who strives every day to provide the highest standard of service to residents, businesses, visitors, and the government of the District of Columbia by being Service Driven with a Strong Work Ethic; Motivated and Mission Focused; Accountable; Respectful of his Customers and Co-Workers; Trustworthy and Team-Focused; Empowered to Achieve Excellence; and Results Oriented, or SMARTER; and

WHEREAS, Mr. Tseng will be remembered, with gratitude, by countless colleagues who were better able to perform their jobs because of his willingness to share his extensive knowledge

ENROLLED ORIGINAL

in service to the District of Columbia. Mr. Tseng is a lawyer who exemplifies the highest ideals of the legal profession, and one who does, and has done, good work worth doing. Mr. Tseng also gained the respect and admiration of members of the Legislative and Executive branches of the District government as a professional who delivered high-quality service to the residents of the District of Columbia for 22 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "David C. Tseng Ceremonial Recognition Resolution of 2026".

Sec. 2. The Council honors Mr. Tseng on the occasion of his retirement from the OCFO for his distinguished service and the valuable contributions he has made to the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To recognize the history and the importance of DC Black Pride, including the 35th annual celebration from May 22-25, 2026, and to celebrate the contributions of the first Black Pride celebration in the District of Columbia to the national and international recognition of the Black LGBTQIA+ community, including the establishment of the Center for Black Equity.

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, from 1975 until 1990, the Club House was a premiere community gathering space for the African-American lesbian, gay, bisexual, and transgender community of Washington, DC, and was notable for its annual Memorial Day weekend celebration, called the Children's Hour;

WHEREAS, Wilmore Cook, Theodore Kirkland, and Ernest Hopkins envisioned creating an event that would continue the tradition of the Children's Hour as well as raise much-needed funds for the HIV/AIDS organizations that served the African American community after the Club House closed its doors in 1990;

WHEREAS, with the Children's Hour as inspiration, the inaugural DC Black Pride was held on May 25, 1991, in cooperation with the DC Coalition of Black Lesbians and Gay Men and the Inner-City AIDS Network on the grounds of Banneker Field;

WHEREAS, as the very first Black Pride festival in the world, DC Black Pride fostered the beginning of the Center for Black Equity and the "Black Pride Movement";

WHEREAS, as DC Black Pride grew in popularity and in programmatic offerings, organizers created a board of directors, created a 501(c)(3) nonprofit organization, and officially established the Black Lesbian & Gay Pride Day, Inc.;

ENROLLED ORIGINAL

WHEREAS, during the 1998 festival, Black Lesbian & Gay Pride Day, Inc., and organizers of Black Prides from New York City, Detroit, Atlanta and several other cities formed the International Federation of Black Prides, Inc.;

WHEREAS, the International Federation of Black Prides later became the Center for Black Equity, and today the organization has more than 50 members and serves as the principal body through which organizers find support, raise funds, and share best practices;

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

WHEREAS, May 22, 2026, through May 25, 2026, marks the 35th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "New Black Renaissance," which centers Black LGBTQIA+ "artists, leaders, healers, and organizers while confronting what still makes Black Pride necessary, including HIV, inequity, homophobia, and transphobia;"

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

WHEREAS, DC Black Pride is the oldest and one of the largest Black Pride events in the world, drawing thousands of residents and visitors from around the globe; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "DC Black Pride Recognition Resolution of 2026".

Sec. 2. The Council of the District of Columbia recognizes and honors the hard work of everyone involved in organizing the 35th annual DC Black Pride and the opportunity to celebrate the Black LGBTQIA+ community.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-160

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To honor and celebrate the life, legacy, and extraordinary public service of Mrs. Romaine B. Thomas, a distinguished educator, civic leader, and lifelong Washingtonian whose contributions strengthened the fabric of the District of Columbia, particularly the Ward 5 community.

WHEREAS, Romaine B. Thomas (June 5, 1929 – April 27, 2026) was a proud second-generation Washingtonian born in historic Ivy City, a community whose history, culture, and resilience shaped her life's work and values;

WHEREAS, Mrs. Thomas received her early education in the District of Columbia Public Schools, attending Crummell Elementary School, Brown Junior High School, and Cardozo High School, later earning her Bachelor of Science degree from Miners Teachers College (now the University of the District of Columbia) and her Master of Arts degree from The George Washington University;

WHEREAS, she further pursued advanced studies at Vanderbilt University and in London, England, where she participated in a pioneering program on open-space education;

WHEREAS, Mrs. Thomas began her professional career at Crummell Elementary School—the same school she attended as a child—and went on to serve more than 25 years as Principal of John Henry Ketchum Elementary School, where she was selected as one of only 54 principals nationwide to receive the National Distinguished Principal Award from the U.S. Secretary of Education;

WHEREAS, Mrs. Thomas demonstrated an enduring commitment to community service, senior advocacy, youth empowerment, and historic preservation, focusing on "what really matters in seniors' lives—community, safety, financial security, aging in place, and supporting independent living";

WHEREAS, her civic leadership was extensive and influential, including service as:

- President, Woodridge Civic Association
- Second Vice President, DC Federation of Civic Associations
- DC Democratic Convention Chairwoman

- Delegate, 2012 Democratic National Convention
- President, Executive Council of AARP DC
- Chairperson, DC Commission on Aging
- Member, Friends of Ivy City Task Force
- Member, DC Historic Preservation Board
- Board Member, DC Historic Preservation Board
- Member, Bethesda Baptist Church
- Member, Michigan Park Christian Church
- Life Member, Girl Friends, Inc.
- Member, The Paragons Club
- Member, Phi Beta Kappa Honor Society;

WHEREAS, her service and impact were recognized through numerous honors, including the Romaine B. Thomas Campus Dedication at Rocketship Public Charter School (Ward 5), National Mother of the Year, the AARP Andrus Award, the Thurgood Marshall Phenomenal Community Service Award, the Seabury Community Service Award, and her appointment to the Age-Friendly DC Task Force;

WHEREAS, Mrs. Thomas was a devoted wife to the late Councilmember Harry L. Thomas Sr., a loving mother to Debra Truhart (Spillman K. Truhart Jr.) and former Councilmember Harry L. Thomas Jr. (Diane Romo Thomas);

WHEREAS, she was the grandmother of 8 grandchildren — Anthony Gause, Spillman K. Truhart Jr., Danae L. Truhart, Kendrick Thomas, Stephan K. Truhart (Abigail Truhart), Harry L. Thomas III, Raye L. Thomas, and Kai L. Thomas — and the great-grandmother of six great-grandchildren;

WHEREAS, she also leaves a loving extended family including her sister-in-law Joyce Bell, her nieces Joy Lynn Bell and Lynette Bell Kirk, and her nephew Anthony Eldrey Bell, along with a host of additional relatives and loved ones; and

WHEREAS, her life's work embodied excellence, service, dignity, and an unwavering commitment to the people of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Romaine B. Thomas Recognition Resolution of 2026".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia honors the life and legacy of Mrs. Romaine B. Thomas, expresses its profound gratitude for her decades of service to the District, and extends heartfelt condolences to her family, friends, and the Ward 5 community she so deeply loved.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-161

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To congratulate and celebrate the 100th anniversary of the opening of Whittier Elementary School.

WHEREAS, J.G. Whittier Elementary School, one of the District of Columbia's oldest public schools, is celebrating 100 years of academic excellence and service to the Ward 4 community;

WHEREAS, since opening its doors in 1926, Whittier has been a cornerstone of learning, leadership, and community in Northwest Washington, D.C.;

WHEREAS, the creation of the elementary school was born out of the advocacy of local Manor Park residents who lobbied the D.C. Schools Superintendent Frank W. Ballou and Congress to fund a nearby school for neighborhood children to walk to safely;

WHEREAS, a century later, the students, alumni, educators, and families of Whittier Elementary School continue to make a difference at school and in our community;

WHEREAS, Whittier Elementary School nurtures students to become knowledgeable contributors to their community through a hands-on approach to inquiry that catapults their desire to understand their world and pioneer self-exploration discoveries;

WHEREAS, Whittier Elementary School centers academic readiness through robust project-based learning focused on science, technology, engineering, and mathematics;

WHEREAS, Whittier Elementary School was awarded the "Enduring Excellence Award" by EmpowerK12 for consistently meeting Bold Performance Standards across multiple years through sustained academic growth; and

WHEREAS, the Whittier Elementary School community will mark this anniversary with a special gala on May 16, 2026 in celebration of its academic legacy and the impact of all those who have shaped Whittier's rich history over the past century.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Whittier Elementary School 100th Anniversary Recognition Resolution of 2026".

Sec. 2. The Council of the District of Columbia recognizes and celebrates Whittier Elementary School for its 100 years of academic excellence and community service, and honors the students, alumni, educators, families, and leaders who have shaped the rich legacy of Whittier Elementary School during the past century.

Sec. 3. 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.gov.

COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION

B26-0700 Reservoir District Tax Exemption Amendment Act of 2026

Intro. 06-03-2026 by Councilmember Parker and referred to the Committee of the Whole

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B26-0702 First Responders Facilities Modernization Act of 2026

Intro. 06-05-2026 by Councilmembers Pinto, Lewis George, Allen, Bonds, and Felder and referred to the Committee on Judiciary and Public Safety

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PR26-0736 Hill East Phase II Bundle 2 Disposition Term Sheet Amendment Approval Resolution of 2026

Intro. 06-01-2026 by Chairman Mendelson and referred to the Committee on Human Services

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PR26-0737 Public Employee Relations Board Lee Clark Confirmation Resolution of 2026

Intro. 06-02-2026 by Chairman Mendelson and referred to the Committee on Executive Administration and Labor

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PR26-0738 Office of Employee Appeals Philip A. McNamara Confirmation Resolution of 2026

Intro. 06-02-2026 by Chairman Mendelson and referred to the Committee on Executive Administration and Labor

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PR26-0739 Glover Park Moratorium Zone Approval Resolution of 2026

Intro. 06-03-2026 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0741 Board of Trustees of the University of the District of Columbia Marc Battle Confirmation Resolution of 2026

Intro. 06-04-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0743 Police Complaints Board Mikyala Moore Confirmation Resolution of 2026

Intro. 06-09-2026 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

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PR26-0744 Board of Zoning Adjustment Robyn Wells Confirmation Resolution of 2026

Intro. 06-10-2026 by Chairman Mendelson and referred to the Committee of the Whole

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COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 26-252, Real Property Assessment and Appeals Schedule Revision Act of 2025

Bill 26-360, Senior Tax Aggregation Amendment Act of 2025

Bill 26-476, Disabled Veterans Complete Property Tax Exemption Amendment Act of 2025

Bill 26-484, Fairness and Accuracy in Real Property Tax Assessments Amendment Act of 2025

Bill 26-564, Food & Friends Property Tax Exemption Amendment Act of 2026

Bill 26-641, Archdiocese of Washington Parish Real Property, Deed Recordation, and Transfer Tax Exemption Amendment Act of 2026

Bill 26-686, Alpha Omega Social Action and Scholarship Foundation Real Property Tax Exemption Act of 2026

Bill 26-700, Reservoir District Tax Exemption Amendment Act of 2026

on

Friday, July 10, 2026 at 10:00 a.m.

Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue NW
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 26-252**, the "Real Property Assessment and Appeals Schedule Revision Act of 2025," **Bill 26-360**, the "Senior Tax Aggregation Amendment Act of 2025," **Bill 26-476**, the "Disabled Veterans Complete Property Tax Exemption Amendment Act of 2025," **Bill 26-484**, the "Fairness and Accuracy in Real Property Tax Assessments Amendment Act of 2025," **Bill 26-564**, the "Food & Friends Property Tax Exemption Amendment Act of 2026," **Bill 26-641**, the "Archdiocese of Washington Parish Real Property, Deed Recordation, and Transfer Tax Exemption Amendment Act of 2026," **Bill 26-686**, the "Alpha Omega Social Action and Scholarship Foundation Real Property Tax Exemption Act of 2026," and **Bill 26-700**, the "Reservoir District Tax Exemption Amendment Act of 2026." The hearing will be held at **10:00 a.m. on Friday, July 10, 2026.**

The stated purpose of Bill 26-252 is to amend Title 47 of the DC Official Code to provide extended assessment notice and first level appeal dates for large-valued real properties, to revise which real properties are required to file income and expense information with the Office of Tax and Revenue, to require large-valued real property owners to file electronically when directed to by the Office of Tax and Revenue, and to allow the Office of Tax and Revenue to send electronic appeal responses to the property owner. The stated purpose of Bill 26-360 is to amend D.C. Official Code § 47-863 to allow for the aggregation of the ownership interests of two or more individuals over the age of 65 to meet the 50% ownership requirement to qualify for the reduced property tax liability program. The stated purpose of Bill 26-476 is to amend Title 47 of the District of Columbia Official Code to exempt 100 percent of the taxation of real property for owners who are veterans classified as having a total and permanent disability or the surviving spouse of a disabled veteran. The stated purpose of Bill 26-484 is to amend D.C. Official Code § 21-2610.10 to extend the applicability of letters of authorization for purposes of tax appeals and to amend Title 47 of the District of Columbia Official Code to eliminate the five-percent rule limiting assessment relief. The stated purpose

of Bill 26-564 is to amend Title 47 of the District of Columbia Official Code to exempt from real property tax the Food & Friends property located at 219 Riggs Road, N.E. The stated purpose of Bill 26-641 is to amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide real property, deed recordation, and deed transfer tax exemptions for properties held under the ownership of The Roman Catholic Archbishop of Washington & his successors in office, a corporation sole, or the respective parishes of the Archdiocese of Washington. The stated purpose of Bill 26-686 is to amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from real property the Alpha Omega Social Action and Scholarship Foundation property located at 1231 Harvard Street, N.W. The stated purpose of Bill 26-700 is to amend Chapter 46 of Title 47 of the District of Columbia Official Code to designate the property as affordable housing for which Fair Market Rents, as calculated by the US Department of Housing and Urban Development, apply.

Those who wish to testify must register using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings by **5:00 p.m. on Wednesday, July 8, 2026**. **Testimony is limited to four minutes**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding by emailing bstum@dccouncil.gov. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. Witnesses will receive instructions on how to participate by Zoom prior to the hearing. If you have additional questions, please contact Blaine Stum, Deputy Committee Director, at (202) 724-8092 or bstum@dccouncil.gov.

Public witnesses may participate in person or virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council's Hearing Management System (https://lims.dccouncil.gov/hearings) in advance of the hearing. That testimony will be publicly accessible upon Committee review. 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 through the Hearing Management System or left by voicemail by calling (202) 430-6948 (up to 3 minutes which will be transcribed). The record will close at 5:00 pm on Friday, July 24, 2026.

Council of the District of Columbia
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
NOTICE OF PUBLIC HEARING **REVISED**
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

ANNOUNCES A PUBLIC HEARING ON

B26-0596, the "Utility Rates and Ratemaking Amendment Act of 2026"

and

Exploring Policy Solutions to Improve Utility Affordability

Monday, June 29, 2026, from 9:30 a.m. to 5:00 p.m.
Hybrid Hearing in Room 500 (Track A) and via Zoom
(Public Witnesses)

and

Thursday, July 2, 2026, from 1:00 pm to 5:00 pm
Hybrid Hearing in Room 500 (Track A) and Via Zoom
(Government Witnesses)

To Watch Live:
https://dccouncil.us/council-videos/
http://video.oct.dc.gov/DCC/jw.html
https://www.facebook.com/CMcharlesallen

On June 29 and July 2, 2026, Councilmember Charles Allen, Chairperson of the Committee on Transportation and the Environment, will convene a public hearing to consider B26-0596, the "Utility Rates and Ratemaking Amendment Act of 2026", and to explore potential policy solutions to improve utility affordability. This is a hybrid format hearing, with witnesses appearing virtually via Zoom or in person in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. The public witness portion will be held from 9:30 a.m. to 5:00 p.m. on June 29, 2026. The government witness portion will be held from 1:00 p.m. to 5:00 p.m. on July 2, 2026.

B26-0596, the "Utility Rates and Ratemaking Amendment Act of 2026", as introduced, would require the Public Service Commission to approve multiyear rate plans only with additional guardrails, for example, if the plans are based on historic costs and do not include "reconciliation" of cost and revenue variances incurred during that year. It would specify how excess profits will be refunded to customers if over-billing occurs and also require the Public Service Commission to

approve infrastructure projects only if the company demonstrates customer benefit and has analyzed cost-effective alternatives.

The Committee, in receiving testimony, requests that witnesses address both B26-0596, the Utility Rates and Ratemaking Amendment Act of 2026", as well as related legislative solutions for the Committee's consideration on the following topics:

- Right-sizing utility rate and guaranteed annual profit-setting with the burdens to ratepayers, utility accountability and oversight, including requiring additional vetting and cost-alternatives for utility spending;
- Fast-tracking renewable sources of generation, battery storage options, and other demand-side measures that will allow the District's grid to reduce system strain and lower bills for District residents;
- District government and regional coordination on engaging Pennsylvania-New Jersey-Maryland Interconnection (PJM) to accelerate interconnection reform, prioritize clean power and require data centers to bring their own clean generation and storage to pair with spiking new demands on the grid;
- Household cost burden and whether customer assistance programs are sufficient to address elevated bills and related customer debts, consumer protections, and transparency;
- Public Service Commission docket timelines and procedures;
- Delays in implementing the District's climate and energy affordability laws;
- Replicating common-sense utility reforms already passed in several states related to charging ratepayers for lobbying, advertising, legal fees, and other activities that solely benefit utility shareholders;

The Committee invites the public to provide live and written testimony. Public witnesses seeking to give testimony at the Committee's hearing must thoroughly review the instructions below.

Participating in Public Hearings and Roundtables:

- **Hearing Management System:** If you would like to provide live testimony during the hearing or submit written testimony for the record, please use the Council's Hearing Management System ("HMS") at https://lims.dccouncil.gov/hearings/. HMS is a universal, centralized way to find out about upcoming hearings, register to testify, submit testimony, download testimony, and see how many witnesses have registered. Below are more detailed instructions for using HMS.
- **Providing Live Testimony**: You can register to provide live testimony either in person at the John A. Wilson Building or via Zoom through HMS.
    - Click the "Register to Testify" button on the upper right of the webpage to register to testify at the hearing. If the deadline to sign up for a hearing has already passed, or if there is no public testimony at the hearing (e.g., if the hearing is reserved for government witnesses), the button will not be available.
    - If you are testifying on behalf of an organization, select "Organization" and include your title and the organization's name. If you are testifying in your capacity as an ANC Commissioner, please list your title as "Commissioner" and the organization

as the ANC or SMD you represent. If you are testifying on your own behalf, select "Individual." Please also indicate the Ward in which you reside.

- ANC commissioners and representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. If more than one witness is testifying on behalf of the same organization, only one witness will have five minutes, and all other witnesses from the same organization will have three minutes. To accommodate additional public witnesses, the Committee may reduce witnesses' allotted time for testimony.
- There may be additional questions included by the Committee to gather details during registration.
- The hearing page also shows how many witnesses have already registered under the "Witnesses" heading.
- **The deadline to register through HMS to provide live testimony is Wednesday, June 24, 2026, at 5:00 p.m.**
- All registered witnesses will receive an email from noreply@dccouncil.gov prior to the hearing with instructions on how to testify over Zoom.

- **Submitting Testimony:** Members of the public are also encouraged to submit written testimony using the HMS.
  - If you are trying to submit testimony, click the "Submit Testimony" button in the upper right of the hearing page. If the deadline to submit testimony for a hearing has already passed, the button will not be available.
  - Select "Live Testimony" or "Record Testimony." Select "Live Testimony" if you plan to testify at the hearing. If your testimony is only for the written record, choose "Record Testimony." Please use the same name, organizational/ANC affiliation, and email address that you used if you registered to testify.
  - You can upload testimony in either Adobe PDF, Microsoft Word, Apple Pages, or a plain text file by clicking "Upload My Testimony." You can also type your testimony from this page by selecting "I will type my testimony here."
  - **The hearing record closes on Monday, July 13, 2026, at 5:30 p.m., after which you will be unable to submit written testimony.**
- **Requesting Interpretation:** Witnesses who anticipate needing spoken language interpretation or require closed captioning are requested to inform the committee conducting the hearing of the need as soon as possible, but no later than five (5) business days before the proceeding. The committee will make every effort to fulfill timely requests; however, requests received in fewer than five (5) business days may not be fulfilled, and alternatives may be offered.

This is a revised notice explaining that government witnesses will now appear on July 2, 2026 from 1:00 p.m. to 5:00 p.m. The public witness portion of the hearing will still be convened on June 29, 2026.

Council of the District of Columbia
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

ANNOUNCES A PUBLIC HEARING ON

B26-0684, the "Autonomous Vehicle Deployment Authorization Amendment Act of 2026"

Monday, July 13, 2026 from 9:30 a.m. to 6:00 p.m.
Hybrid Hearing in Room 500 (Track A) and via Zoom
To Watch Live:
https://dccouncil.us/council-videos/
http://video.oct.dc.gov/DCC/jw.html
https://www.facebook.com/CMcharlesallen

On July 13, 2026, Councilmember Charles Allen, Chairperson of the Committee on Transportation and the Environment, will convene a public hearing to consider ***B26-0684, the "Autonomous Vehicle Deployment Authorization Amendment Act of 2026"***. This is a hybrid format hearing, with witnesses appearing virtually via the Zoom platform or in person in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue NW on Monday, July 13 from 9:30 a.m. to 6:00 p.m.

The proliferation of autonomous vehicles ("AVs") presents an opportunity to improve traffic safety and consumer choice in the District. Autonomous vehicle proponents tout AVs' traffic safety record, claiming that AVs are already safer than the average human driver and are continuously improving. AVs can also provide more equitable access to rideshare services, as they can better accommodate people with disabilities.

But there are also legitimate concerns about AV adoption. The deployment of AVs on District roadways can exacerbate traffic congestion, increase demand for limited curbside space, and draw riders away from public transit. Commercial AV operations will also compete with existing taxi, rideshare, and delivery workers, potentially displacing them. Crashes or traffic violations involving AVs present novel questions regarding who is responsible for any resulting civil or legal liability. And some people are simply skeptical that AVs improve traffic safety based on recent incidents.

Currently, the District only allows AV companies to engage in testing with a test operator physically present in the vehicle. The District Department of Transportation ("DDOT") has been tasked with developing a driverless testing permit for years now, but progress has stalled. B26-0684, the "Autonomous Vehicle Deployment Authorization Amendment Act of 2026", would pave the way for deployment of commercial AVs through an iterative process. Specifically, the bill:

- ***Establishes a Commercial Autonomous Vehicle Program*** within DDOT that will issue commercial AV permits. Applicants must have a record of safe testing, and must submit a first responder interaction plan that ensures law enforcement and emergency personnel can safely interact with AVs on the road, as well as a continuity-of-operations plan that explains how the AV will maintain operations or otherwise respond to challenges like power outages or network failures.

- ***Creates a phased timeline for the deployment of commercial AVs.*** The bill sets deadlines by which DDOT must begin offering a driverless testing permit and the commercial AV permit. Until January 1, 2028, commercial AV operators' fleet size would be limited to 200 vehicles. After January 1, 2028, commercial AV operators can submit an on-demand vehicle network comprehensive plan that, if approved, will allow the operator to increase their fleet size. The comprehensive plan explains how the operator will lawfully park and store their vehicles, minimize passenger-less vehicle trips and the associated traffic congestion, ensure riders from all eight wards have equitable access to AVs, and develop a user interface that allows people with disabilities to request a ride.

- ***Establishes Clear Rules for When an Autonomous Driving System Can Be Engaged.*** The bill broadly allows for the use of Level 1 and Level 2 autonomous driving systems, which are driver assistance systems that still require the human driver to remain in control. The bill generally restricts the use of Level 3, 4, and 5 systems, except when an operator has received a permit for either commercial operations or testing. To ensure the District is aware of vehicles with semi- or fully autonomous driving systems, manufacturers of Level 3, 4, and 5 systems must also register their products with DDOT.

- ***Establishes a Vehicle Miles Traveled Tax.*** The bill establishes a vehicle miles traveled ("VMT") tax for commercial AV operators of $0.15/mile. The VMT encourages AV operators to minimize passenger-less operations and circuitous routing.

- ***Improves Public Transit.*** The bill invests a portion of the revenue collected from AV operations into public transit infrastructure and service improvements. The bill also encourages AV operators to collaborate with WMATA to develop a system that offers discounted fares for AV rides that connect to public transit.

- ***Supporting Existing Taxi and Rideshare Workers***. The bill requires that DDOT, in collaboration with the Department of For-Hire Vehicles and the Department of Employment Services, publish a report analyzing the impact of AV deployment on the taxi and rideshare industries. The bill invests the remaining portion of the revenue collected from AV operations to support taxi and rideshare drivers through education, vocational training, and workforce development.

- ***Clarifies how existing traffic safety laws and liability rules apply to autonomous vehicles.*** The bill provides guidance for when the human driver or the autonomous driving system should be considered the "driver" for the purposes of liability, tailored to the vehicle's level of automation. This clarification will help litigants avoid lengthy product liability disputes.

The Committee invites the public to provide live and written testimony. Public witnesses seeking to give testimony at the Committee's hearing must thoroughly review the instructions below.

Participating in Public Hearings and Roundtables:

- **Hearing Management System:** If you would like to provide live testimony during the hearing or submit written testimony for the record, please use the Council's Hearing Management System ("HMS") at https://lims.dccouncil.gov/hearings/. HMS is a universal, centralized way to find out about upcoming hearings, register to testify, submit testimony, download testimony, and see how many witnesses have registered. Below are more detailed instructions for using HMS.
- **Providing Live Testimony**: You can register to provide live testimony either in person at the John A. Wilson Building or via Zoom through HMS.
    - Click the "Register to Testify" button on the upper right of the webpage to register to testify at the hearing. If the deadline to sign up for a hearing has already passed, or if there is no public testimony at the hearing (e.g., if the hearing is reserved for government witnesses), the button will not be available.
    - If you are testifying on behalf of an organization, select "Organization" and include your title and the organization's name. If you are testifying in your capacity as an ANC Commissioner, please list your title as "Commissioner" and the organization as the ANC or SMD you represent. If you are testifying on your own behalf, select "Individual."
    - ANC commissioners and representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. If more than one witness is testifying on behalf of the same organization, only one witness will have five minutes, and all other witnesses from the same organization will have three minutes. To accommodate additional public witnesses, the Committee may reduce witnesses' allotted time for testimony.
    - There may be additional questions included by the Committee to gather details during registration.
    - The hearing page also shows how many witnesses have already registered under the "Witnesses" heading.
    - **The deadline to register through HMS to provide live testimony is Wednesday, July 8, 2026, at 5:00 p.m.**
    - All registered witnesses will receive an email from noreply@dccouncil.gov prior to the hearing with instructions on how to testify over Zoom.
- **Submitting Testimony:** Members of the public are also encouraged to submit written

testimony using the HMS.

- If you are trying to submit testimony, click the "Submit Testimony" button in the upper right of the hearing page. If the deadline to submit testimony for a hearing has already passed, the button will not be available.
- Select "Live Testimony" or "Record Testimony." Select "Live Testimony" if you plan to testify at the hearing. If your testimony is only for the written record, choose "Record Testimony." Please use the same name, organizational/ANC affiliation, and email address that you used if you registered to testify.
- You can upload testimony in either Adobe PDF, Microsoft Word, Apple Pages, or a plain text file by clicking "Upload My Testimony." You can also type your testimony from this page by selecting "I will type my testimony here."
- **The hearing record closes on July 27, 2026, at 5:30 p.m., after which you will be unable to submit written testimony.**

- **Requesting Interpretation:** Witnesses who anticipate needing spoken language interpretation or require closed captioning are requested to inform the committee conducting the hearing of the need as soon as possible but no later than five (5) business days before the proceeding. The committee will make every effort to fulfill timely requests; however, requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

Council of the District of Columbia
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

ANNOUNCE A PUBLIC ROUNDTABLE ON

PR26-0598, the "Green Finance Authority Board Jennifer Wade Confirmation Resolution of 2026"

Monday, June 22, 2026 from 12:00 p.m. to 3:00 p.m.
Hybrid Hearing in Room 120 (Track D) and via Zoom
To Watch Live:
https://dccouncil.us/council-videos/
http://video.oct.dc.gov/DCC/jw.html
https://www.facebook.com/CMcharlesallen

On June 22, 2026, Councilmember Charles Allen, Chairperson of the Committee on Transportation and the Environment, will convene a public roundtable on PR26-0598, the "Green Finance Authority Board Jennifer Wade Confirmation Resolution of 2026." This is a hybrid format hearing, with witnesses appearing virtually via the Zoom platform or in person in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW from 12:00 p.m. to 3:00 p.m.

PR26-0598 would nominate Jennifer Wade to serve on the Green Finance Authority Board as an individual with financial, project development, or legal expertise in clean energy, clean infrastructure, clean transportation, stormwater management, or green infrastructure, filling a vacant seat until the term expires on July 9, 2028.

The Committee invites the public to provide live and written testimony. Public witnesses seeking to participate or submit written testimony must thoroughly review the instructions below.

Participating in Public Hearings and Roundtables:

- **Hearing Management System:** If you would like to provide live testimony during the hearing or submit written testimony for the record, please use the Council's Hearing Management System ("HMS") at https://lims.dccouncil.gov/hearings/. HMS is a universal, centralized way to find out about upcoming hearings, register to testify, submit

testimony, download testimony, and see how many witnesses have registered. Below are more detailed instructions for using HMS.

- **Providing Live Testimony**: You can register to provide live testimony either in person at the John A. Wilson Building or via Zoom through HMS.
    - Click the "Register to Testify" button on the upper right of the webpage to register to testify at the hearing. If the deadline to sign up for a hearing has already passed, or if there is no public testimony at the hearing (e.g., if the hearing is reserved for government witnesses), the button will not be available.
    - If you are testifying on behalf of an organization, select "Organization" and include your title and the organization's name.
    - If you are testifying in your capacity as an ANC Commissioner, please list your title as "Commissioner" and the organization as the ANC or SMD you represent. If you are testifying on your own behalf, select "Individual."
    - ANC commissioners and representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. If more than one witness is testifying on behalf of the same organization, only one witness will have five minutes, and all other witnesses from the same organization will have three minutes. To accommodate additional public witnesses, the Committee may reduce witnesses' allotted time for testimony.
    - There may be additional questions included by the Committee to gather details during registration.
    - The hearing page also shows how many witnesses have already registered under the "Witnesses" heading.
    - **The deadline to register through HMS to provide live testimony is Thursday, June 18, 2026, at 5:00 p.m.**
    - All registered witnesses will receive an email from noreply@dccouncil.gov prior to the hearing with instructions on how to testify over Zoom.
- **Submitting Testimony:** Members of the public are also encouraged to submit written testimony using the HMS.
    - If you are trying to submit testimony, click the "Submit Testimony" button in the upper right of the hearing page. If the deadline to submit testimony for a hearing has already passed, the button will not be available.
    - Select "Live Testimony" or "Record Testimony." Select "Live Testimony" if you plan to testify at the hearing. If your testimony is only for the written record, choose "Record Testimony." Please use the same name, organizational/ANC affiliation, and email address that you used if you registered to testify.
    - You can upload testimony in either Adobe PDF, Microsoft Word, Apple Pages, or a plain text file by clicking "Upload My Testimony." You can also type your testimony from this page by selecting "I will type my testimony here."
    - **The hearing record closes on Tuesday, June 23, 2026, at 5:30 p.m., after which**

you will be unable to submit written testimony.

- **Requesting Interpretation:** Witnesses who anticipate needing spoken language interpretation or require closed captioning are requested to inform the committee conducting the hearing of the need as soon as possible but no later than five (5) business days before the proceeding. The committee will make every effort to fulfill timely requests; however, requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

PR 26-741, "Board of Trustees of the University of the District of Columbia Marc Battle Confirmation Resolution of 2026"

on

Wednesday, June 24, 2026 at 10:00 a.m.

Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue NW
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR 26-741**, the "Board of Trustees of the University of the District of Columbia Marc Battle Confirmation Resolution of 2026," The public roundtable will be held at **10:00 a.m. on Wednesday, June 24, 2026.**

The purpose of PR 26-741 is to confirm the Mayor's nomination to appoint Marc Battle to the Board of Trustees of the University of the District of Columbia for a term to expire May 15, 2030, respectively. According to D.C. Official Code §38-1202.01, UDC is governed by a Board of Trustees comprised of 15 members. Of these, 11 are appointed by the Mayor with the advice and consent of the Council, three are alumni from either the University or one of its predecessor institutions, and one is a full-time student elected by the UDC student body. This roundtable will serve as an opportunity for the Committee to hear from constituents, students, faculty, and others with regard to the fitness of the nominee to serve on UDC's Board.

Those who wish to testify must register using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings by **5:00 p.m. on Monday, June 22, 2026**. **Testimony is limited to three minutes**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding by emailing cow@dccouncil.gov. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. Witnesses will receive instructions on how to participate by Zoom prior to the hearing. If you have additional questions, please contact Hannah Kozik, Legislative Policy Advisor, at (202) 724-8137 or hkozik@dccouncil.gov.

Public witnesses may participate in person or virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council's Hearing Management System (https://lims.dccouncil.gov/hearings) in advance of the hearing. That testimony will be publicly accessible upon Committee review. 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 through the Hearing Management System or left by voicemail by calling (202) 430-6948 (up to 3 minutes which will be transcribed). The record will close at 5:00 p.m. on Wednesday, July 8, 2026.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

PR 26-744, "Board of Zoning Adjustment Robyn Wells Confirmation Resolution of 2026"

on

Wednesday, June 24, 2026 at 10:30 a.m.
Hearing Room 412
John A. Wilson Building
1350 Pennsylvania Avenue NW
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR 26-744,** the "Board of Zoning Adjustment Robyn Wells Confirmation Resolution of 2026." The roundtable will be held on **Wednesday, June 24, 2026 at 10:30 a.m.**

The stated purpose of PR 25-744 is to confirm the appointment of Robyn Wells to the Board of Zoning Adjustment, replacing Lorna John, for the remainder of an unexpired term ending September 30, 2027. The Board of Zoning Adjustment is an independent, quasi-judicial body with the ability to grant relief from the strict application of the District's zoning regulations in the form of variances, to grant special exceptions where authorized under the Zoning Regulations, and to hear appeals from actions taken by the Zoning Administrator of the Department of Buildings. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of the nominees for appointment to the Commission.

Those who wish to testify must register using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings by 5:00 p.m. on Monday, June 22, 2026. Testimony is limited to three minutes. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding by emailing ecash@dccouncil.gov. The Committee will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. Witnesses will receive instructions on how to participate by Zoom prior to the roundtable. If you have additional questions, please contact Evan Cash, Committee and Legislative Director, at (202) 724-8196 or ecash@dccouncil.gov.

Public witnesses may participate in person or virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council's Hearing Management System (https://lims.dccouncil.gov/hearings) in advance of the roundtable. That testimony will be publicly accessible upon Committee review. If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted through the Hearing Management System or left by voicemail by calling (202) 430-6948 (up to 3 minutes which will be transcribed). The record will close at 5:00 pm on Wednesday, July 8, 2026.

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

Reprog. 26-0128: Request to reprogram Capital funds budget authority and allotment in the amount of $300,000 from the Department of General Services (DGS) to the Office of the State Superintended of Education (OSSE) was filed in the Office of the Secretary Wednesday June 10, 2026. This reprogramming will fund upgrades at various OSSE Division of Student Transportation (DOT) bus depot sites, including restroom improvements, HVAC upgrades, and other critical facility enhancements

RECEIVED: 14-day review begins Thursday June 11, 2026

Reprog. 26-0129: Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $165,000 within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary Thursday June 11, 2026. The funds are needed to properly align the budget to support agency operations.

RECEIVED: 14-day review begins Friday June 12, 2026

Reprog. 26-0130: Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $982,449 within the Department of Health Care Finance (DHCF) was filed in the Office of the Secretary Monday June 15, 2026. The funds are needed to support Salazar vs the District of Columbia court ordered payments, a Memorandum of Understanding (MOU) with the Office of Contracts and Procurement, and contractual and subsidy obligations.

RECEIVED: 14-day review begins Tuesday June 16, 2026

Reprog. 26-0131: Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $2,000,000 within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary Monday June 15, 2026. The funds are needed to support contractual funding for special education aides, nursing services, and curriculum development resources.

RECEIVED: 14-day review begins Tuesday June 16, 2026

Reprog. 26-0132: Request to reprogram Capital funds budget authority and allotment in the amount of $6,000,000 within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary Monday June 15, 2026. This reprogramming will fund costs related to unanticipated structural issues such as replacing ceiling joists and concrete slabs that were not included in the project's original scope of work but later identified during the design phase of the Burroughs Elementary School Modernization project.

RECEIVED: 14-day review begins Tuesday June 16, 2026

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 19, 2026
Protest Petition Deadline:	August 3, 2026
Roll Call Hearing Date:	August 24, 2026
Protest Hearing Date:	October 7, 2026
License No.:	ABRA-136144
Licensee:	Not Pizza, LLC
Trade Name:	Bizzeria
License Class:	Retailer's Class "C" Tavern
Address:	3246 Prospect Street, N.W.
Contact:	Michael Rafidi: (330) 233-2516, michael@albidc.com

WARD 2 ANC 2E SMD 2E05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 24, 2026, at 10 a.m., Suite 4200 - B, 899 North Capitol Street, N.E., Washington, DC 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled for **October 7, 2026, at 1:30 p.m.**

NATURE OF OPERATION
New Retailer's Class "C" Tavern with a Seating Capacity of 45 inside premises, a Summer Garden with 35 Seats, and a Total Occupancy Load of 110. Streatery with 18 seats. The Licensee is also requesting the Alcohol Carry-out and Delivery Endorsement.

HOURS OF OPERATION INSIDE PREMISES
Sunday through Saturday 10am – 2am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES
Sunday through Saturday 10am – 12am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE OUTDOOR STREATERY, AND SUMMER GARDEN
Sunday through Saturday 10am – 12am

HOURS OF ALCOHOLIC BEVERAGE CARRY–OUT AND DELIVERY
Sunday through Saturday 10am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 19, 2026
Protest Petition Deadline:	August 3, 2026
Roll Call Hearing Date:	August 24, 2026
Protest Hearing Date:	October 7, 2026
License No.:	ABRA-136370
Licensee:	CG111, LLC
Trade Name:	Chef Geoff's Downtown
License Class:	Retailer's Class "C" Restaurant
Address:	111 Massachusetts Avenue, N.W.
Contact:	Cameron Mixon: (202) 686-7600, cmixon@theveritaslawfirm.com

WARD 6 ANC 6E SMD 6E07

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 August 24, 2026 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **October 7, 2026, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with seating for 184 and a Total Occupancy Load of 210 indoors. Sidewalk Café Endorsement with a Total Occupancy Load of 108 and seating for 108. Carry-out and Delivery Endorsement.

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

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

HOURS OF ALCOHOLIC BEVERAGE CARRY-OUT AND DELIVERY

Sunday through Saturday 6am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 19, 2026
Protest Petition Deadline:	August 3, 2026
Roll Call Hearing Date:	August 24, 2026
Protest Hearing Date:	October 7, 2026
License No.:	ABRA-136429
Licensee:	PlumaDC, LLC
Trade Name:	Flora Pizzeria
License Class:	Retailer's Class "D" Restaurant
Address:	1228 ½ 31st Street, N.W. Suite 101
Contact:	Matthew Minora: (202) 625-7700, mminora@malliosobrien.com

WARD 2 ANC 2E SMD 2E05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 24, 2026 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **October 7, 2026 at 1:30 p.m.**

NATURE OF OPERATION

New Class "D" Restaurant with a Total Occupancy Load of 50. The interior capacity is 20, including seating for 15. There are two communal, shared Summer Garden spaces that have a capacity of 30. Alcohol Carry-out and Delivery Endorsement.

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

Sunday through Saturday 10am – 11:30pm

HOURS OF ALCOHOLIC BEVERAGE CARRY-OUT AND DELIVERY

Sunday through Saturday 10am – 11:30pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 19, 2026
Protest Petition Deadline:	August 3, 2026
Roll Call Hearing Date:	August 24, 2026
Protest Hearing Date:	October 7, 2026
License No.:	ABRA-136420
Licensee:	C&M Sushi, Inc.
Trade Name:	Haru Wok & Roll
License Class:	Retailer's Class "C" Restaurant
Address:	3419 Connecticut Avenue, N.W.
Contact:	Chrissie Chang: (703) 992-3994, chrissiechang@yahoo.com

WARD 3 ANC 3C SMD 3C06

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 August 24, 2026, at 10 a.m., Suite 4200 - B, 899 North Capitol Street, N.E., Washington, DC 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled for **October 7, 2026, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with a Seating Capacity of 50 and a Total Occupancy Load of 60.

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

Sunday 12pm – 9:30pm, Monday through Thursday 11:30am – 9:30pm, Friday and Saturday 11:30am – 10:30pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	May 15, 2026
Protest Petition Deadline:	June 29, 2026
Roll Call Hearing Date:	July 20, 2026
Protest Hearing Date:	September 16, 2026

License No.:	ABRA-128882
Licensee:	SM Quest Industries, Inc.
Trade Name:	N/A
Registration/License Type:	Medical Cannabis Retailer
Address:	1658 33rd Street N.W.
Contact:	Rashaan Mitchell; 202-486-4271; ras000273@hotmail.com

WARD 2 ANC 2E SMD 2E02

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **1658 33rd Street N.W.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program), objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for July 20, 2026, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **September 16 at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations at **1658 33rd Street N.W.** The proposed facility with approximately 1,290 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 9 am – 10 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 10 am – 10 pm

HOURS OF DELIVERY FOR RETAILER

Sunday – Saturday 9 am – 9 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 19, 2026
Protest Petition Deadline:	August 3, 2026
Roll Call Hearing Date:	August 24, 2026
Protest Hearing Date:	October 7, 2026
License No.:	ABRA-136381
Licensee:	Passion FNB Homer LLC
Trade Name:	Tresind & Revelry
License Class:	Retailer's Class "C" Tavern
Address:	601 13th Street, N.W.
Contact:	Cameron Mixon: (202) 686-7600, CMixon@theveritaslawfirm.com

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 24, 2026 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **October 7, 2026, at 1:30 p.m.**

NATURE OF OPERATION

A Class "C" Tavern with 200 seats and a Total Occupancy Load of 300. Applicant requesting Entertainment and Holiday Extension of Hours Endorsements.

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

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

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 19, 2026
Protest Petition Deadline:	August 3, 2026
Roll Call Hearing Date:	August 24, 2026
Protest Hearing Date:	October 7, 2026
License No.:	ABRA-136372
Licensee:	Papaya Scholars & Chic Inc.
Trade Name:	WildEastClub
License Class:	Retailer's Class "C" Tavern
Address:	1318 9th Street, N.W.
Contact:	Linyi Wei: (240) 259-7538, linyi@isea-us.com

WARD 2 ANC 2G SMD 2G04

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 August 24, 2026 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **October 7, 2026 at 1:30 p.m.**

NATURE OF OPERATION

A class "C" Tavern with 30 seats and a Total Occupancy Load of 35. Entertainment Endorsement.

HOURS OF OPERATION

Sunday through Thursday 8am – 3am, Friday and Saturday 8am – 4am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

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

HOURS OF LIVE ENTERTAINMENT

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

DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

CANCELLED - NOTICE OF HEARING

Case No. 26-0004-F In re Cleo Subido

The District of Columbia Board of Ethics and Government Accountability noticed a hearing at the Board of Ethics and Government Accountability, 1030 15th Street, NW, Suite 700 West on July 9, 2026 at 12:00 p.m., and to be continued as may be necessary in **Case No. 26-0004-F In re Cleo Subido.** The Board has cancelled the adversarial hearing scheduled for July 9, 2026 in this matter.

Questions about the meeting may be directed to bega@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

PUBLIC HEARING FOR THE DISTRICT OF COLUMBIA'S
2027 Annual Action Plan, 2027-2031 Consolidated Plan, and
the Recovery Housing Program (RHP) Action Plan

The Department of Housing and Community Development (DHCD) announces the public hearing on the Fiscal Year 2027 Annual Action Plan, the 2027-2031 Consolidated Plan, and the Recovery Housing Program (RHP) Action Plan.

DHCD is interested in receiving community feedback for the District's draft of the District of Columbia Fiscal Year 2027 Annual Action Plan, the 2027-2031 Consolidated Plan, the Recovery Housing Program (RHP) Action Plan, and the spending priorities utilizing federal entitlement funds. These documents will be posted on DHCD's website at **dhcd.dc.gov** for review.

Public Hearing Details:

- **Date and Time**: Tuesday, July 21, 2026, 1:00 PM
- **Location**: DHCD Multi-Purpose Room
  1909 Martin Luther King Jr Avenue SE, Washington, DC 20020

Residents and stakeholders are strongly encouraged to come out and participate in the development of policies and programs in the following areas: 1) affordable housing; 2) special needs housing; 3) homelessness; 4) homeownership; and 5) community development and public service activities.

If you would like to provide input during the hearing, you are encouraged to register by sending an e-mail to **opm.questions@dc.gov**. The public may also contact the agency at **(202) 442-7239** to join the webinar, register, speak at the hearing, or ask general questions about the hearing. When registering for the hearing, please provide your name, address, telephone number, and organization affiliation, if any.

The deadline for requesting services of an interpreter is **five days prior** to **the hearing date**. Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. An American Sign Language (ASL) interpreter will be available and residents who require language interpretation Spanish, Amharic, Chinese-Mandarin/Cantonese, French, Korean, or Vietnamese must notify the agency by e-mail to **opm.questions@dc.gov**.

Written statements may be submitted for the record at the hearing or until the close of business, **Monday, August 10, 2026**. Mail written statements to Colleen Green, Director, Department of Housing and Community Development, 1909 Martin Luther King Jr., Avenue SE, Washington, DC 20020. Statements may also be sent via email to opm.questions@dc.gov.

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, September 23, 2026, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA09-23-2026
Via Telephone: 202-860-2110 Access Code: 2309 735 8070
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

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.

WARD FIVE

Application of:	**Sarlea Mah and Camile Williams**
Case No.:	**20925A**
Address:	2214 Otis Street, N.E. (Square 4242, Lot 10)
ANC:	**5B**
Relief:	Modification with Hearing to: • Board of Zoning Adjustment Order No. 20925 (pursuant to Subtitle Y § 704)
Project:	To modify the approved plans in Board of Zoning Adjustment Order No. 20925, by adding a deck and accessory structure in the rear of a new, detached, three-story with cellar, principal dwelling unit with accessory apartment in the R-1B zone.

WARD ONE

Application of:	**Juleanna Glover**
Case No.:	**21488**
Address:	2146 Wyoming Avenue, NW (Square 2528, Lot 201)
ANC:	**2D**
Relief:	Special Exception under: • The accessory apartment requirements of Subtitle U § 253.8(c) (pursuant to Subtitle X § 901.2) Special Exceptions from: • The lot occupancy requirements of Subtitle D § 210.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2) • The accessory building rear yard requirements of Subtitle D § 5004.1(b) (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a new two-story accessory building with a second story accessory apartment to an existing semi-detached, three-story plus cellar, principal dwelling unit in the R-3 zone.

WARD FOUR

Application of:	**District Line Development, LLC**
Case No.:	**21490**
Address:	829-927 Upshur Street, NW (Square 3024, Lots 71 & 72)
ANC:	**4C**
Relief:	Special Exceptions from: • The lot occupancy requirements of Subtitle C § 701.5 (pursuant to Subtitle C § 703.2 and Subtitle X § 901.2) • The lot occupancy requirements of Subtitle G § 210.1 (pursuant to Subtitle G § 5200.1 and Subtitle X § 901.2)
Project:	To construct a two-story addition and seven residential units, to two existing one-story retail buildings in the MU-4 zone.

WARD TWO

Application of:	**Chadi Mouwad**
Case No.:	**21492**
Address:	1625 6th Street, N.W. (Square 477, Lot 806)
ANC:	**2G**
Relief:	Special Exception from to: • The lot occupancy requirements of Subtitle E § 210 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a third story, and three-story plus cellar rear addition, and convert to a flat, an existing, semi-detached, two-story plus 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. Visit https://dcoz.dc.gov/watchlive.

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.

To review an application and exhibits in the case record, visit the Interactive Zoning Information System ("IZIS") at https://dcoz.dc.gov/CaseRecord.

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 at least 24 hours prior to the start of the hearing on OZ's website at https://dcoz.dc.gov/service/sign-testify or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organizations may also submit written comments to the Board by uploading submissions via IZIS at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311
Do you need assistance to participate?
Amharic

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

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

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

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

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

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

MICHELLE POURCIAU - CHAIRPERSON
JONATHAN GOLDSTEIN - VICE-CHAIRPERSON
MELISSA LINDSJO - MEMBER, NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY, BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this hearing to the Office of Open Government at opengovoffice@dc.gov .

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of her intent to adopt the following amendment to Chapter 113 (Assisted Living Administrators) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

This rulemaking extends the waiver of educational and national examination requirements for eligible assisted living administrator license applicants. The assisted living administrator regulations, published in the *District of Columbia Register* on February 18, 2022, at 69 DCR 001337, granted an educational and examination waiver to applicants who were: (1) currently employed as an assisted living administrator in the District; (2) worked as an assisted living administrator for at least one year; and (3) submitted the application for licensure no later than twelve months after the effective date of the regulations.

The waiver period included in the regulations has ended. However, applications for assisted living administrator licenses did not open before the waiver period ended. Eligible applicants were never given the opportunity to obtain a waiver of the educational and national examination requirements. The adoption of this rulemaking is necessary to provide existing assisted living administrators with the opportunity to obtain an assisted living administrator license pursuant to the waiver, as the original rulemaking intended.

Chapter 113, ASSISTED LIVING ADMINISTRATORS, of Title 17, DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 11305, WAIVER OF EDUCATIONAL AND NATIONAL EXAMINATION REQUIREMENTS, is amended to read as follows:

Subsection 11305.1(c) is amended to read as follows:

(c) The applicant submits the application for licensure no later than twelve (12) months after the effective date of this section.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *District of Columbia Register*. Comments should be sent to Lesa Campbell, Paralegal Specialist, Department of Health, 2201 Shannon Place, SE, 4th Floor, Washington, DC 20020, by email to Lesa.Campbell@dc.gov, or by using the electronic comment feature found in the District of Columbia Register online at www.dcregs.dc.gov. Copies of this proposed rulemaking may be obtained by contacting Lesa Campbell at (202) 442-5977 or Lesa.Campbell@dc.gov. A copy of

this proposed rulemaking can be found in the *District of Columbia Register* online at www.dcregs.dc.gov.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 26-04
Office of Zoning
(Text Amendment – Subtitles Y and Z, Chapters 2, 7, & 16)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Rep1.)) and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505(a) (2016 Repl.)), hereby gives notice of its intent to amend Subtitle Y and Z, Chapters 2, 7, and 16 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) with the specific text at the end of this notice.

Petition

On April 1, 2026, the Office of Zoning (OZ) filed a petition with the Commission proposing amendments to the Zoning Regulation's Rules of Practice and Procedure for the Board of Zoning Adjustment (BZA) and the Commission to remove obsolete provisions and terminology and ensure alignment with current practices as well as improve the public's ability to navigate the zoning process (Ex. 2). OZ stated that the proposed amendments would do the following:

- Update the requirements for submitting a digital file (Subtitle Y § 203.6; Subtitle Z § 203.5);
- Update the times for receiving email and Interactive Zoning Information System (IZIS) filings (Subtitle Y and Subtitle Z §§ 206.10-206.14);
- Clarify when the clock starts for scheduling BZA modifications without hearing (Subtitle Y § 703.15);
- Add that BZA owner-occupied fees apply to applications that do not involve subdivided lots (Subtitle Y § 1600.1);
- Remove the outdated references to COVID-19 time extensions and the fees for filing such (Subtitle Y & Subtitle Z, Chapters 7 & 16); and
- Add a new section for fees for required additional hearing notices (i.e., signs to post on properties) prepared by OZ (Subtitle Y § 1600.4; Subtitle Z § 1600.8).

OZ stated that the proposed amendments are in response to requests of the BZA and the Commission and would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens (*Id.*).

OP Setdown Report

The Office of Planning (OP) Setdown Report stated that the proposed amendments are not substantive in nature and would improve clarity, efficiency and accessibility of the administration of zoning procedures (Ex. 5). OP also stated that the proposed amendments would not be inconsistent with the Comprehensive Plan and would advance Comprehensive Plan Implementation Element guidance encouraging agencies to continuously review their standards to

improve efficiency as needed. The OP Setdown Report cited the following Implementation Element guidance in support of the proposed amendments:

- Policy IM-1.3.5: District Government Compliance: Improve and ensure continued compliance by the District government with the provisions and standards of its building and zoning regulations in all parts of Washington, DC (10-A DCMR § 2504.7);
- Action IM-1.3.A: Monitor and Review New Zoning Regulations: Regularly monitor and review the zoning regulations to verify that they are working to achieve their purpose and submit corrections, changes, and amendments as necessary (10-A DCMR § 2504.8); and
- Policy IM-1.5.6: Electronic Media Enhance communication between residents, organizations, and the District government by providing access to information through electronic media and other methods (10-A DCMR § 2506.7).

Setdown and Authorization to Publish Notice of Proposed Rulemaking

At its April 30, 2026 public meeting, the Commission heard testimony from OZ and OP in favor of the proposed amendments. At the public meeting, the Commission voted to:

- Set the petition down for a public hearing; and
- Authorize an immediate publication of a Notice of Proposed Rulemaking (NOPR) for the petition.

Pursuant to Subtitle Z §§ 603.1(b)(1) and 603.4(b) of the Zoning Regulations, amendments to Subtitles A, Y, or Z of the Zoning Regulations do not require the Commission to take a proposed action vote or referral to the National Capital Planning Commission (NCPC) for comment and review. Accordingly, since this petition only proposes amendments to Subtitles Y and Z, the Commission is not required to take a proposed action vote or to refer the amendments to NCPC prior to taking final action.

VOTE (April 30, 2026): **4-0-1** (Anthony J. Hood, Robert E. Miller, Tammy Stidham, and Gwen Wright to **APPROVE**; Joseph S. Imamura, not present not voting)

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *District of Columbia. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

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

PROPOSED TEXT AMENDMENT

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

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

Subsection § 203.6, EVIDENCE, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

203.6 If a video is used, ~~**six (6) copies**~~ **a digital copy** of the video ~~**on DVD**~~ shall be filed with the Board.

Subsections §§ 206.10-206.14, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 206.10 and 206.12, deleting § 206.11, and renumbering the remaining subsections to read as follows:

206.10 All filings submitted through IZIS **and e-mail filings** sent on or before 11:59 p.m. shall be recorded as being received on the same day.

~~**206.11 All e-mail filings sent between on or after 12:01 a.m. and 5:00 p.m. on any Office of Zoning business day shall be recorded on the date it was received.**~~

206.1**1**~~**2**~~ The filing for **IZIS filings and** ~~**an**~~ e-mail filing**s** received ~~**between 5:01 p.m. and**~~ **on or after** 12:00 a.m. shall be recorded on the next business day.

206.1**2**~~**3**~~ …[1]

206.1**3**~~**4**~~ …

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

702.1 An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application shall be filed for all such structures within

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

this two (2) year period~~; provided that any order, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a single period of six (6) months from the date of expiration of the order~~.

702.2 An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application shall be filed for all such structures within this two (2) year period~~; provided that any order, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a single period of six (6) months from the date of expiration of the order~~.

Subsection § 703.15, CONSENT CALENDAR – TECHNICAL CORRECTIONS TO FINAL ORDERS AND MODIFICATIONS WITHOUT HEARINGS TO ORDERS AND PLANS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

703.15 A request for a modification without hearing shall be filed with **and accepted as complete by** the Office of Zoning at least thirty-five (35) days prior to the public meeting at which the request is to be considered.

Subsection § 705.7 of § 705, TIME EXTENSIONS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by deleting § 705.7 to read as follows:

~~**705.7 For an order scheduled to expire between October 27, 2020 and June 30, 2022, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Y § 1600.1 and Table Y § 1600.**~~

Subsection 1600.1 amended, new § 1600.4 is added, and Table Y § 1600 is amended of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to read as follows:

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3…

…

(d) Owner-occupied, single dwelling unit or flat **not involving a subdivided lot**, regardless of the number of variances, special exceptions, or alternatives requested, three hundred twenty-five dollars ($325); and

(e) For a time extension, a modification of a Board order, or approved plans, whether the modification is minor or not, for the owner of an owner-occupied single dwelling unit or flat **not involving a subdivided lot**, one hundred thirty dollars ($130); for all other applicants, twenty-six percent (26%) of the original filing fee~~; except that:~~.

~~(1) A six (6)-month time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be fifty dollars ($50) for an owner-occupied single dwelling unit or flat and five hundred twenty dollars ($520) for all other applicants; and~~

~~(2) A one (1)-year time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be one hundred dollars ($100) for an owner-occupied single dwelling unit or flat and one thousand dollars ($1,000) for all other applicants~~.

…

1600.4 **Pursuant to Subtitle Y § 402.6, the Director shall supply up to ten (10) hearing notices for posting the property. The fee for said hearing notices shall be twenty-five dollars ($25), which must be paid prior to scheduling of the hearing. If required, additional signs may be requested at a fee of five dollars ($5) per sign. There shall be no cost for owner-occupied properties that do not involve subdivided lots.**

TABLE Y § 1600 – SCHEDULE OF FILING FEES			
SPECIAL EXCEPTIONS			
Case Type	**Unit**	**Fee**	**Maximum**
…			
Time extension/~~minor and non-minor~~modifications **with and without hearing** ~~(owner-occupied)~~			
…			
~~Time extension/modification with or without hearing (owner-occupied)~~			
• **Owner-occupied, not involving subdivided lot(s)**		**$130**	
• All other extensions/modifications with or without hearing		26% of the original filing fee	
…			
HEARING NOTICES (POSTING SIGNS)			
Up to 10 notices (signs) per application • **Owner-occupied, not involving subdivided lots** • **All other applicants** • **Additional signs (per sign)**		**N/A** **$25** **$ 5**	

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

Subsection § 203.5, EVIDENCE, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

203.5 If a video is used, ~~**six (6) copies**~~ **a digital copy** of the video ~~**on DVD**~~ shall be filed with the Commission.

Subsections §§ 206.10-206.14, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 206.10 and 206.12, deleting § 206.11, and renumbering the remaining subsections to read as follows:

206.10 All filings submitted through IZIS **and e-mail** ~~**sent**~~ **and received** on or before 11:59 p.m. shall be recorded as being received on the same day.

~~**206.11 All e-mail filings sent between on or after 12:01 a.m. and 5:00 p.m. on any Office of Zoning business day shall be recorded on the date it was received.**~~

206.1**1**~~**2**~~ The filing date for **IZIS and** ~~**an**~~ e-mail filing**s** received ~~**between 5:01 p.m. and**~~ **on or after** 12:00 **a**~~**p**~~.m. shall be recorded on the next business day.

206.1**2**~~**3**~~ …[2]

206.1**3**~~**4**~~ …

Subsections §§ 702.1-702.3 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

702.1 A first-stage approval of a planned unit development (PUD) by the Commission shall be valid for a period of one (1) year, unless a longer period is established by the Commission at that time of approval~~**; provided that any approval, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020, shall remain valid for a single period of six (6) months from the date of expiration of the approval**~~.

702.2 A contested case approval by the Commission shall be valid for a period of two (2) years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time an application shall be filed for a building ~~**permit; provided that any approval, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 (including any campus plan approval, whether approved under the BZA or Zoning Commission rules of procedure), shall remain valid for a single period of six (6) months from the date of expiration of the approval**~~.

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

702.3 Construction shall start within three (3) years after the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval~~; provided that any such construction deadline, including by any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020, shall be extended by a single period of six (6) months~~.

Subsections §§ 705.4-705.5, and 705.9, of § 705, TIME EXTENSIONS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended by revising §§ 705.4-705.5 and deleting § 705.9 to read as follows:

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

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

…

~~705.9 For an order scheduled to expire between October 27, 2020 and June 30, 2022, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Z § 1600.10 and Table Z § 1600.~~

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

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

~~(a) Six (6) month time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – five hundred twenty dollars ($520);~~

~~(b) One (1) year time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – one thousand dollars ($1,000); or~~

~~(c) All other time extensions~~ **of** the greater of one thousand, five hundred dollars ($1,500) or ten percent (10%) of the original hearing fee, up to a maximum of five thousand dollars ($5,000).

TABLE Z § 1600 – SCHEDULE OF FILING FEES		
CASE TYPE	**FEE**	**MAXIMUM**
…		
~~Time extension to the validity of an order for an approved design review or PUD~~		

CASE TYPE	FEE	MAXIMUM
~~• 6-month extension pursuant to Subtitle Z § 705.9 due to COVID-19~~	~~$520~~	-
~~• 1-year extension pursuant to Subtitle Z § 705.9 due to COVID-19~~	~~$1,000~~	-
Time extension to the validity of an order for an approved design review or PUD ~~All other extensions~~	The greater of $1,500 or 10% of the original hearing fee	$5,000
…		

Add a new subsection 1601.8 and amend Table Z § 1601 of § 1601, HEARING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended, to read as follows:

1601.8 **Pursuant to Subtitle Z § 402.6, the Director shall supply up to ten (10) hearing notices for posting the property. The fee for said hearing notices shall be one hundred dollars ($100), which shall be paid prior to scheduling of the hearing. If required, additional signs may be requested at a fee of five dollars ($5) per sign.**

TABLE Z § 1601 – SCHEDULE OF HEARING FEES		
CASE TYPE	**FEE**	**MAXIMUM**
…		
Additional Hearing Notices (Posting Signs)		
• **Up to 10 signs** • **Each additional sign over 10 (cost per sign)**	**$100** **$ 5**	

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-091
June 12, 2026

SUBJECT: Declaration of a Public Emergency and Limited Juvenile Curfew

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22(11); section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304; Commissioner Regulation 68-12, Article 48 of Police Regulations; 1968 D.C. Stat. Reg. 27, effective June 19, 1968; and 24 DCMR §§ 2200-2203, it is hereby **ORDERED** that:

I. BACKGROUND, FINDINGS, AND DECLARATION

1. Pursuant to the Juvenile Curfew Act of 1995, effective September 20, 1995, D.C. Law 11-48, D.C. Official Code §§ 2-1541 *et seq.*, the District of Columbia provides for a curfew for juveniles under the age of 17 beginning at 11:00 p.m. on weeknights, and midnight on the weekends, until 6:00 a.m. except in July and August, when curfew begins at midnight.

2. On December 19, 2025, the Council of the District of Columbia enacted temporary legislation mirroring emergency and permanent legislation introduced by Mayor Bowser, the Juvenile Curfew Second Temporary Amendment Act of 2025 (D.C. Act 26-218), that temporarily extended the citywide curfew's applicability to 17 year-olds and to weekend nights and empowered the Chief of Police to designate extended juvenile curfew hour zones in areas where the Chief has determined that the designation is appropriate to protect public safety or public or private property in extended juvenile curfew hour zones. The temporary legislation expired on April 15, 2026.

3. During a previous period in October 2025 when emergency legislation lapsed, the District saw an immediate increase in disorderly conduct and youth violence. For example, on October 13, a group that grew to more than 100 youth travelled from Navy Yard to Union Station, and then to Shady Grove. At one point, when they were running in and out of traffic, a 14-year-old youth was struck by a vehicle, sustaining minor injuries. At the same time, approximately 70 juveniles rampaged through the Gallery Place movie theater, destroying property, and stealing approximately $200 of merchandise. One juvenile assaulted an employee by striking them in the head with a water bottle. All of this violence and disorder in the theater happened in fewer than 10 minutes.

4. On April 16, 2026, I issued an Order declaring a public emergency, imposing a limited juvenile curfew of 11:00 p.m., extended the curfew to 17-year-olds, and authorized the Chief of Police to declare extended juvenile curfew zones. That emergency order, and similar emergency orders and legislation, were largely successful in reducing fights, violence, and vandalism by crowds of youth, though some youth continued to ignore the curfews and extended juvenile curfew zone designations and caused violence that endangered both themselves and others.

5. After that emergency order expired, in the Navy Yard on Saturday, May 16, 2026, at approximately 8:40 pm, at Chipotle restaurant, a melee among youth, some wearing medical masks to hide their face, broke out, including a high-visibility fight where participants in the melee wielded chairs as weapons, destroyed property, and terrified families eating dinner. A witness described it "like an ambush." https://wjla.com/news/local/chipotle-fight-washington-dc-father-rafael-jauregui-talks-protecting-kids-during-ambush-teen-takeovers-jeanine-pirro-prosecuting-parents (https://www.youtube.com/watch?v=0qaVr0PHkno).

6. Police were aware that a teen takeover in Navy Yard was advertised and responded quickly to the violence at Chipotle. But if the Chief of Police had had the power to designate an extended curfew zone, police could have ordered groups of juveniles to disperse before they went to Chipotle.

7. On May 22, 2026, I issued Mayor's Order 2026-086 declaring a public emergency, imposing a limited juvenile curfew of 11:00 p.m., extending the curfew to 17-year-olds, and authorizing the Chief of Police to declare extended juvenile curfew zones.

8. Individuals continued to advertise through social media for "Teen Takeovers" in areas across the city. Examples are below:



9. In response, the Chief of Police designated a total of ten curfew zones over 15 days, lasting no more than three days, which successfully deterred disorderly behavior and resulted in no curfew violations in the active zones. In calendar year 2026, the

Chief of Police has designated 29 curfew zones lasting no more than three days, which have resulted in just nine total curfew violations in the active zones.

10. That emergency order, and similar emergency orders and legislation, were largely successful in reducing fights, violence, and vandalism by crowds of youth, though some youth continued to ignore the curfews and extended juvenile curfew zone designations and caused violence that endangered both themselves and others.

11. The Council's inaction on extending the Juvenile Curfew Second Temporary Amendment Act of 2025, coupled with high-visibility unruly and violent acts by youth, has energized federal law enforcement and prosecutors. It is preferable to forestall the large gatherings in the first place and to rely on locally-grounded remedies, rather than have the federal government step in visibly and forcefully.

12. As set forth in Mayor's Order 2026-050, further evidence of the success of the extended curfew hours in safeguarding youth and protecting the public is that while there has been limited negative juvenile behavior in the extended juvenile curfew zones, the District has experienced instances of juvenile disorder in areas outside of designated extended juvenile curfew zones.

13. To protect the safety of juveniles, residents, and the general public, the Chief of Police continues to need the authority to declare extended juvenile curfew zones to prevent recurrence of violence and dangerous behavior by large groups of juveniles.

14. The District's holistic approach to youth development, recreation, mental health supports, and crime is helpful in reducing at risk behavior, including crime, by juveniles, but we need law enforcement responses as well.

15. Footage of unruly groups of youth, such as the individuals dressed in black wearing masks while fighting and hurling chairs at Chipotle, harm the District's reputation as a safe and fun place for visitors and residents alike and deter some visitors and residents from coming out and enjoying all the District has to offer.

16. This emergency order underscores to parents that they are responsible for their children's whereabouts and empowers them to demand that their children under 18 come home before 11:00 p.m. and stay away from large groups of juveniles in any designated extended juvenile curfew zone.

17. Expanded curfew authority is urgently needed at this time, as seniors are graduating, youth are out of school, and summer heat tends to exacerbate tempers and draw people out of homes.

18. In order to protect the public peace and preserve the safety and welfare of persons and property in the District, it is necessary to exercise my authority to declare a public emergency, impose earlier juvenile curfew hours on weekends, extend the juvenile curfew to 17 year-olds, empower the Chief of Police to declare extended

juvenile curfew zones in particular areas, and implement various emergency measures.

II. JUVENILE CURFEW ORDERED TO BE EXTENDED

1. The District's curfew is hereby ordered extended on an emergency basis, as to its applicability on the age of youth, the hours, and the locations where it can be declared.

2. All juveniles under the age of 18 years are subject to curfew that begins at 11:00 p.m. on June 12, 2026, until 6:00 a.m., and every night thereafter for fifteen days, ending on Saturday, June 27, 2026 at 11:59 p.m., with the same responsibilities for parents and custodians and the same excepted activities as provided for in the Juvenile Curfew Act of 1995.

3. The Chief of Police is empowered to designate extended juvenile curfew zones, applicable to a group of at least nine youth, in areas that he determines to be at risk for disorderly conduct by youth and establish an earlier curfew time of 8:00 p.m. for youth under 18 years old in those zones.

4. Pursuant to the Juvenile Curfew Act of 1995:

   a. A parent or guardian of a minor commits a violation of this Order if he or she knowingly permits, or by insufficient control allows the minor to remain in a public place or on the premises of any establishment within the District during curfew hours; and

   b. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

III. INVOCATION OF OTHER EMERGENCY POWERS

1. The City Administrator, in consultation with the directors of any subordinate agencies, is authorized to implement any measures as may be necessary or appropriate to protect persons and property in the District from the effects of the present emergency, and to prevent violations of the curfew, including:

   a. Expansion of the program to remit youths in violation of the curfew to the custody of the Department of Youth Rehabilitation Services;

   b. Expansion of evening programming for youths at Department of Parks and Recreation facilities and by other agencies in other locations;

   c. Requesting grantees of violence interrupter grants to direct efforts towards youth, to guide them home or to healthy and constructive activities;

d. Granting exemptions from budget restrictions on overtime or hiring for persons involved in enforcing the curfew;

e. Requesting the Metropolitan Police Department to more robustly enforce criminal and juvenile code violations relating to incommoding persons and obstructing public spaces, disorderly conduct, public consumption of alcohol or marijuana, operation of all-terrain vehicles, and dirt bikes on public space, operation of e-bikes and scooters on sidewalks where prohibited, public urination, defacing public or private property, as well as more serious crimes involving assault, weapons, and robbery;

f. Requesting the District Department of Transportation to order providers of rental e-bikes or scooters to geofence specific areas and bar the use of those vehicles in those areas during curfew hours or slow the maximum speeds of e-bikes and scooters; and

g. Requesting the Department of For-Hire Vehicles to order taxis and for-hire vehicles to not enter specific areas during curfew hours.

2. Notwithstanding the District of Columbia Procurement Practices Reform Act of 2010, as amended, D.C. Official Code §§ 2-351.01 *et seq.*, or any other law governing contracts, grants, or partnerships or the incurring of obligations, the Chief Financial Officer is authorized to approve disbursement of all appropriations necessary to carry out this Order.

IV. ENFORCEMENT

1. Any person who violates the curfew imposed by this Order may be subject, for each violation, to a criminal fine of up to three-hundred dollars ($300) or to imprisonment for not more than ten (10) days pursuant to D.C. Official Code § 7-2307 and 24 DCMR § 2203.4, in addition to any other penalties or administrative remedies available by law.

2. Violations shall be referred as appropriate to the United States Attorney's Office for the District of Columbia, the Office of the Attorney General, and applicable District Government agencies. Additionally, any establishment violating this Order will be referred to the Department of Licensing and Consumer Protection for investigation for a possible suspension of its business license.

V. DURATION

1. The emergency declared by this Order shall be in effect until 11:59 p.m. on June 27, 2026 unless rescinded, modified, or extended by Mayor's Order or subsequent legislation.

2. The expanded hours and applicable ages of the juvenile curfew declared by this

Order shall be in effect for the same time as this Order, unless rescinded, modified, or extended by Mayor's Order or subsequent legislation.

3. The powers accorded to the Chief of Police to declare extended juvenile curfew zones, over and above any powers already authorized by law, shall expire at the same time as the emergency.

VI. 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 2026-092
June 15, 2026

SUBJECT: Delegation — Authority to Solicit and Accept Donations and Sponsorship for the 2026 Art All Night Festival

ORIGINATING AGENCY: Executive Office of the Mayor

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

1. The Director of the Department of Small and Local Business Development ("DSLBD") is delegated the authority vested in the Mayor by section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003, 117 Stat. 123, Pub. L. 108-7, D.C. Official Code § 1-329.01 to solicit and accept donations, including sponsorships, in support of the 2026 Art All Night Festival.

2. DSLBD may display the names and/or signage of selected sponsorship applicants with the condition precedent that such selected applicants acknowledge and confirm that they have no other expectation from the District of Columbia including, but not limited to, outcomes regarding other pending and future applications, grants, and/or disputes with the District.

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

MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-093
June 16, 2026

SUBJECT: Appointment — Commission for Women

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), and in accordance with section 3 of the District of Columbia Commission for Women Act of 1978, effective September 22, 1978, D.C. Law 2-109, D.C. Official Code § 3-702, it is hereby **ORDERED** that:

1. **HARRINE FREEMAN** is appointed as a public member of the Commission for Women, filling a vacant seat formerly held by Brandilynn Collins Garrison, for the remainder of an unexpired term to end April 20, 2027.

2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 30, 2026.

MURIEL BOWSER
MAYOR

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

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JUNE 24, 2026
899 NORTH CAPITOL STREET NE, SUITE 4200 A-B
WASHINGTON, DC 20002

Donovan W. Anderson, Chairperson
Members: Silas Grant, Jr., Teri Janine Quinn, Ryan Jones,
David Meadows and James Turner

Protest Hearing (Status) **10:30 AM**

Case # 26-PRO-00045
55 Seventy DC BevCo, LLC t/a 55 Seventy DC BevCo
1115 30th Street NW
License #135513
Retailer CT
ANC 2E
Application for a New License (with a Seating Capacity of 250 and a Total Occupancy of 675)

Protest Hearing (Status) **10:30 AM**

Case # 26-PRO-00046
A Plus Exotic Depo, LLC t/a East of the River Liquors
1800 Half Street SW
License #130506
Retailer A
ANC 6D
Application for a New License

Board's Calendar
June 24, 2026

Protest Hearing (Status) **10:30 AM**

Case # 26-PRO-00029
GothWine Limited Liability Company t/a Apero DC
2622 P Street NW
License #116925
Retailer CR
ANC 2E
Substantial Change (Streatery Endorsement with 18 Seats)

Protest Hearing (Status) **10:30 AM**

Case # 26-PRO-00024
1214 U Street, LLC t/a Chi Cha Lounge
1214 U Street NW
License #125907
Retailer CT
ANC 1B
Application to Renew the License

10:30 AM

Protest Hearing (Status)

Case # 26-PRO-00027
Sahara Market, LLC t/a Sahara Market
1504 East Capitol Street NE
License #128673
Retailer B
ANC 7D
Transfer to New Location (from 1901 Michigan Ave NE to 1504 East Capitol Street NE)

Board's Calendar
June 24, 2026

Protest Hearing (Status) **10:30 AM**

Case # 26-PRO-00028
Sahara Market, LLC t/a Sahara Market
1504 East Capitol Street NE
License #128674
Retailer CR
ANC 7D
Transfer to New Location (from 1901 Michigan Ave NE to 1504 East Capitol Street NE)

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00061
Marcelle C. Folk t/a Wine Key Experience
2800 10th Street NE
License #114575
Retailer CT
ANC 5B
Served Alcoholic Beverages for Consumption at a Catered Event

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00105
816 Dirty Water, LLC, t/a Dirty Water
816 H Street NE
License #125771
Retailer CT
ANC 6A
Allowed a Patron to leave the Establishment with an Alcoholic Beverage in an Open Container

Board's Calendar
June 24, 2026

Show Cause Hearing (Status) **10:30 AM**

Case # 26-CC-00003/26-CC-0003(a)
Bud Love, LLC t/a Bud Love
1221 Pennsylvania Ave SE
License #128413
Retailer MC
ANC 6B
Dispensed Medical Marijuana to customer other than a qualifying patient or caregiver, Dispensed Medical Marijuana to customer who failed to produce a vailed identification card, Entered False Information into METRC (two counts), Received or Purchased Medical Cannabis from a source other than a licensed Cultivation Center, Manufacturer, or Retailer licensed in the District of Columbia, Stored Medical Cannabis products at an unauthorized location, Transported Medical Cannabis without a transport license to an unauthorized location.

Show Cause Hearing **10:30 AM**

Case # 25-CIT-00581
Brooklyn on U, LLC t/a Tipsy Lounge and Restaurant 1
1212 U Street NW
License #111411
Retailer CR
ANC 1B
Failed to File Quarterly Statement

Board's Calendar
June 24, 2026

Show Cause Hearing **10:30 AM**

Case # 25-CMP-00101
East End, LLC t/a Bonn Vie Bistro (formerly - Baby Shank)
1602 U Street NW
License #121545
Retailer CR
ANC 2B
Noise Violation

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Protest Hearing **1:30 PM**

Case # 25-PRO-00113
Marcon, Inc., t/a VIP Lounge
1926 9th Street NW
License #119913
Retailer CT
ANC 1B
Substantial Change (Change of Hours of Operation)

Protest Hearing **1:30 PM**

Case # 25-PRO-00112
Ace of Spades Lounge, LLC, t/a Ace Lounge
1817 7th Street NW
License #125919
Retailer CT
ANC 1B
Application to Renew the License

Board's Calendar
June 24, 2026

All of the ABC Board's public hearings are conducted virtually and are livestreamed on ABCA's YouTube channel which can be found here: *https://www.youtube.com/@alcoholicbeverageregulatio5683*.

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*

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF PUBLIC MEETING

Opioid Abatement Advisory Commission

July 15, 2026

9:00 a.m.

The 21-member Opioid Abatement Advisory Commission was created by the Opioid Litigation Proceeds Amendment Act of 2022 to establish procedures for its operations; make recommendations to the Mayor and Council of District-wide goals, objectives, and performance indicators relating to opioid use disorder prevention, treatment, harm reduction, and recovery, and establish governing principles, policies, and procedures for the application and awarding of grants from the settlement funds. On Wednesday, July 15, 2026, at 9 am, the Commission will hold a public meeting. The meeting will be held in person at the Department of Behavioral Health- 64 New York Avenue, NE, 2nd Floor, Training Room 284e and 285e, Washington, DC 20002.

Virtual:
https://dcnet.webex.com/dcnet/j.php?MTID=m2a1274d7846487e87ab9916948233a1e

AGENDA

I. **Welcome**
II. **Call to Order**
III. **Quorum Declaration**
IV. **Approval of Minutes**
V. **FY27 Budget Discussion**
VI. **Opioid Abatement Updates**
VII. **Grantee Presentations - Anacostia Coordinating Council (ACC)**
VIII. **Public Comment**
IX. **Adjournment**

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.

CARLOS ROSARIO INTERNATIONAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Bistro Designer Consulting Firm, Furniture, Fixtures, and Installation Services

Carlos Rosario International Public Charter School will be issuing a Request for Proposals (RFP) to renovate our Bistro related to its Culinary Arts restaurant. The project includes, but is not limited to, the selection of a designer to recommend and oversee the design of our Bistro, procurement, delivery, installation, and assembly of furniture, fixtures, décor elements, and related interior enhancements to bring the vision to life. Additional project details, scope of work, and proposal requirements will be provided in the forthcoming RFP. For further information and specifications, please contact Angela Medina at amedina@carlosrosario.org. All proposals are due by 9am on Wednesday, July 1, 2026.

D.C. PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Marketing Proposals

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for a Marketing Agency partnership for student recruitment and brand strategy.

Please contact Terrence Britt at **tbritt@dcprep.org** for a copy of the full Request for Proposals (RFP). All proposals must be submitted by **5:00 PM** on **July 6th, 2026.**

D.C. STATE BOARD OF EDUCATION

NOTICE OF PUBLIC MEETING

Educator Excellence Committee Meeting

The D.C. State Board of Education's Educator Excellence Committee Meeting will hold a meeting on the following date:

- Monday, June 22, 2026 at 4:00 P.M.

The meeting will be conducted remotely via Zoom, and members of the public are invited to join the meeting webinar and observe at: https://dc-gov.zoom.us/j/87927849093.

Below is the agenda for the committee's meeting.

AGENDA:

I. Establishment of a Quorum
II. Close-Out of Focus Groups Project
III. Planning for Stakeholder Meetings
IV. New Business
V. Adjournment

Please note: This agenda is subject to change.

These meetings are 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.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

In accordance with D.C. Official Code § 1-309.06(d)(2), the District of Columbia Board of Elections hereby gives notice that a vacancy exists in the office of Advisory Neighborhood Commissioner for the following Single Member District:

7E07

Pursuant to D.C. Official Code § 1-309.06(d)(1), vacancies on Advisory Neighborhood Commissions cannot be filled when the vacancies occur within the 6-month period prior to a general election. As this vacancy occurred within the 6-month period prior to a general election, no petitions will be made available for the purposes of filling it at this time, and the office shall remain vacant for the remainder of the term of office.

For more information, the public may contact the D.C. Board of Elections via the information below:

D.C. Board of Elections
1015 Half Street SE, Suite 750
Washington, DC 20003

Phone: 202-727-2525

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. As such, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

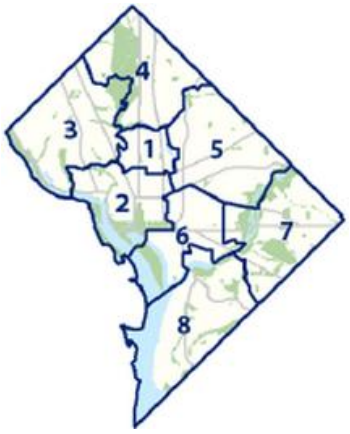
Shane D. McCarthy
Single-Member District **1A07**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
AS OF MAY 31, 2026

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	45,676	2,052	619	10,164	305	58,816
2	37,260	3,876	344	11,361	313	53,154
3	41,350	4,072	437	11,288	305	57,452
4	48,563	2,163	622	9,874	336	61,558
5	53,980	2,471	784	11,717	452	69,404
6	49,725	5,730	545	12,954	417	69,371
7	48,316	2,076	637	9,859	427	61,315
8	38,292	2,126	566	8,730	364	50,078
TOTALS	**363,162**	**24,566**	**4,554**	**85,947**	**2,919**	**481,148**
Percentage by Party	**75.48%**	**5.11%**	**0.95%**	**17.86%**	**0.61%**	**100.00%**

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF MAY 31, 2026

COVERING CITY-WIDE TOTALS BY:
WARD, PRECINCT, AND PARTY



1015 HALF STREET, SE SUITE 750
WASHINGTON, DC 20003
(202) 727-2525
http://www.dcboe.org

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
AS OF MAY 31, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
20	881	38	13	185	7	1,124
22	4,390	288	32	942	24	5,676
23	3,048	140	39	680	24	3,931
24	2,867	149	20	632	19	3,687
25	4,300	239	42	988	25	5,594
35	3,675	114	60	754	23	4,626
36	4,110	200	62	890	22	5,284
37	4,012	143	53	1,011	37	5,256
38	2,812	116	40	687	21	3,676
39	4,086	146	59	838	25	5,154
40	3,309	126	66	665	16	4,182
41	3,281	169	64	864	29	4,407
42	1,781	76	24	390	10	2,281
43	1,867	55	27	380	11	2,340
137	1,257	53	18	258	12	1,598
TOTALS	**45,676**	**2,052**	**619**	**10,164**	**305**	**58,816**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
AS OF MAY 31, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
2	463	65	4	212	4	748
3	1,740	250	24	658	21	2,693
4	2,445	330	21	901	30	3,727
5	2,265	450	18	916	26	3,675
6	2,297	498	23	1,184	24	4,026
13	1,391	165	12	425	10	2,003
14	2,929	267	31	814	20	4,061
15	3,162	225	26	783	22	4,218
16	3,775	302	17	918	17	5,029
17	4,778	372	36	1,311	28	6,525
18	4,680	282	40	1,060	33	6,095
21	1,072	46	11	221	12	1,362
129	3,607	434	57	1,348	41	5,487
141	2,656	190	24	610	25	3,505
TOTALS	**37,260**	**3,876**	**344**	**11,361**	**313**	**53,154**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
AS OF MAY 31, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
7	1,426	266	14	536	18	2,260
8	2,917	529	15	1,007	25	4,493
9	1,030	287	7	419	8	1,751
10	2,034	291	22	715	21	3,083
11	3,416	352	61	1,110	46	4,985
12	674	149	3	263	6	1,095
26	3,312	225	26	795	20	4,378
27	2,476	184	27	568	9	3,264
28	2,533	296	33	740	17	3,619
29	1,840	126	23	532	16	2,537
30	1,526	159	14	411	15	2,125
31	2,632	223	23	584	15	3,477
32	2,982	183	29	695	19	3,908
33	3,017	158	27	649	14	3,865
34	3,731	192	44	932	16	4,915
50	2,256	211	30	549	24	3,070
136	1,303	80	17	290	6	1,696
138	2,245	161	22	493	10	2,931
TOTALS	**41,350**	**4,072**	**437**	**11,288**	**305**	**57,452**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
AS OF MAY 31, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
45	2,247	84	32	409	9	2,781
46	2,870	80	32	510	25	3,517
47	3,240	126	59	681	24	4,130
48	2,775	113	37	606	16	3,547
49	1,010	43	14	224	6	1,297
51	3,632	361	22	698	15	4,728
52	1,478	99	4	285	7	1,873
53	1,095	56	15	249	9	1,424
54	2,206	78	27	465	24	2,800
55	2,284	76	26	459	13	2,858
56	3,067	122	50	671	23	3,933
57	2,307	91	35	537	20	2,990
58	1,955	66	26	408	20	2,475
59	2,403	81	25	431	12	2,952
60	2,071	152	29	667	30	2,949
61	1,462	72	23	317	14	1,888
62	3,777	144	44	631	10	4,606
63	3,824	157	62	757	20	4,820
64	2,184	65	26	402	20	2,697
65	2,676	97	34	467	19	3,293
TOTALS	**48,563**	**2,163**	**622**	**9,874**	**336**	**61,558**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
AS OF MAY 31, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
19	4,552	213	84	1,048	42	5,939
44	2,382	189	45	626	24	3,266
66	4,334	147	47	821	36	5,385
67	2,718	96	32	500	14	3,360
68	1,896	133	27	376	15	2,447
69	2,074	71	26	375	10	2,556
70	1,396	67	28	296	7	1,794
71	2,285	77	32	480	21	2,895
72	4,013	166	59	845	47	5,130
73	1,779	86	24	316	14	2,219
74	5,305	282	97	1,326	53	7,063
75	5,048	234	60	1,132	37	6,511
76	3,022	161	36	776	31	4,026
77	2,736	136	47	595	29	3,543
78	2,743	122	42	643	21	3,571
79	1,975	91	34	520	17	2,637
135	2,786	128	34	550	17	3,515
139	2,936	72	30	492	17	3,547
TOTALS	**53,980**	**2,471**	**784**	**11,717**	**452**	**69,404**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
AS OF MAY 31, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
1	5,447	472	63	1,597	47	7,626
81	3,326	312	32	711	22	4,403
82	2,721	219	33	615	19	3,607
83	3,523	290	40	792	26	4,671
84	2,025	355	22	495	14	2,911
85	2,691	457	21	695	23	3,887
88	2,045	247	14	462	20	2,788
89	2,679	495	27	699	21	3,921
90	1,624	184	19	449	19	2,295
91	4,319	356	44	1,053	34	5,806
127	4,786	403	73	1,223	33	6,518
128	2,219	178	25	587	11	3,020
130	3,788	1,070	27	1,274	60	6,219
142	2,992	322	51	984	26	4,375
143	363	26	4	55	3	451
144	5,177	344	50	1,263	39	6,873
TOTALS	**49,725**	**5,730**	**545**	**12,954**	**417**	**69,371**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
AS OF MAY 31, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
80	1,865	222	61	456	26	2,630
86	2,966	198	43	688	40	3,935
87	2,670	218	25	600	19	3,532
92	1,317	39	17	233	9	1,615
93	1,446	46	21	289	11	1,813
94	1,825	74	26	392	17	2,334
95	1,640	58	22	380	14	2,114
96	1,764	59	15	333	13	2,184
97	1,317	55	22	300	16	1,710
98	1,985	73	28	417	19	2,522
99	1,272	46	14	307	10	1,649
100	2,080	66	21	414	13	2,594
101	1,397	49	16	265	15	1,742
102	2,228	95	30	406	18	2,777
103	2,801	86	40	536	19	3,482
104	2,908	121	44	611	29	3,713
105	2,222	85	26	501	18	2,852
106	2,472	78	25	485	19	3,079
107	1,043	46	11	217	14	1,331
108	968	26	7	149	5	1,155
109	876	39	7	141	4	1,067
110	3,290	102	39	531	23	3,985
111	2,005	67	32	440	21	2,565
113	2,080	69	22	385	24	2,580
132	1,879	59	23	383	11	2,355
TOTALS	**48,316**	**2,076**	**637**	**9,859**	**427**	**61,315**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
AS OF MAY 31, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
112	1,225	33	17	243	7	1,525
114	2,577	125	50	620	35	3,407
115	1,665	48	24	364	12	2,113
116	2,356	96	33	526	11	3,022
117	2,417	85	37	548	26	3,113
118	2,813	93	39	596	28	3,569
119	1,716	86	25	372	21	2,220
120	1,804	71	18	345	14	2,252
121	2,857	105	35	586	18	3,601
122	1,756	71	26	372	14	2,239
123	1,529	155	35	408	19	2,146
124	1,924	64	39	409	16	2,452
125	3,132	113	43	641	39	3,968
126	2,713	130	59	659	19	3,580
131	3,519	672	33	1,191	48	5,463
133	1,357	63	14	257	8	1,699
134	1,562	56	21	319	13	1,971
140	1,370	60	18	274	16	1,738
TOTALS	**38,292**	**2,126**	**566**	**8,730**	**364**	**50,078**

DEPARTMENT OF EMPLOYMENT SERVICES
OFFICE OF WAGE-HOUR

PUBLIC NOTICE

District of Columbia Minimum Wage Increase

Beginning July 1, 2026, the minimum wage in the District of Columbia will increase from $17.95 per hour to $18.40 per hour for all workers, regardless of size of employer.

Under D.C. Code § 32-1003, the minimum wage increases each year in proportion to the increase, if any, in the Consumer Price Index for all Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics, U.S. Department of Labor ("CPI"). In 2025, the CPI increased by 2.4% within the Washington Metropolitan Statistical Area.

Beginning July 1, 2026, the base minimum wage for tipped employees will increase from $10.00 per hour to $10.30. However, if an employee's hourly tip earnings (averaged weekly) added to the base minimum wage do not equal at least the District's full minimum wage, the employer must pay the difference.

DOES provides new D.C. Minimum Wage Posters for all District employers. Every employer subject to the provisions of the District's Minimum Wage Act (D.C. Code § 32-1001 *et seq.*) must post the D.C. Minimum Wage Poster in a conspicuous and accessible place in or about the premises at which any employee covered is employed.

NOTE: Posters are available by accessing: 2026 Minimum Wage Poster

Please direct all inquiries to: owh.ask@dc.gov.

Office of Wage-Hour
202-671-1880
400 Virginia Avenue, SW
Washington, D.C. 20024

DEPARTMENT OF EMPLOYMENT SERVICES (DOES)

NOTICE OF FUNDING AVAILABLITY (NOFA)

FISCAL YEAR 2026

American Job Center DC Alliance for Healthcare Careers
Credential Training & Placement Grant

Application Release Date: July 3, 2026

Application Submission Deadline: August 3, 2026

Pursuant to its role under Section 2 of the "Workforce Job Development Grant-Making Authority Act of 2012" (D.C. Code § 1-328.05); Section 4a of the "Workforce Investment Implementation Act of 2000" (D.C. Code § 32-1603.01; and the Workforce Innovation and Opportunity Act (WIOA), effective July 1, 2015 (29 U.S.C. 3101 et seq.), the District of Columbia Department of Employment Services (DOES) will issue a Request for Applications (RFA) for the Office of Workforce and Federal Programs American Job Center DC Alliance for Healthcare Careers Credential Training & Placement Grant. The RFA will be online on the District Grants Clearinghouse and on the DOES website at the following page: https://does.dc.gov/page/grant-opportunities.

The District of Columbia Department of Employment Services (DOES) established the DC Alliance for Healthcare Careers to recruit, train, and support District residents in securing high-demand careers within the healthcare sector. The Alliance serves as a workforce pipeline initiative designed to connect residents to quality training, industry-recognized credentials, and direct employment opportunities in critical healthcare occupations.

Through the Alliance, participants gain access to comprehensive career services, occupational skills training, and nationally recognized certifications that prepare them for immediate entry into high-demand healthcare roles. DOES seeks to expand strategic partnerships with healthcare employers, training providers, and community stakeholders to broaden program reach, strengthen outcomes, and increase long-term impact.

Eligibility: DOES will make these grants available through a competitive process. Eligible applicants include public and private non-profit and for-profit organizations eligible to do business with the District government, including but not limited to community-based organizations, faith-based organizations, public, charter or alternative secondary schools and post-secondary institutions, trade associations or chambers of commerce, and private service providers. Applicants must be approved by the Higher Education Licensure Commission (HELC) to operate in the District of Columbia. Applicants shall have demonstrated effectiveness providing the requested services and meeting the needs of the target population.

Available Funding for the Award: Up to $400,00 is available in total for awards through this RFA. DOES intends to issue at least one (1) grant award. The American Job Center DC Alliance for Healthcare Careers Credential Training & Placement Grant is 100% funded by WIOA State Governor's Reserve Fund (state set aside).

DOES will use the applicant's grant proposal to identify the number of participants the applicant plans to serve and determine an award amount. However, DOES maintains the right to adjust the grant award and amount based on funding availability. Determinations regarding the number of competitive grants to be awarded will be based on the quality and number of applications received and available funding. Successful applicants may be awarded amounts less than requested.

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge, or related experiences. Each application will be scored against a rubric, and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The Director of DOES or her designee will make all final award decisions.

Length of Award: The grant award period is for one year from the date of the award notification, with four option years, contingent upon funding availability and grantee performance.

Pre-Application Conference: All interested applicants are encouraged to attend the virtual pre-application conference on July 16, 2026, at 11:00 a.m. Please email OGAgrants@dc.gov if you will be attending the pre-application meeting to receive the meeting invite link.

Contact: For additional information regarding this grant competition, please contact:

Demetries M. Saunders
Department of Employment Services
Office of Grant Administration and Resource Allocation (OGARA)
Email: OGAGrants@dc.gov

Deadline for Applications: The deadline for application submissions is August 3, 2026, at 3:00 p.m. Late or incomplete applications will not be forwarded to the review panel.

DEPARTMENT OF EMPLOYMENT SERVICES (DOES)

NOTICE OF FUNDING AVAILABLITY (NOFA)

FISCAL YEAR 2026

Training for Emerging Cyber Heroes (T.E.C.H) Force Grant

Application Release Date: July 3, 2026

Application Submission Deadline: August 3, 2026

Pursuant to its role under Section 2 of the "Workforce Job Development Grant-Making Authority Act of 2012" (D.C. Code § 1-328.05); Section 4a of the "Workforce Investment Implementation Act of 2000" (D.C. Code § 32-1603.01; and the Workforce Innovation and Opportunity Act (WIOA), effective July 1, 2015 (29 U.S.C. 3101 et seq.), the District of Columbia Department of Employment Services (DOES) will issue a Request for Applications (RFA) for the Training for Emerging Cyber Heroes (T.E.C.H.) Force Grant. The RFA will be online on the District Grants Clearinghouse and on the DOES website at the following page: https://does.dc.gov/page/grant-opportunities.

The purpose of this Request for Applications (RFA) is to identify a qualified vendor to administer the T.E.C.H. Force program, a workforce development initiative designed to provide youths aged 18-24 with a structured pathway to employment in IT and cybersecurity by offering certification-based training and direct job placement support. The program aligns with the Workforce Innovation and Opportunity Act (WIOA) by incorporating occupational skills training, work-based learning, supportive services, financial literacy, and mentorship. Training providers will be responsible for equipping youth with industry-recognized credentials, delivering employer-driven instruction, and facilitating job placement opportunities.

The selected vendor must demonstrate expertise in IT fundamentals, digital literacy, emerging technologies, workforce development, and mentorship while effectively coordinating key program components, including recruitment, cohort management, certification facilitation, and employer engagement.

Eligibility: DOES will make these grants available through a competitive process. Eligible applicants include public and private non-profit and for-profit organizations eligible to do business with the District government, including but not limited to community-based organizations; faith-based organizations; Public, charter, or alternative secondary schools; post-secondary institutions; trade associations or chambers of commerce; and private service providers. Applicants shall have demonstrated experience and qualifications delivering high quality, structured and specialized workforce development training responsive to this RFA, including working knowledge of federal (including WIOA) and local laws, regulations, policies and guidance that restricts data collection/disclosures.

Available Funding for the Award: Up to $200,000.00 is available in total for awards through this RFA. DOES intends to issue at least one (1) grant award. The $200,000.00 grant is 100% funded through the District's Governor's Reserve/State Set-Aside under Title I of WIOA.

DOES will use the applicant's grant proposal to identify the number of participants the applicant plans to serve and determine an award amount. However, DOES maintains the right to adjust the grant award and amount based on funding availability. Determinations regarding the number of competitive grants to be awarded will be based on the quality and number of applications received 1 and available funding. Successful applicants may be awarded amounts less than requested.

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge, or related experiences. Each application will be scored against a rubric, and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The Director of DOES or her designee will make all final award decisions.

Length of Award: The grant award period is for one year from the date of the award notification, with four option years, contingent upon funding availability and grantee performance.

Pre-Application Conference: All interested applicants are encouraged to attend the virtual pre-application conference on July 16, 2026, at 2:00 p.m. Please email OGAgrants@dc.gov if you will be attending the pre-application meeting to receive the meeting invite link.

Contact: For additional information regarding this grant competition, please contact:

Vanessa Black
Department of Employment Services
Office of Grant Administration and Resource Allocation (OGARA)
Email: OGAGrants@dc.gov

Deadline for Applications: The deadline for application submissions is August 3, 2026, at 3:00 p.m. Late or incomplete applications will not be forwarded to the review panel.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC MEETING

District Waterways Advisory Commission Meeting
June 25, 2026

The next meeting of the District Waterways Advisory Commission will be on Thursday, June 25, 2026 from 10:00 a.m. to 12:00 p.m. The meeting will be conducted virtually. More details about the meeting can be found at the link below. The agenda for the meeting will be posted at open-dc.gov/public-bodies/district-waterways-advisory-commission at least two (2) business days in advance of the meeting.

Registration link: https://engage.dc.gov/districtwaterwaysadvisoryplan
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Information on how the public can engage with the District Waterways Advisory Commission, the development of the District Waterways Advisory Plan, and attend Commission meetings is posted at: https://engage.dc.gov/districtwaterwaysadvisoryplan

Background on the District Waterways Advisory Commission:
The District Waterways Advisory Commission was established by the DC Council to develop and adopt a strategic vision for the District's waterways. The Commission is comprised of 30 members - 14 voting members and 16 non-voting ex-officio members. The voting members are nominated by the Mayor and the Chairman of the Council and are selected from various constituencies of waterways users for their knowledge of the local waterways or for their subject matter expertise. The non-voting members represent various District and Federal agencies.

For more information, please contact the Office of District Waterways Management at ODWM@dc.gov.

This meeting is governed by the Open Meetings Act. If you have questions about the Open Meetings Act or would like to file a complaint with the Office of Open Government, contact opengovoffice@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR THE ARCHITECT OF THE CAPITOL, LIBRARY BUILDINGS AND GROUNDS JURISDICTION

Notice is hereby given that the Architect of the Capitol, Library Buildings and Grounds Jurisdiction has applied for a Title V air quality permit renewal pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following emission units and miscellaneous sources of air emissions at the Library of Congress:

Emission Unit ID	Emission Unit Identification and Location	Chapter 2 Permit or Approval No.†	Approval Date
Emergency Generator #2	MTU Model No. 12V4000G43 generator set located at John Adams Building, 110 Second Street SE, Washington, DC 20003	6815	3/11/2014
Emergency Generator #1	Perkins Model No. 1006-6T generator set located at St. Cecilia Special Services Facilities Center, 601 East Capitol Street SE, Washington, DC 20003	7115-SC-0062	6/6/2018
Emergency Generator A	Detroit Model No. 81637305 generator set located at James Madison Memorial Building, 101 Independence Avenue SE, Washington, DC 20003	7115-SC-0060	6/6/2018
Emergency Generator B	Detroit Model No. 91637005 generator set located at James Madison Memorial Building, 101 Independence Avenue SE, Washington, DC 20003	7115-SC-0059	6/6/2018
Emergency Generator C	Detroit Model No. 91637305 generator set located at James Madison Memorial Building, 101 Independence Avenue SE, Washington, DC 20003	7115-SC-0022	12/12/2017
Emergency Generator D	Detroit Model No. 81637305 generator set located at James Madison Memorial Building, 101 Independence Avenue SE, Washington, DC 20003	7115-SC-0061	6/6/2018
Emergency Generator JEFF3	Kohler Model No. KD-1500 generator set located at the Thomas Jefferson Building, 10 First Street SE, Washington, DC 20003	7048-SC-0212-R2	5/7/2025

† These permits/approvals were previously (or in the case of approval No. 7048-SC-0212-R2, will be) incorporated into the facility Title V permit and ceased to exist as separate permits/approvals (except for historical purposes) with that incorporation.

Miscellaneous Activities:

1. Two (2) Underground Storage Tanks (USTs) for diesel;

2. Eight (8) Aboveground Storage Tanks (ASTs) for diesel;

3. Cold solvent degreasers/parts washers that use only zero VOC solvents; and

4. One (1) main general carpentry shop dust collector and dedicated dust collectors for the panel saw (aka cabinet saw), table saw, and two (2) Festool multitools; and

5. Welding operations including those with an associated welding fume hood ventilation system.

The contact person for the facility is Mr. James Styers, Environmental Engineer, at (202) 226-6636 or james.styers@aoc.gov.

The following is an estimate of overall potential emissions from the facility:

Facility-Wide Emissions Summary (tons per year)	
Pollutant	Potential Emissions
Oxides of Sulfur (SO_x)	0.11
Oxides of Nitrogen (NO_x)	38.73
Particulate Matter (PM/PM10)	1.33
Volatile Organic Compounds (VOCs)	1.01
Carbon Monoxide (CO)	6.37
Total Hazardous Air Pollutants (HAPs)	0.05

This facility has the potential to emit 38.73 tons per year of oxides of nitrogen (NO_x). The value for this criteria pollutant exceeds the major source thresholds in the District of Columbia of 25 TPY of NO_x. Because potential emissions of NO_x exceed the relevant major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 053-R1 has been prepared.

The application, the draft permit and associated Fact Sheet and Statement of Basis, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at https://doee.dc.gov/service/public-notices-hearings.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after July 20, 2026 will be accepted.

For more information, please contact Afewerki Birhane at (202) 573-5029 or afewerki.birhane@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, proposes to issue an air quality permit (No. 6851-R1) to Advance Auto Inc. to operate an existing automotive spray paint booth at the Advance Auto facility located at 1850 Adams St NE Washington DC 20018. The contact person for the facility is Asfaw Woldegebriel, Owner/Manager, at (202) 636-8080 or advanceautoservice@outlook.com

Emissions Estimate:

AQD estimates that the potential to emit volatile organic compounds (VOC) from the automotive paint spray booth will not exceed 3.12 tons per year.

The proposed emission limits are as follows:

a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]

b. The Permittee shall not use or apply to a motor vehicle, mobile equipment, or associated parts and components, an automotive coating with a VOC regulatory content calculated in accordance with the methods specified in this permit that exceeds the VOC content requirements of Table I below. [20 DCMR 718.3]

Table I. Allowable VOC Content in Automotive Coatings for Motor Vehicle and Mobile Equipment Non-Assembly Line Refinishing and Recoating

Coating Category	VOC Regulatory Limit As Applied*	
	(Pounds per gallon)	(Grams per liter)
Adhesion promoter	4.5	540
Automotive pretreatment coating	5.5	660
Automotive primer	2.1	250
Clear coating	2.1	250
Color coating, including metallic/iridescent color coating	3.5	420
Multicolor coating	5.7	680
Other automotive coating type	2.1	250
Single-stage coating, including single-stage metallic/iridescent coating	2.8	340
Temporary protective coating	0.50	60
Truck bed liner coating	1.7	200
Underbody coating	3.6	430
Uniform finish coating	4.5	540

*VOC regulatory limit as applied = weight of VOC per volume of coating (prepared to manufacturer's recommended maximum VOC content, minus water and non-VOC solvents)

c. Each cleaning solvent present at the facility shall not exceed a VOC content of twenty-five (25) grams per liter (twenty-one one-hundredths (0.21) pound per gallon), calculated in accordance with the methods specified in this permit, except for [20 DCMR 718.4]:

1. Cleaning solvent used as bug and tar remover if the VOC content of the cleaning solvent does not exceed three hundred fifty (350) grams per liter (two and nine-tenths (2.9) pounds per gallon), where usage of cleaning solvent used as bug and tar remover is limited as follows:

A. Twenty (20) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with four hundred (400) gallons or more of coating usage during the preceding twelve (12) calendar months;

B. Fifteen (15) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with one hundred fifty (150) gallons or more of coating usage during the preceding twelve (12) calendar months; or

C. Ten (10) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with less than one hundred fifty (150) gallons of coating usage during the preceding twelve (12) calendar months;

2. Cleaning solvents used to clean plastic parts just prior to coating or VOC-containing materials for the removal of wax and grease provided that non-aerosol, hand-held spray bottles are used with a maximum cleaning solvent VOC content of seven hundred eighty (780) grams per liter and the total volume of the cleaning solvent does not exceed twenty (20) gallons per consecutive twelve-month (12) period per automotive refinishing facility;

3. Aerosol cleaning solvents if one hundred sixty (160) ounces or less are used per day per automotive refinishing facility; or

4. Cleaning solvent with a VOC content no greater than three hundred fifty (350) grams per liter may be used at a volume equal to two-and-one-half percent (2.5%) of the preceding calendar year's annual coating usage up to a maximum of fifteen (15) gallons per calendar year of cleaning solvent.

d. The Permittee may not possess either of the following [20 DCMR 718.9]:

1. An automotive coating that is not in compliance with Condition (b) (relating to coating VOC content limits); and

2. A cleaning solvent that does not meet the requirements of Condition (c) (relating to cleaning solvent VOC content limits).

e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited [20 DCMR 903.1]

Note: This condition is District enforceable only.

f. Visible emissions shall not be emitted into the outdoor atmosphere from the paint booth. [20 DCMR 201.1, 20 DCMR 606, and 20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 9:00 A.M. and 5:00 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 498-8143 or stephen.ours@dc.gov. Copies of the draft permit and related technical support memorandum are also available at: https://doee.dc.gov/service/public-notices-hearings.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action. The written comments must include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after July 20, 2026 will be accepted.

For more information, please contact Stephen S. Ours at (202) 498-8143 or stephen.ours@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF SOLICITATION OF PUBLIC COMMENT

Update to the Erosion and Sediment Control Manual

The Department of Energy and Environment (the Department) is submitting for public review and comment on the revised Erosion and Sediment Control (ESC) Manual. The public is invited to present its comments in written format on proposed revisions to the ESC Manual.

The revisions to the 2017 ESC Manual include: edits to the ESC Field Handbook, additions to the ESC General Notes, streamlining the ESC Construction Inspection Checklist, providing plan examples and AutoCAD templates, guidelines for reporting abandoned inlet practices, and modernizing the construction and specification details.

Beginning June 18, 2026, the full text of the ESC Manual will be available online at the Department's website. A person may obtain a copy of the ESC Manual by any of the following means:

Download from the Department's website, www.doee.dc.gov. Select the *Laws and Regulations* tab. Cursor over the pull-down list and select *Public Notices and Hearings*. On the new page, cursor down to the announcement for this Notice. Click on *Read More* and download this Notice and related information from the *Attachments* section.

Email a request to Julienne Bautista at julienne.bautista@dc.gov. with "Request copy of 2026 ESC Manual" in the subject line.

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Julienne Bautista, RE: ESC Manual" on the outside of the envelope.

All comments will be treated as public documents and may be made available for public viewing on DOEE's website at: doee.dc.gov. If a comment is sent by email, the email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the DOEE website.

The comment period begins on publication of this notice in the DC Register; **the comment period will end thirty (30) days after publication of this notice in the DC Register.** Persons may submit written comments by email, with a subject line of "ESC Manual" to the attention of Julienne Bautista at julienne.bautista@dc.gov or 202-527-0958. Comments clearly marked "ESC Manual" may also be hand delivered or mailed to the Department's offices at the address listed above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

IN RE: Trayon White,	
Respondent	**Case No. 25-0002-F**

FINAL DECISION

I. Introduction

The Office of Government Ethics (OGE) charged Trayon White (Respondent) with three violations of the District's Code of Conduct.[1] Count 1 of the Amended Notice of Violation (NOV) alleges that Respondent violated D.C. Official Code § 1-1162.24(a)(1) by failing to submit a full and complete Public Financial Disclosure Statement due November 2024.[2] Count 2 of the Amended NOV) alleges that Respondent violated D.C. Official Code § 1-1162.24(a)(1) by failing to submit a full and complete Public Financial Disclosure Statement due May 2025. Count 3 of the Amended NOV alleges that Respondent violated D.C. Official Code § 1-1162.24(a)(1) by failing to submit a full and complete Public Financial Disclosure Statement due November 2025.

Pursuant to notice, an evidentiary hearing was held on February 5, 2026, and continued March 5, 2025. At the hearing, OGE presented testimony, introduced exhibits, and offered argument. Respondent questioned the witness and offered argument but did not present any testimony or introduce evidence at the hearing. At the conclusion of the hearing on March 5, 2026, the Board directed OGE and Respondent to submit post-hearing briefing and proposed findings of fact and sanctions.

The Board has had an opportunity to review the record in its entirety and, after careful consideration of the parties' arguments, finds substantial evidence that Respondent committed

[1] The Board has the power to, among other things, "[a]dminister and enforce the Code of Conduct". Section 202(a)(1) of the Governmental Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (Ethics Act), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02(a)(1)). The Code of Conduct is defined by section 101(7)(E) and (F) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(E) and (F)) to include the "Code of Official Conduct of the Council of the District of Columbia, as adopted by the Council" and "Parts C, D, and E of subchapter II" which includes the statutes and regulations that form the bases of the charges against Respondent.

[2] The first two counts were included in the initial NOV approved by the Board on July 10, 2025, while the third count was added when the Board approved the Amended NOV on December 4, 2025.

three separate violations of the Code of Conduct as alleged in the Amended NOV. Accordingly, the Board assesses a civil penalty of $300 for each count for a total civil penalty of $900 and directs the Respondent to file the required reports consistent with this opinion. The Board also finds that the violations by Respondent undermines the public's trust and hereby publicly **"Censures"** Respondent for his conduct.[3]

As required by 3 DCMR § 5512.2, the Board's findings of fact, conclusions of law, and analysis are set forth below.

II. Findings of Fact

The facts in this case can be summarized as follows:

Respondent served as a Councilmember for Ward 8 from January 2017 to February 2025.[4]

Respondent does not dispute that, at all relevant times, due to his position as a Councilmember, he was a public official as defined in the Ethics Act and was required to file a Public Financial Disclosure Statement (PFDS) twice a year in May and November.[5]

It is also undisputed that Respondent was require to file three separate PFDS reports that are at issue in this matter: (1) a PFDS reporting on the period between January 1, 2024, and June 30, 2024, on or before November 15, 2024; (2) a PFDS reporting on the period between July 1, 2024, and December 1, 2024, on or before May 15, 2025; and (3) a PFDS reporting on the period between January 1, 2024, and June 30, 2025, on or before November 15, 2025.[6]

In connection with the PFDS due November 15, 2024, OGE sent emails on October 13, 2024; October 29, 2024; November 7, 2024; and November 13, 2024 to Respondent at his official email, twhite@dccouncil.gov.[7] The November 13, 2024 email from OGE was sent to both the official email address for Respondent and to his Chief of Staff, Wanda Lockridge, reminding them of the November 15, 2024 deadline as he had not filed by the date of the notice.[8]

For the PFDS due May 15, 2025, OGE sent notices to trayonwhite2011@gmail.com, a personal email address for Respondent that was provided by staff for Council Chairman Mendelson, since Respondent was no longer serving as a Councilmember at the time the notices were sent.[9] OGE

[3] D.C. Official Code § 1-1162.21(a)(4)(A)(ii) provides that, in addition to assessing a civil penalty of up to $5,000 per violation, the Board may also impose a public censure for violations of the Code of Conduct. D.C. Official Code § 1-1162.21(e) provides that "[n]otwithstanding any other provision…all equitable remedies at law shall be available for violations of the Code of Conduct".

[4] Amended Joint Pre-Hearing Statement at 1-2 (Stipulated Fact #1).

[5] *See id* at 2 (Stipulated Fact #2 and #3).

[6] *See id* (Stipulated Fact #4-6).

[7] OGE Exhibit 1, 2, 3, 4; Testimony of Stanley Kosick.

[8] OGE Exhibit 4; Testimony of Stanley Kosick.

[9] Testimony of Stanley Kosick.

used the GovDelivery platform to send notices on April 15, 2025; April 28, 2025; May 2, 2025; May 12, 2025; May 15, 2025; and May 21, 2025.[10] OGE sent an additional email to Respondent's twhite@dccouncil.gov email address on May 2, 2025, reminding him of the May 15, 2025 filing deadline.[11] The email was duplicative of the May 2, 2025 email sent using the Govdelivery system.[12]

On September 3, 2025, OGE sent a "Notice of Non-Compliance" to Respondent at his twhite@dccouncil.gov email address advising Respondent that he failed to file the required report on or before May 15, 2025, and incurred a $300 fine stemming from the failure to file.[13]

Respondent resumed his position on the Council prior to OGE sending communications for the report due November 15, 2025. On October 14, 2025, OGE Program Specialist Kosick sent a notice to chiefs of staff for Councilmembers, including Respondent's chief of staff at sbunn@dccouncil.gov, advising recipients that he would be sending notices to Councilmembers for the upcoming November 15, 2025 filing deadline.[14] OGE sent notices to Respondent at his twhite@dccouncil.gov email address on October 15, 2025 and October 28, 2025, prior to the filing deadline.[15] OGE sent an additional email to twhite@dccouncil.gov on November 17, 2025 advising Respondent that his Fall 2025 disclosure was late.[16]

As of February 3, 2026, Respondent had not filed the PFDS reports due November 2024, May 2025, or November 2025.[17]

III. Conclusions of Law and Analysis

The question before the Board is whether OGE has met its burden of proving that Respondent violated the provisions of the Code of Conduct underlying the three counts of the NOV by substantial evidence.[18]

The Board finds that OGE satisfied the burden with respect to all three of the alleged violations of D.C. Official Code § 1-1162.24(a)(1).

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[10] OGE Exhibit 6; Testimony of Stanley Kosick.

[11] OGE Exhibit 12; Testimony of Stanley Kosick.

[12] OGE Exhibits 6 and 12; Testimony of Stanley Kosick.

[13] OGE Exhibit 11; Testimony of Stanley Kosick.

[14] OGE Exhibit 13; Testimony of Stanley Kosick.

[15] OGE Exhibit 14 and 15; Testimony of Stanley Kosick.

[16] OGE Exhibit 16; Testimony of Stanley Kosick.

[17] OGE Exhibit 17; Testimony of Stanley Kosick.

[18] *See* 3 DCMR § 5518.1 ("In all cases involving a notice of violation, the Director [of Government Ethics] has the burden of persuading the Board that a violation has occurred by substantial evidence."); *see also id* at § 5521.4 ("A decision shall be support by substantial evidence on the record. Pursuant to the substantial evidence rule, courts shall uphold an administrative determination of fact if on the entire record the determination is rationally supportable and could have been arrived at reasonably.").

A. Respondent was aware of his filing obligation

The District's financial disclosure system seeks to prevent conflicts of interest or the appearance of a conflict of interest by providing the information necessary to assess whether a District public official holds any financial interests that could be impacted by the performance of their official duties. By providing information on a public official's assets, income, and liabilities the public can identify and assess any potential or actual conflicts.

D.C. Official Code § 1-1162.24 (a)(1) requires a "public official" to file a full and complete public statement of financial interests.[19] Each member of the Council of the District of Columbia is a "public official"[20] required to file full and complete public financial disclosure statements semiannually by 11:59 p.m. on May 15 and November 15.[21]

In passing the requirement for Councilmembers to file reports semiannually in May and November, the Council concluded that requiring semiannual disclosure "will make reports more current and therefore more relevant," noting its sense that "improved disclosure by Councilmembers provides greater transparency and encourages public confidence."[22]

Respondent acknowledges that he was a public official required to file a Public Financial Disclosure Statement ("PFDS") twice a year in May and November.[23] Respondent further concedes that he was required to file a PFDS on or before November 15, 2024, May 15, 2025, and November 15, 2025.[24]

Despite acknowledging that he was aware of the filing obligation and the deadlines for filing, Respondent nevertheless argues that OGE's communications to him regarding his filing obligations were constitutionally deficient, citing *Mullane v. Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950), to suggest that the use of bulk GovDelivery email system fails to reach a majority of recipients and cannot be used to establish that he received or opened the communications sent by OGE.[25] Respondent argues that since OGE's primary notice method was not "reasonably calculated" to provide notice of filing obligations, OGE failed to establish that Respondent personally received notice of the filing requirements. [26]

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[19] D.C. Official Code § 1-1162.24(a)(1).

[20] D.C. Official Code § 1-1161.01(47)(B).

[21] D.C. Official Code § 1-1162.24(c)(2). Upon departing their position with the Council, members are required to file a termination financial disclosure report within three months of leaving the office or position. *See id.*

[22] D.C. Law 21-0240, effective Apr. 7, 2017; *see* Report of the Committee of the Whole on Bill 21-332, the Council Financial Disclosure Amendment Act of 2016 (Council of the District of Columbia, Dec. 6, 2016) at 2.

[23] Amended Joint Pre-Hearing Statement at 1-2; Respondent's Proposed Findings of Fact and Conclusions of Law ("Resp. Post-Hearing Brief") at 1.

[24] *See id*.

[25] Resp. Post-Hearing Brief at 3-5.

[26] *See id.*

With respect to the notices for the May 2025 filing obligation, which were sent to a gmail address furnished by staff for Council Chairman Mendelson, Respondent argues that he did not provide or authorize the use of the personal gmail by OGE and that OGE cannot establish that he opened the communications sent to that address.[27] For the notices sent for the November 2025 filing requirement, Respondent argues that compelling the financial disclosure during the pending criminal proceeding violates his Fifth Amendment privilege against self-incrimination, noting that his Fifth Amendment objection was filed prior to the November 15, 2025, filing deadline.[28] Finally, Respondent cites *to Jones v. Flowers*, 547 U.S. 220, 230 (2006) to argue that his history of filing disclosures did not establish constitutionally sufficient notice of a specific deadline.[29]

Respondent's reliance on *Mullane* to support the position that OGE did not provide sufficient notice of his filing obligations is misplaced. Unlike this matter, *Mullane* and its successor cases address what notice is due to parties who had no reason to know about pending proceedings that could result in deprivation of their property interest.[30] This differs from cases where a party subjects itself to agency proceedings that may impact its property interests; in that instance, the burden is on the party to understand and comply with the agency's published regulations.[31]

As an initial matter, Respondent conflates the notice required of the government where a property interest is at stake with the requirement that parties comply with established statutory deadlines, arguing in his brief that "[g]eneral familiarity with a recurring obligation does not substitute for constitutionally adequate notice of a specific deadline. A property owner who has paid taxes for twenty years is still entitled to adequate notice before foreclosure."[32] The court in *Jones*, however, clearly distinguishes between the requirement to comply with the law and the due process requirements when the government seeks to act against a party's property interest after they fail to comply with the law.[33]

The requirement for District elected officials to file public financial disclosures is not a new one. As the Council noted upon passage of the Ethics Act, "the recognition that elected officials should be held to a higher standard" was established in the District in 1974 with the passage of the District of Columbia Campaign Finance Reform and Conflict of Interest Act which included public

[27] *See id* at 4.

[28] *See id.*

[29] *See id* at 5.

[30] *Mullane*, 339 U.S. at 306 (settlement of accounts held in common trust fund); *see also Mathews v. Eldridge*, 424 U.S. 319 (1976) (establishing three factor balancing test for assessing whether government met due process requirements).

[31] *See Lakeshore Broad., Inc. v. FCC*, 199 F.3d 468, 474 (D.C. Cir. 1999) (party was not entitled to personal notice of existing published regulatory requirements that might affect its application).

[32] Resp. Post-Hearing Brief at 5 (citing *Jones v. Flowers*, 547 U.S. 220, 230 (2006).

[33] *Jones*, 547 U.S. at 234 (state should take reasonable steps to provide adequate notice required when it seeks to hold people responsible for tax delinquency by forcing a citizen to forfeit property to satisfy the obligation).

disclosure requirements for the Mayor, Councilmembers, and certain employees.[34] The May 15th annual filing requirement dates back to the 1974 legislation while the November filing requirement for Councilmembers was first approved in 2017, around the time Respondent joined the Council.[35]

We need not guess whether Respondent was aware of his statutory obligation to file a public financial disclosure statement; Respondent acknowledges that he was required to file the statements as issue and does not suggest that he was not aware of the obligation at the time the reports were due.[36] Although Respondent argues as to whether he received or opened communications sent by OGE in connection with the report due May 15, 2025, when he was not serving on the Council, those same objections would not apply to communications sent directly to Respondent's official District email for the reports due November 2024 and November 2025. Whether he received or read the notices from OGE does not change his filing obligation.

Furthermore, as a Councilmember, Respondent voted on the Rules of Organization and Procedure for the Council at the beginning of each Council Period, which includes the Council Code of Official Conduct.[37] Council Code of Official Conduct Rule XI, explicitly incorporates the financial disclosure filings requirements at D.C. Official Code § 1-1162.24 at issue in this matter, providing:

> An employee who is covered under section 224 or 225 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.24 or § 1-1162.25) ("Government Ethics Act"), shall file the required disclosures in accordance with the Government Ethics Act.[38]

The rule defines "employee" to include "all Council staff and Councilmembers, unless specifically stated otherwise."[39] Unlike the notice cases Respondent relies on, the deadlines for filing these specific reports for Councilmembers are fixed and not triggered by any actions by Respondent or OGE and were deadlines that Respondent knew or should have known about.[40]

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[34] Report of the Committee on Government Operations on Bill 19-511, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Act of 2011 (Council of the District of Columbia, December 5, 2011) (Ethics Act Committee Report) at 5; *see also* District of Columbia Campaign Finance Reform and Conflict of Interest Act, 88 Stat. 462, Pub. L. 93-376, title VI, §602 (Aug. 14, 1974)("the Mayor, and the Chairman and each member of the Council of the District of Columbia…shall file annually, with the Board a report containing a full and complete statement of" financial interests).

[35] *See supra* n. 21.

[36] Amended Joint-Pre-Hearing Statement at 1-2; Resp. Post-Hearing Brief at 1.

[37] R25-0001, Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 25, Resolution of 2023, effective Jan. 2, 2003; R26-0001, Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 26, Resolution of 2025, effective Jan. 2, 2005. Respondent voted to approve the Council Rules in 2003 and against approval of the final rules in 2025.

[38] Council of the District of Columbia Code of Official Conduct Rule IX (b). The language is the same for both Council Period 25 and Council Period 26 covering the three reports at issue in this matter.

[39] Council of the District of Columbia Code of Official Conduct Rule IX (a)(1).

[40] OGE does not charge Respondent with failure to file a termination report within three months after leaving office, which is required by D.C. Official Code § 1-1162.24(c)(2). Unlike the federal financial disclosure requirements, the

A review of the public database of financial disclosure statements maintained by BEGA shows that prior to the hearing, Respondent last filed a PFDS on at 5:17:55 p.m. on May 14, 2024, reporting on the filing period January 1, 2023, through December 31, 2023.[41] Subsequent to the adversarial hearing, Respondent filed a PFDS at 10:55:05 a.m. on May 20, 2026 reporting on January 1, 2025 through December 31, 2025 that included the following note: "A letter has been provided to BEGA for all questions pertaining to this form. Upon advice of Counsel Councilmember TWhite declines to answer unmarked questions."[42]

B. Fifth amendment privilege does not eliminate filing requirement

Respondent also argues that requiring him to file his financial disclosure reports while he is under criminal indictment stemming from alleged actions taken while he served on the Council implicates his Fifth Amendment privilege against self-incrimination, relying on *Lefkowitz v. Turley*, 414 U.S. 70 (1973).[43] The court in *Leftkowitz* concluded that the state could not compel public contractors to waive immunity and testify concerning state contracts or be disqualified as public contractors, reasoning that this would amount to compelling testimony that has not been immunized.[44] *Leftkowitz*, however, deals with the Fifth Amendment limits on when the government may compel testimony and cannot be used to support completely exempting Respondent from the financial disclosure requirements.

More relevant to the requirement to file financial disclosure reports is *United States v. Sullivan*, 274 U.S. 259 (1927), where the Supreme Court assessed whether the Fifth Amendment could support a party's refusal to file a tax return. The court concluded in *Sullivan* that a party could not refuse to file a tax return because his income was derived from criminal activity; instead reasoning that Respondent could claim privilege as to certain answers on the return.[45]

Ethics Act does not require that OGE establish a "knowing and willful" violation of the reporting requirement. *See* Ethics in Government Act, 5 U.S.C. app. 4 § 101*et seq.* (requiring the government establish that a public official's failure to file a financial disclosure report was "knowing and willful"); *see also United States v. Manigault Newman,* 594 F. Supp. 3d 1, 6 (D.D.C. 2022) (finding knowing and willful EIGA violation where employee did not file required termination report until over a year after report was due); *United States v. Gant*, 268 F. Supp. 2d 29, 33 (D.D.C. 2003) (finding EIGA violation where "defendant at best was indifferent to the EIGA's filing requirements").

[41] *See* https://efiler.bega.dc.gov/FDSSearch/ViewFDsFiling/52373, last checked June 1, 2026.

[42] *See* https://efiler.bega.dc.gov/FDSSearch/ViewFDsFiling/79541, last checked June 1, 2026.

[43] Resp. Post-Hearing Brief at 4. Respondent objects to requiring filing of the disclosure report for all three periods at issue in this matter, although he notes that he filed a Fifth Amendment objection prior to the November 15, 2025, filing deadline. *See id.* Respondent was arrested pursuant to a federal criminal complaint charging him with one count of bribery in violation of 18 U.S.C. § 201(b)(2) on August 16, 2024. *See United States v. Trayon White, Sr.*, No. 24-cr-00606 (D.D.C filed Aug. 16, 2024).

[44] *See Lefkowitz,* 414 U.S. at 82-83.

[45] *See Sullivan*, 274 U.S. at 263-364 ("[I]f the form of return provided called for answers that the defendant was privileged from making he could have raised the objection in the return, but could not … refuse to make any return at all").

Applying the *Sullivan* line of cases in the financial disclosure context, it is clear that while Respondent can assert the privilege as to certain questions on the Public Financial Disclosure Statement, he cannot claim that the Fifth Amendment absolves him of the requirement to file a report.[46] While the Fifth Amendment privilege could support failure to file required disclosures where filing the disclosures would be self-incriminating,[47] that is not the case here where the disclosure requirement is applied to all public officials and there is no basis to conclude that the public officials are subject to criminal liability by virtue of their status as public officials. As with the public officials in New York City required to file financial disclosure reports in *Slevin*, to the extent that Respondent believes any question on the PFDS would elicit incriminating testimony, he can assert the privilege as to those questions.[48] Requiring that a public official file full and complete financial disclosure statement is not the same as compelling the official to disclose privileged information on those statements.

Accordingly, we conclude that Respondent's assertion of his Fifth Amendment privilege with respect to information he may be required to disclose on the PFDS does not override the requirement to file the reports. We therefore find there is substantial evidence that Respondent engaged in three separate violations of D.C. Official Code § 1-1162.24(a)(1) by failing to file required financial disclosure reports.

IV. Disposition

For the foregoing reasons, the Board finds that Respondent violated the Code of Conduct by failing to file required Public Financial Disclosure Statements due November 2024, May 2025, and November 2025 in violation of D.C. Official Code § 1-1162.24(a)(1).

In determining the appropriate civil penalty for Respondent's violations of the Code of Conduct, the Board considered prior matters which involved violations of the financial disclosure reporting statute. While OGE cites several cases stemming from failure to file full and complete financial disclosure reports, the matters all involved failure to disclose information on filed disclosure reports; none of the matters referenced by OGE dealt solely with the failure to file the reports.[49]

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[46] *See Slevin v. New York*, 551 F. Supp. 917, 926 (S.D.N.Y. 1982) (Fifth Amendment objection to information requested on financial disclosure form does not justify refusal to file the required form), *aff'd in part and rev'd in part sub nom. Barry v. New York*, 712 F.2d 1554 (2d Cir. 1983) (upheld financial disclosure law in its entirety).

[47] In considering disclosures of occupational and excise taxes related to gambling, the Supreme Court found that given the regulation of gambling, filers were likely to incriminate themselves by filing the reports. *See Marchetti v. United States, 390 U.S. 39, 88 S. Ct. 697 (1968); Grosso v. United States, 390 U.S. 62, 88 S. Ct. 709 (1968)*

[48] *See Slevin*, 551 F. Supp. at 926 ("the fact that the [Fifth Amendment] privilege might be available to individuals within the plaintiff class does not invalidate the law").

[49] *See* Office of Government Ethics' Post-Hearing Brief ("OGE Post-Hearing Brief") at 4; *see also* Case No. 16-0043-P *In re A. Shakeri* (Board approved a $1,000 civil penalty for two counts of failing to report outside business and income); Case No. 24-0141-P *In re B. Irving* (Board approved a $2,000 civil penalty for four counts of failing to report outside employment and ownership of property); Case No. 22-0044-F *In re S. Diallo* (Board approved a $!,000 civil penalty for one count of failing to disclose spousal employment and outside business income); Case No. 19-0011-F *In re J. Sumner* (Board approved a $700 civil penalty for one count of filing to report outside business and income); and Case No. 19-0016-P *In re M. Foster* (Director of Government Ethics imposed a $600 ministerial fine for violations of the Code of Conduct including failing to report outside business income).

OGE recommends a $3,000 civil penalty for each disclosure report that Respondent failed to file along with public censure, noting that prior cases with lower civil penalties did not involve a sitting Councilmember or an adversarial hearing and arguing that Respondent's actions were egregious and erodes public trust in District government and supports a significant civil penalty.

Although the Board does not consider the failure to file the required reports to be a "paperwork omission" as suggested by Respondent,[50] we credit that Respondent had a good faith basis to assert his Fifth Amendment privilege as to information he may be required to disclose on the reports. In light of the particular circumstances in this case, including the fact that Respondent's criminal indictment occurred prior to his failure to file the three reports at issue and that Respondent made his Fifth Amendment arguments prior to the filing deadline for the third report, we conclude that although the Board could impose a penalty of up to $5,000 per violation, the $300 penalty per report that OGE assesses for failure to file required reports is appropriate at this time. Respondent, however, is on notice that the Board has determined that he needs to assert his Fifth Amendment privilege as to specific questions on the disclosure reports and not just refuse to file the reports. Continued failure to file required reports could result in additional civil penalties and findings that the violations were knowing and willful.

We agree with OGE that Respondent's failure to file a PFDS, given his position and responsibilities as a Councilmember and elected official, undermines the public's faith in District government and merits more than imposition of a civil penalty for late filing.[51]

Public service is a public trust. The requirement for elected officials to file public financial disclosures stems from the recognition that they should be held to a higher standard. The Council held themselves to that higher standard by requiring that Councilmembers file semiannual disclosure reports, instead of the annual reports required for other public officials, recognizing that the providing more current, relevant information on financial assets, liabilities, and interests promotes transparency and encourages public confidence in the Council. Respondent's failure to file the three reports at issue undermines that public confidence.

Accordingly, the Board assesses a $300 civil penalty for each of the three non-filed reports, for a total civil penalty of $900, directs the Respondent to file the required reports consistent with this opinion, and publicly **"Censures"** Respondent for his violations of the Code of Conduct.[52]

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[50] Resp. Post-Hearing Brief at 5

[51] D.C. Official Code § 1-1162.22(a) provides additional penalties for violations of the Code of Conduct by public officials that substantially threatens the public trust. In addition to censuring the public official, the Board can also recommend that in the censure that the Council suspend or remove a Councilmember's committee chairmanship, committee membership, or vote in any committee. *See id* at §1-1162.22(b). For the purposes of this provision, violations of the financial conflicts of interest provisions at D.C. Official Code § 1-1162.23 and violations on the prohibition against contingent fees at D.C. Official Code § 2-354.16 substantially threaten the public trust. *See* D.C. Official Code § 1-1162.2(b)(3). Neither of these provisions are at issue in this matter. This differs from proceedings before the Council that resulted in Respondent's expulsion from the Council. *See* R26-0017, Expulsion of Councilmember Trayon White, St. Resolution of 2024, effective Feb. 4, 2025, 72 D.C. Reg. 1437.

[52] *See supra* note 3.

An appropriate Final Order accompanies this Final Decision. Pursuant to D.C. Official Code § 1-1162.17 and 3 DCMR § 5404, Respondent may appeal the Final Order to the Superior Court of the District of Columbia within twenty (20) days of the date the Final Order is served upon him.

The foregoing is the Final Decision of the Board, as demonstrated by the signature of the Chairperson below.

/s/ Norma B. Hutcheson
Norma B. Hutcheson
Chairperson, Board of Ethics and Government Accountability

June 4, 2026
Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

IN RE: Trayon White,	
Respondent	**Case No. 25-0002-F**

FINAL ORDER

This case came before the Board for an evidentiary hearing on February 5, 2026 and March 5, 2026, and based upon the findings of fact and conclusions of law contained in the accompanying Final Decision and upon the entire record in this case,

Having found that Respondent violated Counts 1-3 of the Amended Notice of Violation; it is, therefore

ORDERED that Respondent pay a civil penalty in the amount of THREE HUNDRED DOLLARS ($300) for each of Counts 1-3, for a total of NINE HUNDRED DOLLARS ($900); and it is further

ORDERED that Respondent file the required Public Financial Disclosure Statements due November 2024, May 2025, and November 2025; and it is further

ORDERED that Respondent be PUBLICLY CENSURED for his violations of Counts 1-3; and it is further

ORDERED that this case be CLOSED.

This ORDER is effective after approval by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairperson below.[1]

/s/ Norma B. Hutcheson
Norma B. Hutcheson
Chairperson, Board of Ethics and Government Accountability

June 4, 2026
Date

[1] Pursuant to D.C. Official Code §1-1162.17 and 3 DCMR § 5404, Respondent may appeal the Final Order to the Superior Court of the District of Columbia within twenty (20) days of the date the Final Order is served upon him.

DEPARTMENT OF HEALTH
HEALTH SYSTEMS AND PREPAREDNESS ADMINISTRATION

NOTICE OF VIRTUAL MEETING

Board of Medicine
June 24, 2026

On June 24, 2026, at 8:30 am, the Board of Medicine will hold a virtual meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and violations of law or regulations. At the conclusion of the Closed Session, the meeting will return to Open Session to report on final actions.

The meeting will be conducted via videoconference. The public may attend the open session through one of the following:

Meeting link:
https://dcnet.webex.com/dcnet/j.php?MTID=m7f823658b3b1e1556a59c90709042b04

Meeting number:
160 487 2313

Password:
eTJJfPgx322

Join by video system
Dial 1604872313@dcnet.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Join by phone
+1-202-860-2110 United States Toll (Washington D.C.)
1-650-479-3208 Call-in number (US/Canada)
Access code: 160 487 2313

Executive Director for the Board – Emilia Moran, Interim Executive Director
(Emilia.Moran@dc.gov)

DISTRICT OF COLUMBIA HOUSING AUTHORITY
BOARD OF COMMISSIONERS

300 7TH STREET, SOUTHWEST
WASHINGTON, D.C. 20024-2511
202-535-1000

NOTICE OF PUBLIC MEETINGS

THE REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA HOUSING AUTHORITY ARE HELD IN OPEN SESSION ON THE SECOND WEDNESDAY OF EACH MONTH UNLESS OTHERWISE NOTED. THE FOLLOWING DATES AND TIMES OF THE MEETINGS ARE FOR THE YEAR 2026. ALL MEETINGS WILL BE HELD VIRTUALLY UNLESS OTHERWISE NOTED.

February 11, 2026	VIRTUAL	1:00 p.m.
March 11, 2026	VIRTUAL	1:00 p.m.
April 8, 2026	VIRTUAL	1:00 p.m.
May 13, 2026	VIRTUAL	1:00 p.m.
June 10, 2026	VIRTUAL	1:00 p.m.
July 8, 2026	VIRTUAL & in person Envision Center 203 N. St. SW	1:00 p.m.
September 9, 2026	VIRTUAL	1:00 p.m.
October 14, 2026	VIRTUAL	1:00 p.m.
*November 12, 2026	VIRTUAL	1:00 p.m.
December 9, 2026	VIRTUAL	1:00 p.m.

**Thursday meeting*

Schedule last revised May 2026

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

District of Columbia Board of Professional Engineers

NOTICE OF PUBLIC MEETING

The District of Columbia Board of Professional Engineers ("Board") hereby gives notice of its upcoming meeting, pursuant to the section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its upcoming meeting on Thursday, June 25, 2026, at 11:00 a.m.

The Board holds its meetings on the fourth Thursday of every month, unless otherwise noted, at 11:00 a.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Ms. Avis B. Pearson, Board Administrator, at (202) 615-2331 or avis.pearson@dc.gov.

Draft Agenda

1. Call to Order – 11:00 a.m.
2. Attendance
3. Comments from the Public
4. Approval of Minutes
5. Old Business
6. New Business
   Motion - Executive Session, which is closed to the public, in order to consult with our attorneys to seek legal advice; to discuss disciplinary matters; and to deliberate upon decisions in adjudication actions and proceedings, as provided by D.C. Code § 2-575(b)(4)(A), § 2-575(b)(9), and § 2-575(b)(13). We will resume the public portion of the meeting at the conclusion of the executive session. Please stand by for our return if you are participating online.
7. Adjourn
8. Next Scheduled Meeting – July 23, 2026, via Zoom.

Meeting Login Information
https://dc-gov.zoom.us/j/83332520837?pwd=soRabKMbICddQnlcfdd7IzATNLbHex.1
Webinar ID: 833 3252 0837; **Password:** 062526

***** 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***

MUNDO VERDE BILINGUAL PUBLIC CHARTER SCHOOL

Notice of Intent to Enter Sole Source Contract

Molly Irvine

Mundo Verde Public Charter School intends to enter into a sole-source contract with Molly Irvine to provide executive assistant and administrative support services to the Executive Director and Chiefs.

Ms. Irvine currently provides these services and possesses the necessary institutional knowledge, confidentiality practices, systems familiarity, and leadership relationships. Conducting an RFP would cause unnecessary disruption, delay, and onboarding inefficiency for this time-sensitive role. The cost of this contract will be approximately $31,000.

This notice is published in compliance with DC Public Charter School Board requirements for sole-source contracts. Any objections should be directed to Rocio Yoc at ryoc@mundoverdepcs.org no later than 5:00 pm June 30, 2026

The contract will be awarded after the close of business on July 6, 2026

MUNDO VERDE BILINGUAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Landscaping and Snow Removal

Mundo Verde Bilingual Public Charter School is seeking proposals from qualified and experienced vendors to provide the following services: **Landscaping and snow removal**

Interested vendors may obtain the full RFP, including bidding requirements and supporting documentation, by contacting Rocio Yoc at **ryoc@mundoverdepcs.org**.

All proposals must meet the requirements outlined in the RFP. Incomplete submissions or proposals that do not address all the required areas will not be considered.

The deadline for RFP submission is **3:00 p.m. on July 6, 2026.**

OFFICE OF OUT OF SCHOOL TIME GRANTS AND YOUTH OUTCOMES

NOTICE OF PUBLIC MEETING

Commission on Out-of-School Time Grants and Youth Outcomes

The Commission on Out of School Time Grants and Youth Outcomes will hold an **in-person** public meeting on **Thursday, June 25, 2026, from 6:00 pm to 8:00 pm.** The meeting will be held at the Office of the State Superintendent of Education (OSSE) Headquarters located at 1050 First Street, NE, Washington, DC 20002. Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes and the OST Commission's Committees.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 746-3075 or by email at ostcommission@dc.gov. Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and, if available, submit one electronic copy of their testimony by the close of business on **Tuesday, June 23, 2026, at 5:00 pm.**

Below is the draft agenda for the meeting.

I. Call to Order
II. Public Comment
III. Announcement of a Quorum
IV. Approval of the Agenda
V. Approval of Minutes
VI. Office of Out-of-School Time Grants and Youth Outcomes Updates
VII. OST Commission Updates
VIII. Adjournment

The Office of Out of School Time Grants and Youth Outcomes (OST Office) and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission's purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school-time programs and funding.

Date: June 25, 2026
Time: 6:00 p.m. – 8:00 p.m.
Location: Office of the State Superintendent of Education (OSSE) Headquarters
1050 First Street, NE,
Washington, DC 20002
Contact: Khadija Jones
Operations Specialist
Office of Out of School Time Grants and Youth Outcomes
Office of the Deputy Mayor for Education
(202) 746-3075
Khadija.jones1@dc.gov

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.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2026 Rhode Island Avenue Support Grant Program

This notice supersedes the notice published in the DC Register on May 1, 2026

Request for applications (RFA) Release Date: Friday, May, 15, 2026

RFA ID No: **FY26-BD-LO-RIASGP**

Introduction: The Office of the Deputy Mayor for Planning and Economic Development ("**DMPED**") invites the submission of applications from qualified organizations for a grant under the Rhode Island Avenue Support Grant Program ("**Program**"). The purpose of the Program is to provide grants to support small businesses that (1) have or sign a long-term leases of at least five years in the Rhode Island Avenue corridor in the District of Columbia ("**District**"), and (2) offer services or activities that strengthen community connections and attract foot traffic to the neighborhood.

The funding opportunity will provide up to $350,000 in total grant funding in FY26 to eligible businesses to (1) offset the costs of rent, or (2) complete tenant improvements.

Authority: The Program will be funded pursuant to the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-169; D.C. Official Code §1-328.04(ii)), as amended by the "Rhode Island Avenue Corridor Long-Term Lease Adjustment Emergency Amendment Act of 2026," enacted March 2, 2026 (D.C. Act 26-272) or any subsequent temporary or permanent legislation.

Anticipated Number of Awards: DMPED expects to award multiple grants under the Program, in an aggregate amount of up $350,000, contingent on the availability of an appropriated budget in such amount. Awards are anticipated to range from $10,000 to $100,000. Successful applicants may receive the awarded amount in the form of a one-time payment, subject to the availability of funds, successful certification of an active lease, and compliance with the terms and conditions of a grant agreement.

Eligibility: Applicants must meet the following eligibility criteria to be considered for an award under the Program:

- Be registered as a for-profit or not-for-profit entity in the District of Columbia;
- Be in good standing with the District of Columbia's Department of Licensing and Consumer Protection (DLCP), the Office of Tax and Revenue (OTR), and the Department of Employment Services (DOES);
- If the applicant is a for-profit entity, be registered as, or be eligible to be registered as, a certified business enterprise;
- Have fewer than 30 full-time employees;

- Sign or intend to sign a long-term lease of a commercial property (5 years or longer, with at least 3 years remaining on any active lease);
- Offer retail, educational programs, entertainment, food, or other services or activities that strengthen community connections and attract foot traffic to the Rhode Island Avenue Corridor, with a preference for food markets, grocery stores, or other fresh food access points; and
- Demonstrate that the property where the eligible business is or will be located is an eligible property located within the Rhode Island Avenue Corridor as show on the map here:
    - Rhode Island Avenue Grant Program Eligibility Area

Additional details about eligibility and criteria for selecting applicants will be included in the RFA.

Grant Information Session: DMPED will host a virtual and in-person information session for interested applicants. Please check DMPED's website for more details: https://dmped.dc.gov/service/grant-opportunities.

Contact Information: Tariq Sheriff **Phone:** (202) 727-6365 **Email:** bizdev@dc.gov

Availability of RFA: The RFA will be released on Friday, May, 15, 2026 and posted at https://dmped.dc.gov/service/grant-opportunities.

Grant Application Submission Deadline: Applications will be accepted through ***Monday, July, 6, 2026*** at 4:00PM ET. All applications must be submitted electronically, according to the instructions contained in the RFA. Late applications will not be accepted.

Application Process: The grant application process will include an initial screening of applications to evaluate the completeness of the application, followed by scoring by a review panel, and a final approval of funding by the Deputy Mayor.

Final Determination of Award: DMPED anticipates completing the application review within forty-five (45) days after the application submission deadline. Award and funding determinations are final and cannot be appealed. The Deputy Mayor will make the final funding decision, based on a review panel's recommendations, the Mayor's budget priorities, the available resources, the goal of achieving a balance as to communities served, and the goals of the Program.

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.

OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

NOTICE OF FUNDING AVAILABILITY

FY 2027 Safe and Secure DC Nonprofit Fund

Request for Application (RFA) Release Date: Monday, July 6, 2026

Background: The Office of the Deputy Mayor for Public Safety and Justice ("DMPSJ") invites the submission of applications from qualified non-profit organizations for the Fiscal Year 2027 Safe and Secure DC Nonprofit Fund ("The Program"). The purpose of the Program is to enhance the security and safety at the physical site(s) of a nonprofit organization located in the District of Columbia.

Purpose: The grant will improve and increase the physical/cyber security and facility/target hardening of nonprofit organizations' facilities at risk of a terrorist of other extremist attack, safeguarding the lives and property of District residents and visitors. All grant activities must be linked to enhancing the security and safety at the physical site of the nonprofit organization. This grant will prioritize preparedness activities of nonprofit organizations that are at high risk of a terrorist or other extremist attack, with broader state and local preparedness efforts.

The purpose of the grant will fund the activities implemented by nonprofits in three focus areas (enhancing the protection of soft targets/crowded places; planning; and/or exercises and training). The Program shall be funded in accordance with D.C. Official Code § 1-301.192 (d)(1) and will be awarded as a grant to the selected recipients.

Eligible applicants should demonstrate the following:

- Applicants are a community-based non-profit group, and organizations in Washington, D.C. DMPSJ reserves the right to award funds under any available funding source, regardless of the applicant's designated selection(s).

Additional details about eligibility and criteria for selecting an applicant will be included in the RFA.

Availability of RFA: The RFA and grant application will be released on **Monday, July 6, 2026**, and posted at the DMPSJ website (dmpsj.dc.gov) and District Grants Clearinghouse.

Deadline of RFA for Electronic Submission: Applicants must submit a completed online application to DMPSJ via ZoomGrants™ no later than 11:59 PM/ET on **Wednesday, August 5, 2026.**

Information Session: DMPSJ will host a virtual pre-application conference for interested applicants on **Tuesday, July 14, 2026**. Please check the website dmpsj.dc.gov for more details.

Inquiry/Contact Information: For questions not covered in the RFA or specific to your application, please email dmpsjgrants@dc.gov with the subject line: **FY2027 Safe and Secure

DC Nonprofit Fund RFA Application Inquiry**. To maintain fairness, all inquiries must be submitted by 5:00 p.m. ET on **Wednesday, July 29, 2026**. Responses will be posted at dmpsj.dc.gov.

Period of Performance: Effective date of the grant agreement, through September 30, 2027.

Application Process: The grant application process will include an initial screening of applicants, a review panel process, and a final review to determine the final funding decision. Each step will be further described in the RFA.

OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

NOTICE OF FUNDING AVAILABILITY (NOFA)

FISCAL YEAR 2027 (FY27)

Safe Commercial Corridors Grant Program RFA

Request for Application (RFA) Release Date: Monday, July 6, 2026

The Office of the Deputy Mayor for Public Safety and Justice (DMPSJ) announces the availability of Fiscal Year 2027 grant funds for the Safe Commercial Corridors Grant Program. This program is designed to promote public safety and health through evidence-based activities for residents, workers, and visitors within the area served by the organization and the surrounding area ("commercial district").

Funding Area:
The Safe Commercial Corridors Grant Program will fund the following activities:

- Relationship-building with residents, workers, businesses, and regular visitors;
- Connecting residents, workers, visitors, and businesses with resources available through District government agencies and direct service providers;
- Providing safe passage for individuals who request accompaniment walking to transit or their vehicles;
- Assisting business owners with improvements to their security and safety systems and protocols;
- Responding to individuals with substance use disorders and implementing harm-reduction strategies;
- Implementing de-escalation techniques;
- Deterring crime and public safety violations;
- Liaising with residents, workers, businesses, visitors, District public safety and health agencies, direct service providers in the community, and others as appropriate;
- Providing culturally competent services and programming; and
- Implementing other innovative strategies to promote public safety.

Goals:

- Promote and improve public safety and public health within the commercial district and surrounding area through various evidence-based activities.
- Share results and lessons learned from implementation of a Safe Commercial Corridors Program and other public safety efforts implemented by the organization.

Eligible Organizations/Entities:
To be eligible for a grant under this program:

- An organization shall service the District's residents, workers, business owners, property owners, and visitors of a commercial corridor in the District; and
- Engage in the maintenance of public and commercial spaces in the District.

For profit organizations are eligible but may not include profit in their grant application. For-profit organizations may also participate as subcontractors to eligible agencies.

Eligibility Criteria: Applicants should meet the program eligibility criteria identified in the RFA. To apply for the Fiscal Year 2027 Safe Commercial Corridor Grant Program, an applicant will submit an application that is designed to promote public safety and health through evidence-based activities within the area served by the organization and the surrounding area ("commercial district").

Availability of RFA: The RFA and grant application will be released on **Monday, July 6, 2026**, and posted at the DMPSJ website (dmpsj.dc.gov) and District Grants Clearinghouse.

Deadline of RFA for Electronic Submission: Applicants must submit a completed online application to DMPSJ via ZoomGrants™ no later than 11:59 PM/ET on **Wednesday, August 5, 2026.**

Information Session: DMPSJ will host a virtual pre-application conference for interested applicants on **Tuesday, July 14, 2026**. Please check the website dmpsj.dc.gov for more details.

Inquiry/Contact Information: For questions not covered in the RFA or specific to your application, please email dmpsjgrants@dc.gov with the subject line: "FY 2027 SCC RFA." To maintain fairness, all inquiries must be submitted by 5:00 p.m. ET on **Wednesday, July 29, 2026**. Responses will be posted at dmpsj.dc.gov.

Period of Performance: Effective date of the grant agreement, through September 15, 2027.

Application Process: The grant application process will include an initial screening of applicants, a review panel process, and a final review to determine the final funding decision. Each step will be further described in the RFA.

DISTRICT OF COLUMBIA
COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS
NOTICE OF PUBLIC MEETING

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings hereby gives notice that it will conduct a meeting on **June 26, 2026, at 1:00 p.m.** to discuss candidates for Administrative Law Judge and personnel matters. The meeting will be held in Conference Room #6500 at the H. Carl Moultrie Courthouse (500 Indiana Avenue, NW) but will be accessible to the public only remotely via Webex. A portion of the meeting will be closed pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings to "discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials." The agenda below will be posted on the OAH website at www.oah.dc.gov and the Office of Open Government/BEGA website at www.open-dc.gov.

For further information about this meeting, please contact Jacqueline Spencer at jacqueline.spencer1@dc.gov. 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.

AGENDA

I. Call to Order (Commission Chair)

II. Ascertainment of Quorum

III. Adoption of Agenda

IV. Executive Session (non-public).

- **a. Vote to enter closed session to discuss personnel matters pursuant to D.C. Official Code § 2-575(b)(10).**
- **b. Discussion of candidates.**
- **c. Discussion of personnel matters.**
- **d. Vote to reopen the meeting.**

V. Other Business

VI. Adjournment (Commission Chair)

Information on Joining the Webex Meeting

- Telephone
  Telephone Number: 1-202-860-2110
  Meeting Number (Access Code): 2314 344 9981

- Online
  Link: https://dcnet.webex.com/dcnet/j.php?MTID=m1909efe6a05f8058dd9866a5a7b617ae
  Meeting Number (Access Code): 2314 344 9981
  Meeting Password: qwKFUScJ435

TWO RIVERS PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Asphalt Paving Contractor

Two Rivers PCS is soliciting price quotes from licensed Asphalt Paving Contractors to repave playground blacktop. To request a copy of the RFP, email Gail Williams at procurement@tworiverspcs.org. Proposals are due by July 6, 2026.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting by Microsoft Teams on Thursday, July 2, 2026, at 9:30 a.m. The meeting will be held in the boardroom (2nd floor) at 1385 Canal Street, S.E., Washington, D.C. 20003. The Chief Executive Officer and General Manager invite the public to attend the meeting via livestream. Please see the website for remote access information for this meeting. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com that will also contain a link to the livestream.

For additional information, please contact Debra Mathis, Acting Board Secretary at (202) 787-2331 or Debra.Mathis@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Board Chairman
2.	Roll Call	Board Secretary
3.	Approval of June 2, Meeting Minutes	Board Chairman
4.	Committee Report(s)	Committee Chairperson(s)
5.	Chief Executive Officer's Report	Chief Executive Officer and General Manager
6.	Action Items Joint-Use Non-Joint-Use	Board Chairman
7.	Other Business	Board Chairman
8.	Adjournment	Board Chairman

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21030-A
So Others May Eat
1876 4th Street, NE (Square 3567, Lots 811 and 812)

HEARING DATE (21030):	January 31, 2024
DECISION DATE (21030):	January 31, 2024
ORDER ISSUANCE DATE (21030):	February 13, 2024
DECISION DATE (21030-A):	June 3, 2026[1]

SUMMARY ORDER ON REQUEST FOR TWO-YEAR TIME EXTENSION

ORIGINAL APPLICATION. In Application No. 21030, the Board of Zoning Adjustment ("**Board**" or "**BZA**") approved the request by So Others May Eat (the "**Applicant**") for special exception and variance relief to renovate and enlarge an existing three-story, multi-family residential building to create a 73-unit apartment house in the RF-1 zone. The Board issued Order No. 21030 on January 31, 2024 (the "**Order**," Exhibit 3). Pursuant to Subtitle Y § 604.11, the Order became effective ten days after issuance. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became final.

REQUEST FOR TWO-YEAR TIME EXTENSION. On January 30, 2026, the Applicant submitted a request that the Board grant a two-year extension of Order No. 21030. (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 4.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 5F.

ANC REPORT. The ANC did not submit a report to the record.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the time extension. (Exhibit 8.)

[1] The time extension request was administratively rescheduled twice from the original public meeting date of March 25, 2026.

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 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 § 705.4, the Board's decision on the request shall be in writing and shall become final and effective upon its filing in the record and service upon the parties.

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. 21030 is hereby **GRANTED**, and the Order shall be valid until **February 13, 2028**.

VOTE: **4-0-1** (Anthony J. Hood, Melissa Lindsjo, Michelle Pourciau, and Paul Goldstein to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 10, 2026

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR,

RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21415
Robert Kyle Bivens and Jose Duron Milla
1300 Girard Street, NW (Square 2860, Lot 68)

HEARING DATE: June 3, 2026[1]
DECISION DATE: June 3, 2026

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a two-story plus cellar rear addition, and convert to a 3-unit apartment house, an existing semi-detached, three-story plus cellar principal dwelling unit in the RF-1 zone:

- Special exception from the rear yard requirements of Subtitle E § 207.1, pursuant to Subtitle E § 5201.1 and Subtitle X § 901.2 (*20 ft. minimum required, 21.58 ft. existing, 16 ft. proposed*)
- Special exception under the residential conversion requirements of Subtitle U § 320.2, pursuant to Subtitle X § 901.2 (*2 dwelling units max permitted, 1 unit existing, 3 units proposed*)

The zoning relief requested in this case was self-certified. (Exhibit 18D.)[2]

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 1A, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 18, 2026, at which a quorum was present, the ANC voted to support the application. (Exhibit 24.) The ANC report raised no issues or concerns.

[1] The application was administratively rescheduled twice from the original public hearing date of March 4, 2026.

[2] The Applicant's original self-certification in Exhibit 4 requested a special exception from the residential conversion requirements of Subtitle U § 320.2; the self-certification in Exhibit 18D added a request for a special exception from the rear yard requirements of Subtitle E § 207.1.

The Board also received a letter in support from ANC SMD 1A09 Commissioner Daniella Kelley. (Exhibit 21.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 20.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 19.)

CONCLUSIONS

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.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special exception from the rear yard requirements of Subtitle E § 207.1, pursuant to Subtitle E § 5201.1 and Subtitle X § 901.2 (*20 ft. minimum required, 21.58 ft. existing, 16 ft. proposed*)
- Special exception under the residential conversion requirements of Subtitle U § 320.2, pursuant to Subtitle X § 901.2 (*2 dwelling units max permitted, 1 unit existing, 3 units proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 18B of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **4-0-1** (Michelle Pourciau, Paul Goldstein, Melissa Lindsjo, and Anthony J. Hood to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 10, 2026

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, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.10, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE

ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21418
Alexandra Bloom and Aron Szapiro
1427 D Street, S.E. (Square 1062, Lot 104)

HEARING DATE: June 3, 2026[1]
DECISION DATE: June 3, 2026

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a rear addition and one-story accessory structure to an existing, attached, two-story principal dwelling unit in the RF-1 zone:

- Special Exception under the rear addition requirements of Subtitle E § 207.5, pursuant to Subtitle X § 901.2 *(10 feet maximum permitted, 4.4 feet existing, 16.5 feet proposed beyond building to the west)*
- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 *(60% maximum permitted, 50.5% existing, 70% proposed)*
- Special Exception from the accessory building rear yard requirements of Subtitle E § 5004.1(b), pursuant to Subtitle E § 5201 and Subtitle X § 901.2 *(30% of required rear yard area permitted, 0% existing, 45.5% proposed)*

The zoning relief requested in this case was self-certified. (Exhibit 29 (Final Revised).)[2]

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 6B, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 8, 2025, at which a quorum was present, the ANC voted to support the

[1] The hearing was administratively rescheduled from March 4 and April 22, 2026 due to the lack of a quorum on the Board.

[2] The application was amended to add a request for a special exception from the accessory building rear yard requirements.

application. (Exhibit 35.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 33.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record regarding this application.

PERSONS IN SUPPORT. The Board received 10 letters from neighbors in support of the application. (Exhibits 11-14; 16-21.)

OTHER PUBLIC INPUT. The Board received a letter from the Capitol Hill Restoration Society in support of the application. (Exhibit 31.)

CONCLUSIONS

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.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception under the rear addition requirements of Subtitle E § 207.5, pursuant to Subtitle X § 901.2 *(10 feet maximum permitted, 4.4 feet existing, 16.5 feet proposed beyond building to the west)*
- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 *(60% maximum permitted, 50.5% existing, 70% proposed)*
- Special Exception from the accessory building rear yard requirements of Subtitle E § 5004.1(b), pursuant to Subtitle E § 5201 and Subtitle X § 901.2 *(30% of required rear yard area permitted, 0% existing, 45.5% proposed)*

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the revised plans shown in Exhibit 27 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **4-0-1** (Michelle Pourciau, Paul Goldstein, Melissa Lindsjo, and Anthony J. Hood to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 9, 2026

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, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.10, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR

PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21446
S. Michele Swinson
1324 Kenyon Street, N.W. (Square 2848, Lot 842)

HEARING DATE: June 3, 2026[1]
DECISION DATE: June 3, 2026

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to renovate an existing three-story plus basement principal row building in the RF-1 zone:

- Special Exception under the rear addition requirements of Subtitle E § 207.5, pursuant to Subtitle X § 901.2 *(13 feet proposed)*
- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 *(60% permitted; 46% existing; 66% proposed)*

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 26 (Final Revised); Exhibit 5, (Original).)[2]

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 1A, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. ANC 1A did not submit a report to the record for this application.

Anthony Thomas-Davis, the Single Member District Commissioner for ANC 1A-06, submitted a letter to the record expressing support for the application. (Exhibit 27.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 24.)

[1] The hearing was administratively rescheduled from April 1 and April 22, 2026 due to the lack of a quorum on the Board.

[2] The application was amended to remove the special exception request from the roof top or upper element requirements of Subtitle E § 204.1 and change the relief from the lot occupancy requirements of Subtitle E § 210.1 from an area variance to special exception.

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 21.)

PERSONS IN SUPPORT. The Board received one letter from neighbors in support of the application. (Exhibit 28.)

OTHER PUBLIC INPUT. The Board received one letter from an adjacent neighbor expressing views about the project, neither in support nor opposition to the application. (Exhibit 22.)

CONCLUSIONS

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.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception under the rear addition requirements of Subtitle E § 207.5, pursuant to Subtitle X § 901.2 *(13 feet proposed)*
- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 *(60% permitted; 46% existing; 66% proposed)*

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the revised plans shown in Exhibit 30 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **3-0-2** (Paul Goldstein, Melissa Lindsjo, and Anthony J. Hood to APPROVE; Michelle Pourciau not voting; 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: June 9, 2026

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.

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BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, September 2, 2026, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA09-02-2026
Via Telephone: 202-860-2110 Access Code: 2312 889 2426
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning

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

WARD THREE

Application of:	**Laura Williams and Kevin Donohue**
Case No.:	**21374A**
Address:	4401 Garrison Street N.W. (Square 1581, Lot 80)
ANC:	**3E**
Relief:	Modification without Hearing to: • Board of Zoning Adjustment Order No. 21374A (pursuant to Subtitle Y § 703)
Project:	To modify the rear yard encroachment of Board of Zoning Adjustment Order Number 21374, to construct a one-story rear screened-in porch addition, to an existing, detached, two-story with basement, principal dwelling unit in the R-2 zone.

PLEASE NOTE:
This public meeting will be held virtually through WebEx for the Board to deliberate on or decide the items listed on the agenda. Public testimony is not taken at a public meeting session. Information for the public to view or listen to the public meeting is listed above and will be provided on the Office of Zoning website by the Friday before the meeting date. Visit https://dcoz.dc.gov/watchlive.

The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11.

Expedited Review Applications:
Expedited Review applications will remain on the public meeting agenda unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) Office of Planning; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or

representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at https://app.dcoz.dc.gov/Home/Calendar and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

Individuals and organizations may also submit written comments to the Board by uploading submissions via the Interactive Zoning Information System ("IZIS") at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance

Modification Without Hearing Applications:
Per Subtitle Y § 703, requests for party status as well as responses and comments from non-parties are not permitted for modification without hearing cases.

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

Do you need assistance to participate?

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

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

Spanish
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MICHELLE POURCIAU - CHAIRPERSON
JONATHAN GOLDSTEIN - VICE-CHAIRPERSON
MELISSA LINDSJO – MEMBER, NATIONAL CAPITOL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY TO THE BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

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 .

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, September 23, 2026, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA09-23-2026
Via Telephone: 202-860-2110 Access Code: 2309 735 8070
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning

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

EXPEDITED REVIEW

WARD THREE

Application of:	**1927 Property Heritage Trust**
Case No.:	**21500**
Address:	3812 Garrison Street N.W. (Square 1851, Lot 26)
ANC:	**3E**
Relief:	Special Exception from: • the rear yard requirements of Subtitle D § 207.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a one-story rear addition, to an existing, detached, two-story plus cellar, principal dwelling unit in the R-1B zone.

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representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

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A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY TO THE BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 23-08(1)
Z.C. Case No. 23-08(1)
The Wesley Theological Seminary of the United Methodist Church
(2025-2035 Thrive in Place Campus Plan at Square 1600, Lots 6-9
[4500 Massachusetts Avenue, N.W.])
July 31, 2025

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held consolidated public hearings on September 11, 2023 and October 2, 2023 for Z.C. Case Nos. 23-08[1] and 23-08(1); and individual hearings on May 12, 2025 and July 2, 2025 to consider the revised and updated application of The Wesley Theological Seminary of the United Methodist Church (the "Seminary", "Wesley", "Wesley Seminary", or the "Applicant") for the review and approval of a 2025 Thrive in Place Campus Plan for the period 2025-2035 (Z.C. Case No. 23-08(1))[2] ("Campus Plan" or "Application"). The Commission considered the Application pursuant to Subtitle X, Chapter 1 of Title 11 of the District of Columbia Municipal Regulations ("DCMR") (Zoning Regulations of 2016, the "Zoning Regulations," to which all section references are made unless otherwise specified). The public hearings were conducted in accordance with the provisions of Subtitle Z, Chapter 4. The Commission approves the Application, subject to the conditions below.

FINDINGS OF FACT

Notice

1. On November 12, 2021, the Seminary mailed a Notice of Intent for the Campus Plan to Advisory Neighborhood Commissions ("ANC") 3D, and 3E and the owners of all property within 200 feet of the perimeter of the subject property as required by Subtitle Z § 302.6 (Ex. 5, 7). In accordance with Subtitle Z § 302.8, representatives of the Seminary made presentations to ANC 3D and ANC 3E at its public meetings during the 45-day notice period.

2. On June 27, 2023 and March 25, 2025, the Office of Zoning ("OZ") sent notice of the September 11, 2023 and May 12, 2025 virtual public hearings for the Campus Plan applications to:

   - The Applicant;
     - The affected ANC 3E and adjacent ANC 3D;[3]
     - ANC Single Member Districts ("SMD") 3E07, 3E08 and 3D02;
     - The Office of ANCs
     - The Office of Planning ("OP");

[1] Z.C. Case No. 23-08 was a Planned Unit Development ("PUD") application that was subsequently withdrawn.

[2] Originally the Application was filed on June 14, 2023 as the 2023 Thrive in Place Campus Plan for the period 2023-2033; subsequently, the Application was revised and updated in March 5, March 25, April 11, and April 24, 2025 filings as the 2025 Thrive in Place Campus Plan for the period 2025-2035 (Ex. 1-7, 76-76F, 80, 82-82G, 84).

[3] Effective January 1, 2023, the Ward 3 ANC and SMD boundaries were changed. As a result of the redistricting, the Wesley campus was located in ANC 3E07 and immediately adjacent to ANC 3E08 and ANC 3D02. Previously, the Wesley campus was located in ANC 3D02 and adjacent to ANC 3E07.

- The District Department of Transportation ("DDOT");
- The Department of Buildings ("DOB");
- The Department of Energy and the Environment ("DOEE");
- The Ward 3 Councilmember; Chair of the Council; and the At-Large Councilmembers; and
- Property owners within 200 feet of the Campus Plan property (Ex. 9, 10, 78, 79).

3. Pursuant to Subtitle Z § 402.1, OZ also published notice of the September 11, 2023 virtual public hearings in the *District of Columbia Register* on June 30, 2023 (70 DCR 009173 *et seq.).* and April 4, 2025 (72 DCR 003894 *et seq).* as well as through the calendar on OZ's website (Ex. 8, 77).

4. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearings on the Property on July 31, 2023 and March 30, 2025, and maintained such notices in accordance with the Zoning Regulations (Ex. 11, 29, 81, 91).

Parties

5. The automatic parties to the Application, other than the Applicant, pursuant to Subtitle Z § 403.5, included Advisory Neighborhood Commission ("ANC") 3E, the ANC in which boundary the Wesley Campus is located, and ANC 3D, both "affected" ANCs under Subtitle Z § 101.8.

6. On August 21, 2023, Neighbors for a Livable Community ("NLC") and Spring Valley-Wesley Heights Citizens Association ("SVWHCA") filed a joint request (collectively, "NLC-SVWHCA") for party status in opposition to the application (Ex. 14). The Commission granted the NLC-SVWHCA joint request for party status as a preliminary matter at the beginning of the September 11, 2023 public hearing.

7. On August 28, 2023, Spring Valley Neighborhood Association ("SVNA") filed a request for party status in support of the application (Ex. 18). The Commission granted SVNA's request for party status as a preliminary matter at the beginning of the September 11, 2023 public hearing.

Public Hearings and Public Meetings Timeline

8. The Commission conducted a consolidated public hearing on the 2023 Campus Plan (Z.C. Case No. 23-08(1)) and the Planned Unit Development ("PUD") (Z.C. Case No. 23-08) on September 11, 2023, which was continued on October 2, 2023.

9. At its public meetings on November 9, 2023 and December 14, 2023, the Commission deliberated on the 2023 Campus Plan and PUD applications. The Commission expressed concern about whether the PUD process was appropriate to facilitate Wesley's student housing building (hereinafter, "student housing building" or "university housing building") given PUD evaluation criteria[4]; whether the proffered public benefit of a student affordable

[4] The PUD evaluation standard requires the Commission to find that a PUD is not inconsistent with the Comprehensive Plan, does not to result in unacceptable project impacts that are not capable of being mitigated or acceptable given the quality of the project public benefits, and includes specific public benefits and project amenities

housing program could be properly administered and enforced; whether American University's ("AU") failure to participate in the applications demonstrated that American University students do not have a need for the proposed student housing; whether the student housing building met the campus plan evaluation criteria of advancing the university's educational mission rather than being a commercial use; and whether a text amendment could appropriately address some of these issues and ultimately eliminate the need for a PUD (*see* November 9, 2023 Public Meeting Transcript ["Tr"] at 11-14, 19-24, 26-31, 36-40; *See* December 14, 2023 Public Meeting Tr. at 26-33). At the December 14, 2023 meeting, the Commission decided to give Wesley additional time to address the concerns raised and asked that Wesley file a submission with new information for consideration at the Commission's February 29, 2024 meeting (*see* December 14, 2023 Public Meeting Tr. at 38-39). Wesley requested and was granted two postponements (Ex. 65, 68). Wesley filed the requested submission on April 25, 2024, which primarily suggested a text amendment that would: (i) clarify the applicability of Inclusionary Zoning ("IZ") to the student housing building[5]; and (ii) clarify that the student housing building would not be construed as a commercial use (Ex. 69-69F). At its May 9, 2024 meeting the Commission considered Wesley's April 25th submission and the opposition raised in the responses of NLC-SVWHCA and ANC 3E (Ex. 71, 72). In its May 9, 2024 deliberations, the Commission was supportive of the text amendment and asked that Wesley proceed with a text amendment case during which the 2023 Campus Plan and PUD applications would be held in abeyance[6] (*see* May 9, 2024 Public Meeting Tr. at 7-15).

10. On December 6, 2024, Wesley filed a letter to the Campus Plan application (Z.C. Case No. 23-08(1)) case record confirming its withdrawal of the PUD application (Z.C. Case No. 23-08) (Ex. 73).

11. As discussed in more detail below, Wesley made significant revisions to the Campus Plan application in submissions to the case record on March 5, March 25, April 11, and April

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that are not inconsistent with the Comprehensive Plan (Subtitle X § 304.4). Further, in deciding a PUD, the Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any adverse effects according to the specific circumstances of the case (Subtitle X § 304.3)

5 The Zoning Regulations provide that IZ requirements shall not apply to housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff (Subtitle C § 1001.6(c)). Wesley's proposed student housing building will house students, faculty, and staff of both Wesley and American University; therefore, IZ requirements apply to the proposed student housing building.

6 In May 2024, Wesley filed a text amendment to address the IZ and commercial use issues associated with the proposed student housing building (Z.C. Case No. 24-09). The Commission held a public hearing on the proposed text amendment on November 18, 2024; took proposed action on December 19, 2024, and took final action on February 27, 2025. The final text amendments to the Zoning Regulations generally added: (i) a new subsection 1006.10 of Subtitle C providing for off-site IZ as an enforceable condition of the 2025-2035 Campus Plan further processing to construct university housing on Wesley's campus, and (ii) a new subsection 101.5 of Subtitle X stating that university housing exclusively for Wesley and American University students, faculty, and staff on Wesley's campus at Square 1600, Lot 819 would not be construed as a commercial use; and the final amendments as corrected by an errata notice (correcting an error in Subtitle X § 101.5) became final and effective on the original *District of Columbia Register* publication date of July 25, 2025 (see Z.C. Order No. 24-09).

25, 2025, and updated the 2023 Thrive in Place Campus Plan to the 2025 Thrive in Place Campus Plan (Ex. 76-76F, 80, 82-82G, 84).

12. The Commission conducted a public hearing on the revised and updated 2025 Campus Plan on May 12, 2025.

13. At its June 12, 2025 public meeting, the Commission was scheduled to deliberate on the revised and updated 2025 Campus Plan. However, the Commission decided to partially grant and partially deny NLC-SVWHCA's motions (Ex. 108, 108A) requesting a further hearing. The Commission granted the request for a further hearing regarding Wesley's Comprehensive Transportation Review ("CTR") only; and denied the requests for further hearing to discuss the proposed off-site IZ and for cross-examination of Wesley regarding the proposed campus plan conditions (*see* June 12, 2025 Public Meeting Tr. at 37-40).

14. The Commission conducted a limited scope public hearing on July 2, 2025, to consider Wesley's Comprehensive Transportation Review only.

15. At its July 31, 2025 public meeting, the Commission deliberated on the revised and updated 2025 Campus Plan and approved the Application.

16. The originally established parties in support and opposition remained throughout the pendency of the revised and updated 2025 Campus Plan application and the public hearings held on May 12, 2025 and July 2, 2025.

The Site

17. The property that is the subject of the Application is the Seminary's approximately 381,878 square foot (8.78 acres) Spring Valley Campus located at 4500 Massachusetts Avenue, N.W (Square 1600, Lots 6 (818 and 819), 7-9) ("Property" or "Campus") (Ex. 82).

18. The Campus is located in the RA-1 zone in the Spring Valley neighborhood of Ward 3. The Campus is surrounded by the American University Campus on the east and south and along University Avenue directly abuts the Spring Valley Neighborhood. On the opposite side of Massachusetts Avenue is the American University Park neighborhood. The Campus is currently improved with eight buildings, including three residence halls, the Library, Kresge Academic Hall, Trott Hall and Chapel, a one-story maintenance building, and the Old President's House. The three residence halls on Campus consist of two 1960- era dormitories (Straughn Hall and Carroll Hall with a total of 90 beds) and a residence hall that was opened in 2014 ("2014 Dorm") with a total of 76 beds (Ex. 82).

19. The Property is designated as Institutional on the Generalized Policy Map of the Comprehensive Plan. The Framework Element of the Comprehensive Plan states: "The Generalized Policy Map also identifies parks and open space, land owned by or under the District or federal government, federal lands with federal buildings, Downtown Washington, and major institutional land uses. The fact that these areas are not designated as Conservation, Enhancement, or Land Use Change Areas does not mean they are exempt from the Comprehensive Plan or that their land uses will remain static. . .Much of the land identified as institutional on the map represents colleges and universities; change and infill

can be expected on each campus consistent with the campus plans. . .Policies in the Land Use and Educational Facilities Elements address the compatibility of such uses with surrounding neighborhoods." (10-A DCMR § 225.22).

20. The Property is designated as Institutional on the Future Land Use Map of the Comprehensive Plan. The Framework Element of the Comprehensive Plan describes the Institutional designation as: ". . .includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions." While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories (10-A DCMR § 227.18).

Background

21. Wesley Seminary's initial campus plan was approved in Z.C. Order No. 05-40 for the period of 2006-2015 and was amended and extended by Z.C. Order Nos. 05-40A, 05-40B, 05-40C, 05-40D, 05-40(D)(1), and 05-40(D)(2) such that it would remain valid through June 30, 2022.

2022 Campus Plan Application (Z.C. Case No. 22-13)

22. On March 17, 2022, Wesley filed a 2022-2032 Campus Plan application as Z.C. Case No. 22-13 (the "Original Campus Plan"). After a rigorous and well attended public hearing on June 13, 2022, and thoughtful consideration by the Commission at several public meetings, the Commission, as a whole, was not convinced that the Original Campus Plan's proposed student housing building to house both Wesley and American University students, faculty, and staff was related to Wesley's educational mission rather than a commercial use violating the requirements of the campus plan regulations; and the Commission had concerns about administration and compliance with IZ requirements in the proposed student housing building (Subtitle X § 101.4; *see* Z.C. Case No. 22-13, October 13, 2022 Public Meeting Tr. at 19-37). Wesley requested that the pending Original Campus Plan application be held in abeyance to allow a joint campus plan and PUD application to be filed to facilitate the student housing building, and the Commission agreed to the request (*see* Z.C. Case No. 22-13, November 10, 2022 Public Meeting Tr. at 30-35).

2023 PUD Application (Z.C. Case No. 23-08)

23. On March 31, 2023, the Seminary filed a PUD Application (Z.C. Case No. 23-08) to be processed in conjunction with the then pending Original Campus Plan application (Z.C. Case No. 22-13). Overall, the PUD application included: a description of the Wesley campus and its campus plan history, a discussion of the goals of utilizing the PUD process to facilitate the campus plan, a discussion of the PUD application's compliance with PUD evaluation criteria of the Zoning Regulations, and a Comprehensive Plan consistency analysis, including a racial equity analysis. The PUD application requested the following relief:

    a. A First-Stage PUD for the entire Wesley Seminary Campus;

b. A Consolidated PUD for a new student housing building to house Wesley and American University students; and
c. Special exception relief from IZ program requirements, an area variance from height requirements to reduce the required setback at the southern lot line boundary, and development timeline flexibility (*see* Z.C. Case 23-08, Ex. 1-3H2).

24. On June 14, 2023, the Seminary filed the 2023 Thrive in Place Campus Plan (Z.C. Case No. 23-08(1)), and the following day, June 15, 2023, the Seminary withdrew the Original Campus Plan application[7] (Z.C. Case No. 22-13). As noted, the Commission held combined public hearings on the 2023 Campus Plan and PUD applications on September 11 and October 2, 2023 (i.e., Z.C. Case Nos. 23-08(1) and 23-08). In a December 6, 2024 letter to the 2023 Campus Plan (Z.C. Case No. 23-08(1)) record, the Seminary confirmed that the PUD application had been withdrawn (Ex. 73). Likewise in a December 6, 2024 letter to the PUD case (Z.C. Case No. 23-08) record, the Seminary confirmed withdrawing the PUD application and stated that the 2023 Campus Plan application (Z.C. Case No. 23-08(1)) would remain active and that it anticipated making an updated submission in that case in the near future (*see* Z.C. Case No. 23-08, Ex. 84).

2023 Campus Plan Application (Z.C. Case No. 23-08(1))

25. On June 14, 2023, the Seminary filed the 2023 "Thrive in Place" Campus Plan submission seeking approval of the 2023 Campus Plan for the 10-year period 2023 through 2033 (Ex. 1-7, the "2023 Campus Plan"). Overall, the Wesley submission included: a discussion of Wesley's campus plan history and its mission and programming; a description of the 2023 Campus Plan; a discussion of the 2023 Campus Plan's compliance with the campus plan requirements of Subtitle X § 101 of the Zoning Regulations; a Comprehensive Plan consistency analysis, including a racial equity analysis; and varied exhibits (*Id.*.). Wesley stated that the 2023 Campus Plan provided facilities and resources for Wesley Seminary to Thrive in Place, proposing the following:

a. Demolish two 1960's-era dormitories (Straughn Hall and Carrol Hall) with 90 beds, demolish the Old President's House on University, and demolish a surface parking lot and adjacent one-story maintenance building; and
b. Replace them with:
   - A new seven story student housing building with 659 beds and 363 underground parking spaces offered exclusively for Wesley and American University students, faculty, and staff (to be constructed by Landmark Properties under a long-term ground lease with Wesley);
   - A one story administrative building with lower-level maintenance facility; and
   - An approximately 3,800 square foot neighborhood playground; and
c. Satisfaction of the IZ requirement applicable to the student housing building with an alternative student affordable housing program to be privately administered.

[7] Pursuant to Subtitle Z § 600.3(a), Wesley filed a written statement withdrawing Z.C. Case No. 22-13; and at its May 25, 2023 public meeting, the Commission granted a waiver of Subtitle Z § 600.3(d) to authorize the withdrawal and an expedited filing of a new Campus Plan application, i.e., the 2023 Campus Plan.

26. The 2023 Campus Plan was to be facilitated through the PUD process; therefore, as noted above, it and its companion PUD case (Z.C. Case No. 23-08) were heard in combined public hearings and considered simultaneously by the Commission. However, as stated above in Finding of Fact Nos. 9 and 10, the Commission was ultimately unable to proceed with final action through the PUD process primarily because of concerns regarding the extraordinary PUD relief from IZ Program requirements, administration and enforcement of the proposed alternative from IZ (with a privately administered student affordable housing program), and overall satisfaction of the PUD evaluation criteria; the PUD case was eventually withdrawn in December 2024. The Commission also continued to have the same concern as during the Original Campus Plan (Z.C. Case No. 22-13), that the proposed student housing building could be construed as a commercial use in violation of the campus plan regulations (Subtitle X § 101.4).

27. After the Commission expressed support for Wesley filing a text amendment to address the IZ applicability and commercial use issues associated with the proposed student housing building at its May 9, 2024 public meeting, the Commission stated that the 2023 Campus Plan (Z.C. Case 23-08(1)) would be held in abeyance during the pendency of a text amendment.

Text Amendment (Z.C. Case No. 24-09)

28. Wesley filed a text amendment on May 30, 2024 (Z.C. Case No. 24-09). After a public hearing on November 18, 2024, public comment and feedback, and several iterations of the text language, the Commission took proposed action on December 19, 2024, final action on February 27, 2025, and amendments to the Zoning Regulations became final and effective on July 25, 2025 in Z.C. Order No. 24-09. The amendments add the following language to the Zoning Regulations:

    a. A new Subtitle C § 1006.10, stating:
    Wesley Theological Seminary shall provide off-site IZ located in Ward 3 as an enforceable condition to its 2025-2035 Campus Plan further processing to construct university housing on Wesley's campus, provided that the requirements of Subtitle C §§ 1006.1 - 1006.3(a)-(g), may be waived by the Zoning Commission for the off-site IZ. Depending on construction type, the off-site IZ provided shall be no less than Subtitle C §1003.1 or §1003.2 set-aside requirements, as applicable, and subject to the requirements of Subtitle C §§ 1006.5 - 1006.9. Notwithstanding the foregoing, and for good cause shown, the Zoning Commission shall have broad discretion to determine that the off-site IZ requirement described in this provision can be satisfied by alternative means, including increasing the set-aside requirements described herein and/or by requiring Wesley to make a financial contribution, deemed sufficient by the Zoning Commission, to an organization(s) that will facilitate the construction of new affordable housing reserved for households at or below 60% of median family income for rental units or at or below 80% of median family income for ownership units exclusively in Ward 3, provided that such alternative means is stated as an enforceable condition to the 2025-2035 Campus Plan further processing to construct university housing on Wesley's campus; and

b. A new Subtitle X § 101.5, stating:
University housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819 shall not be subject to the commercial use restrictions in this section if approved by the Zoning Commission as part of a campus plan.
(*see* Z.C. Order No. 24-09)

The Application

2025 Campus Plan (Revised and Updated)

29. On March 5 and 25, and April 11 and 24, 2025, the Seminary filed the revised and updated 2025 "Thrive in Place" Campus Plan materials and requested that the Commission resume the case following holding it in abeyance; the revised and updated 2025 Campus Plan materials sought approval of the 2025 Campus Plan for the 10-year period 2025 through 2035 (the "2025 Campus Plan") (Ex. 76-76F, 80, 82-82G, 84). The 2025 Campus Plan materials included: a discussion of Wesley's campus plan history and its mission and programming; a description of the 2025 Campus Plan; a discussion of the 2025 Campus Plan's compliance with the campus plan requirements of Subtitle X § 101 of the Zoning Regulations; a Comprehensive Plan consistency analysis, including a racial equity analysis; and varied exhibits, including:
- Property and Project Site Plans;
- Project Elevation Renderings;
- Varied Property Site Photographs;
- Landscape Plan;
- Architectural Plans;
- Campus Security Plan; and
- Transportation Study.

(*Id.*.).

30. The 2025 Campus Plan, as revised and updated from the 2023 Plan, proposed the following:

a. Demolish two 1960's-era dormitories (Straughn Hall and Carrol Hall) with 90 beds, demolish the Old President's House on University, and demolish a surface parking lot and adjacent one-story maintenance building; and

b. (ii) Replace them with:
- A new seven story university housing building with 659 beds and 295 total parking spaces (including 264 underground and 31 surface spaces) offered exclusively for Wesley and American University students, faculty, and staff (to be constructed by Landmark Properties under a long-term ground lease with Wesley). The revised 2025 Plan removes the top penthouse level of the university housing building (reducing its gross floor area by approximately 17,183 square feet to approximately 282,061 square feet); removes 99 of the previously proposed underground parking spaces; and removes the previously proposed one story administrative building with lower-level maintenance facility; and

- An approximately 3,800 square foot neighborhood playground; and

c. Satisfaction of the IZ requirement applicable to the university housing building in accordance with the text amendments approved in Z.C. Order No. 24-09, with Wesley helping to create and fund a Ward 3 Inclusionary Zoning Revolving Fund with an $8M contribution.

31. As a part of the revised and updated 2025 Campus Plan, Wesley requested an area variance from height requirements of Subtitle F § 203.7[8] to reduce the required setback at the southern lot line boundary adjacent to American University for the "notch."

32. The Seminary filed a Comprehensive Transportation Review ("CTR"), dated April 29, 2022, in support of the 2022 Campus Plan (Z.C. Case No. 22-13, Ex.15A1-15A3); the PUD (Z.C. Case No. 23-08, Ex. 14A1-14A4); and the 2025 Campus Plan (Exhibit 110A1-110A3). The CTR concluded that the Campus Plan will not have a detrimental impact on the surrounding transportation network assuming that the proposed site design elements are implemented. (*Id.*). On September 1, 2023, DDOT submitted a report (Ex. 19), in response to the 2023 Campus Plan and PUD applications, indicating its review of the CTR and citing no objection to the 2023 Campus Plan with conditions to be included in the Performance Monitoring ("PMP") and Transportation Demand Management ("TDM") plans, to which the Seminary agreed. (Ex. 20-20A). On March 25, 2025, as part of the revised and updated 2025 Campus Plan materials, the Seminary submitted an updated Transportation Study (Ex. 80). On May 2, 2025, DDOT submitted a Supplemental Report, stating that since submitting its original report at Exhibit 19, the Applicant has updated the development plan to reduce the number of off-street parking spaces by 99 spaces and committed to additional TDM measures, which are documented in the Applicant's updated Transportation Study at Exhibit 80 (Ex. 86). The DDOT Supplemental Report further stated that for the reasons stated in its original report at Exhibit 19, DDOT continues to support the revised and updated 2025 Campus Plan with the following conditions (Ex. 86).:

- Applicant shall implement the PMP and TDM Plan provided in its March 25, 2025 Transportation Study for the life of the project with the following additions: i). Applicant shall install three (3) inverted-U bike racks to the playground on University Avenue, NW, either in the public right-of-way or on private property; and ii). Applicant shall install the scooter corral as depicted on the April 28, 2025 site plan (Attachment 1 to DDOT Supplemental Report) so that it is out of the path of turning vehicles (*Id.*).

Applicant's Statement and Justification

33. The Application asserted the 2025 Campus Plan was driven by Wesley Seminary's Strategic Vision of "Ministry 2044," and the related Goals, Strategies and Planning Principles.

[8] The Applicant's submissions and the OP Reports in the Z.C. Case No. 23-08(1) record refer to this request as relief from height requirements of Subtitle F § 203.3 however this is incorrect based on the current Zoning Regulations. Under the current Zoning Regulations, the relief is from height requirements of Subtitle F § 203.7 as referred here and hereinafter in this Order. The Zoning Reorganization amendments to the Zoning Regulations replaced Chapter 2, Subtitle F of the Zoning Regulations in its entirety and the language in former subsection 203.3 was moved to new subsection 203.7; the Zoning Reorganization amendments became final and effective on August 25, 2023 with publication of Z.C. Order No. 18-16/19-27-19/27B in the *District of Columbia Register* (70 DCR 011297-011502).

Taking the long-term view for the next generation, Wesley Seminary adopted "Ministry 2044" as its guiding force for the future. This plan encompassed three ambitious goals, all of which were achieved: to prepare exemplary teachers, preachers and leaders; to make effective use of Wesley Seminary's location in Washington, D.C.; and to become a truly global seminary (Ex. 76, 82).

34. The Seminary stated that it moved to the Spring Valley Campus 68 years ago and has not only embraced but taken the lead in the 21st century of theological education. The Seminary asserted it must be able to thrive in place financially utilizing all its resources to directly support its educational and religious mission of attracting the best and brightest faculty and students to maintain and elevate its place among the top 20 theological schools. The Seminary is resolved to remain at the Spring Valley Campus because Washington, D.C. is central to its mission and ability to attract students and faculty both nationally and abroad. Wesley contended that the size of the new student housing building proposed in the 2025 Campus Plan provides for the number and various types of beds and room configurations necessary to house Wesley students, faculty, and staff and to achieve the financial benefit critical to the Seminary's ability to remain in the Spring Valley neighborhood and be one of the leading seminaries in perpetuity (Ex. 82).

Commitment to Diversity, Equity, Inclusion and Social Engagement

35. Significantly, the 2025 Campus Plan and Wesley Seminary's educational and religious mission are founded upon and committed to supporting racial equity, resiliency and local community engagement and programs (Ex. 82).

36. The Seminary embraces, lives and professes its commitment to Diversity, Equity, and Inclusion (Ex. 82):

> The mission of Wesley Theological Seminary ("Wesley" or "the Seminary") is to prepare persons for Christian ministry, to foster theological scholarship, and to provide leadership on issues facing the church and the world. Our aim is to nourish a critical understanding of Christian faith, cultivate disciplined spiritual lives, and promote a just and compassionate engagement in the mission of the church to the world (*Id.*).

37. At all levels, the Seminary is diverse, including students, faculty, administrators, staff, Board of Governors, and the Christians and persons of other faiths that it touches and serves. The Seminary's student body demonstrates its diversity by race, sex, age, religion, national origin, and sexual orientation. Fifty-eight percent of students are women, 41% men, 34% Black, 41% White, 9% Asian, and 5% International. Its students range in age from the early 20s to 70 or older. More than 60% of the students are ages 30-59 with nearly 25% ages 40-49. Over 30 different religious denominations are represented from the United States and abroad. The Seminary is a majority minority community substantially contributing to the diversity of the Spring Valley neighborhood and Ward 3. The physical and financial resources resulting from the 2025 Campus Plan will directly support its students and their diversity (Ex. 82).

38. Locally, the Seminary has deep and strong ties with the community. At least 200 alumni are District of Columbia residents who are deeply committed to the City and the lives of its residents through its churches and non-profit organizations. The Seminary's commitment to our community and other local communities is the mission of its Community Engagement Institute under the leadership of Lorena M. Parrish. P.h.D., Associate Professor of Urban Ministries. The Institute's training and programs are broad and provide resources locally and beyond, including:
- Center for Public Theology;
- Community Engagement Fellows Program; and
- Heal the Sick Program.

(Ex. 82).

Community Engagement and the Development of the Campus Plan

39. Beginning in July 2019 and through the pandemic, the Seminary engaged the community in the development of the proposed 2022 Campus Plan, the 2023 Campus Plan (including the PUD), and the current 2025 Campus Plan, including the established Community Liaison Committee ("CLC"), ANCs 3D and 3E, other neighborhood groups and other interested parties. This included 21 CLC meetings, 23 ANC 3D meetings, seven ANC 3E meetings, and numerous more informal discussions (Ex. 82, 96). As a result of this process, the Seminary revised its plans and developed a detailed set of conditions which were adopted as part of the 2025 Campus Plan (Ex. 82, 96).

Student Enrollment

40. The Seminary provided an 11-year (2011 – Spring 2025) enrollment historical record broken down by degree programs and non-degree programs (Ex. 82). The enrollment numbers are based on student head count without regard to the full or part-time status of the student. The Seminary has proposed a student enrollment cap that does not increase enrollment above the currently approved levels, which allows for limited growth above the current enrollment. All students in degree and non-degree programs that participate entirely off-campus or by remote or virtual classes are not subject to the enrollment cap (Ex. 82).

41. The Seminary provided post-pandemic and current enrollment and on-campus housing figures showing an increase in both categories. Wesley expects continuing increases for both enrollment and housing as part of the post pandemic return to campus trend (Ex. 82).

Employee Population

42. The Seminary provided an 11-year (2011 – Spring 2025) employee historical record based on head count, including all full and part-time employees. Wesley has proposed a cap on its employees which is below the level currently approved. Additionally, the Seminary has proposed a twelve-person (full and part-time) cap on private employees that will manage and operate the new university housing building, excluding any student resident assistants/community ambassadors living in the building (Ex. 82).

43. The Seminary provided current employee records showing a slight decrease in number of employees (Ex. 82).

2025 Campus Plan to Thrive in Place

44. The Seminary stated that the 2025 Campus Plan represents the last foreseeable new development on the Campus and maintains the established hilltop campus building configuration surrounded by the prominent Green Open Space that defines the Wesley Seminary's relationship with the surrounding neighborhood. Two 1960-era obsolete dorms, the surface parking lot and adjacent maintenance building, and the Old President's House will be demolished to allow construction of a new university housing building (Ex. 76, 82).

Demolish Old President's House and Restore Site with Landscaping

45. The Old President's House is located on the three lots on University Avenue (Ex. 76, 82). This two-story, 4,538 square-foot building is no longer habitable and has not been used for its intended purpose for 20 years. The building and associated paved parking area and University Avenue driveway curb cut will be demolished. This area will be re-landscaped including a small community playground to maintain and enhance the existing Green Open Space along University Avenue (Ex. 76, 82).

Demolish Carroll and Straughn Halls, Maintenance Building and Surface Parking Lot

46. The two 1960–era original dorms, Carroll Hall (27,533 square feet) and Straughn Hall (29,866 square feet) and maintenance building that surround the existing surface parking will be demolished (Ex. 76, 82). Together, these two-story student housing buildings provide 90 beds. Carroll Hall is significant to the Seminary's housing inventory because it provides family style units for married students and their families. Replacement of this critical family housing will be facilitated by the proposed new university housing building (Ex. 76, 82).

47. At the center of the Campus, the surface parking lot with 143 spaces and adjacent one-story maintenance building will also be demolished (Ex. 76, 82).

New University Housing for Wesley and American University Students, Faculty and Staff

48. The new university housing building is exclusively for Wesley and AU students, faculty and staff needing local housing and will be located in the area of the existing surface parking lot (Ex. 76, 82). The building will be seven stories with an approximate height of 74 feet, 8 inches and will contain approximately 282,061 square feet of gross floor area and have approximately 216 living units configured in studio, one, two, three, four and five bedroom units with approximately 659 student beds. Each unit will provide common living space including kitchens for the student residents. At the urging of the community, the top levels of the building facing University Avenue have been further setback 27.5-32.5 feet from the University Avenue face of the building by eliminating four units with twenty beds. Additionally, the layout of the top-level units was rotated ninety-degrees so that windowless walls now face University Avenue (Ex. 76, 82, 96). Most recently, the top level/habitable penthouse originally proposed was removed reducing the profile and gross floor area of the building. The building will have two levels of underground parking with 264 parking spaces, a reduction of 99 spaces as originally proposed, and internal loading

and trash facilities. At least 77 of the parking spaces are replacement spaces for Wesley's exclusive use. In addition, approximately 31 surface spaces will be provided (Ex.76, 82, 96).

49. The Application asserted that the new university housing building will be first-class housing with amenities, including purpose designed study areas with group and individual spaces, computer lounge, activity club room and outdoor interior courtyard (Ex. 82, 96).

50. The building design will focus on sustainability and will achieve LEED Mid-Rise Residential Gold certification, including extensive storm water mitigation measures, green roof, rooftop solar panels, space for composting, all electric building (except natural gas emergency generator), EV charging stations, limited rooftop mechanical equipment, and dark sky compliance (Ex. 82, 96). Landmark Properties has contracted with a sustainable design consultant to advise and assist in the implementation of its sustainability program. The sustainability design consultant determined that cost, space limitations and integration limitations make achieving net zero infeasible for a building of the proposed size and design (Ex. 82, 96).

51. Wesley stated that new university housing building will be developed through a long-term (99 year) ground lease for a portion of the Campus (Lot 819) between Wesley Seminary and Landmark Properties. Wesley Seminary will receive a lump sum initial payment and annual guaranteed ground rent payments. Landmark will be responsible for the construction and operation of the new building. Use of the ground lease property will be strictly and perpetually limited to first-class university housing and subject to approval of this Campus Plan by the Commission. At the conclusion of the ground lease, ownership of the building will revert to Wesley Seminary. Wesley noted that for colleges and universities nationwide, it is now common practice to rely on private companies to provide customary campus services, including housing, food service, bookstores and personal and convenience services (Ex. 82).

Landmark Properties

52. Wesley stated that Landmark Properties is a leading nationwide purpose-built student housing provider. It currently owns and manages 50,600 student housing beds in twenty-five states with an occupancy rate of 97%. Landmark will be responsible for the construction and operation of the new university housing building. This building will be staffed by a full-time on-site management team, which typically includes a Community Manager, Resident Services Manager, Leasing and Marketing Manager, Maintenance Supervisor and Technician(s), Grounds Keeper, and Community Assistants/Ambassadors (1 per 100 beds) (Ex. 82).

University Housing Building Residents

53. The new university housing building residents will be limited exclusively to Wesley Seminary and AU students, faculty, and staff in good-standing. All residents will be subject to Landmark Rules and Regulations developed in careful consultation with Wesley Seminary, including restrictions on noise, unruly behavior, large gatherings, drug and alcohol use, and off-campus parking in the surrounding neighborhood. Wesley students

will also be subject to the Seminary's Student Covenant (Ex. 82). AU students will also be subject to AU's Code of Conduct which is equally enforceable on and off-campus under its "Good Neighbor Guidelines" and Office of Campus Life (*see* Z.C. Order No. 20-31 (2022)). Similarly, AU's "Good Neighbor Parking Policy" will be applicable to its students living in the new university housing building (*Id.*). Both institution's Codes of Conduct are derived from their common identity as Methodist-related institutions (Ex. 82).

54. The AU students, faculty and staff living in this Wesley community will be welcomed as members of the Seminary community. This would include worship experiences and other Wesley community events; access to Wesley's Refectory and library privileges. And, by virtue of their admission to AU, they would be eligible to take courses at Wesley commensurate with their graduate or undergraduate level at Wesley tuition rates which are substantially lower than American University tuition rates. There is already a history of this kind of rich integration with the Seminary community in the experience of AU students who have successfully lived in the current Straughn Hall. Wesley and AU already share in two joint degree programs: M.T.S. – M.A. in International Development and M.T.S. – M.A. in International Peace and Conflict Resolution. These and the additional academic accommodations will be an attractive incentive for AU students wishing to live in this facility and bridge the two campuses (Ex. 82).

Inclusionary Zoning (IZ)

55. The Seminary stated that the proposed new university housing building will be subject to IZ under Subtitle C § 1001.6(c) because it will house both Wesley and AU students. Subtitle C § 1001.6(c) provides an exemption from IZ for "[h]ousing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff." Thus, on campus student housing was intended to be exempt from IZ, and the current proposal for students from two immediately adjacent universities being housed together on one campus was not contemplated by Subtitle C § 1001.6(c). The Seminary noted its commitment to satisfy the IZ requirement triggered by the new university housing building, and the text amendment approved by the Commission in Z.C. Order No. 24-09, which adds a new Subtitle C § 1006.10 stating requirements for Wesley to satisfy the IZ requirement through provision of off-site IZ in Ward 3 as described in the text amendment language (Ex. 82).

56. The Seminary noted that neither it nor Landmark Properties is an affordable housing developer and as such neither can directly develop off-site IZ affordable housing. Wesley further noted that despite best efforts to identify Ward 3 development projects that would be able to provide off-site IZ units, it was unsuccessful for a variety of reasons. Given these obstacles, Wesley enlisted the assistance of Local Initiatives Support Corporation ("LISC"), a nationwide affordable housing community development organization. The Seminary stated its intention to provide off-site IZ in accordance with Subtitle C § 1006.10 (Z.C. Order No. 24-09) requirements by establishing a Ward 3 IZ Revolving Fund to be operated by LISC, with a financial contribution of $8M from Wesley, utilized as a vehicle to promote the production and preservation of affordable housing in Ward 3 (Ex. 82).

New Residential Style/Scale Admin/Faculty/Maintenance Building Removed

57. In the 2023 Campus Plan, Wesley proposed to build a two-story, approximately 5,267 square foot maintenance building adjacent to the existing 2014 Dorm at the top of the University Avenue driveway. In the revised and updated 2025 Campus Plan, Wesley has determined that this building is not needed and has removed it from the Campus Plan. Wesley's maintenance facilities will be relocated to the new university housing building's underground parking garage (Ex. 82, 96).

No Development of University Avenue Residential Lots

58. The three residential lots on University Avenue (Lots 7-9) were re-incorporated in the Spring Valley Campus at the request of the community in 2012 in Z.C. Order No. 05-40A. After the demolition of the Old President's House, there is no plan to develop these lots for Campus use, except for the proposed neighborhood playground. The three lots will remain part of the Green Open Space along University Avenue (Ex. 76, 82).

Maintain "Hilltop" Campus

59. Under the 2025 Campus Plan, the established building perimeter formed by the 2014 Dorm, Kresge Hall, Trott Hall, Chapel, Library, and AU Campus is maintained (Ex. 82, 96). The Hilltop Campus is surrounded by and isolated from the adjoining neighborhood by the substantial Green Open Space on Massachusetts Avenue and University Avenue (Ex. 82, 96).

Maintain and Enhance Green Open Space Buffer Zone on University Avenue and Massachusetts Avenue

60. The Green Open Area that defines the Spring Valley Campus will be maintained and enhanced. No development is proposed for the Green Open Space which is notable for its abundant Heritage and Special Trees and landscaping that was previously enhanced under the 2012 Campus Plan (Z.C. Order No. 05-40A). Under the 2025 Campus Plan, even more landscaping will be added at the former Old President's House site, along University Avenue, at the University Avenue driveway and at the Massachusetts Avenue entrance. The existing Green Open Space and enhancements will create a more substantial and durable buffer to the neighborhood, especially on University Avenue. From the 2014 Dorm to the east curb of University Avenue, it is 171 feet, and to the west curb of University Avenue 205 feet. From the new university housing building, it is 300 feet (a football field length) to the east curb of University Avenue. Fully 53% of the Spring Valley Campus area (205,000 square feet; 4.8 acres) will remain undeveloped and devoted to Green Open Space (Ex. 82, 96).

300,740 Square Feet of Unused Gross Floor Area

61. By maintaining the substantial Green Open Space and limiting the size and location of new development, Wesley Seminary has not utilized a substantial amount of the permitted 1.8 FAR for the Campus. As proposed in the 2025 Campus Plan, total development is limited to about 387,040 square feet or 1.014 FAR. As a result, more than 300,740 square feet of development potential will remain unused (Ex. 82, 96).

Surrounding Context

62. The buildings within the existing Campus boundaries include a total of eight academic, administrative, residence hall, and student services buildings largely clustered together and designed in a unified 1960's era modern brick and stone style with the exception of the 2014 Dorm. Building heights on Campus range from 25 to less than 40 feet and three stories and the Campus is not densely developed when compared to the surrounding residential area or adjacent AU. Wesley asserted that the new university housing building is sensitive to adjacent buildings and the surrounding context and designed to prevent and/or mitigate adverse impacts. Further, the building's approximate 74 feet, 8 inch height and its overall density are appropriate for its central location and proximity to existing and proposed AU buildings and the function it will serve (Ex. 82B-E-X).

Wesley Bell Tower

63. The Bell Tower is 90 feet in height and located on the northern perimeter of the central courtyard of the hilltop campus formed by the surrounding Wesley buildings, including Kresge Academic Hall, Trott Administration Building and Chapel, and the Library. The Bell Tower is located approximately 172 feet from Massachusetts Avenue and approximately 236 feet from the face of the new university housing building. The Bell Tower is taller than the proposed new university housing building. The face of the new university housing building is setback approximately 338 feet from Massachusetts Avenue, and more than 660 feet from the nearest homes on the opposite side of Massachusetts Avenue in 4400 block of Sedwick Street (Ex. 76, 82).

Landscaping

64. The 2025 Campus Plan maintains Wesley's current approach of strengthening and concentrating the open space system within the area generally considered the central Campus core, while respecting the mature, naturally landscaped Campus perimeter. Increasing and intensifying landscaping on Campus, including around the new university housing building and along University Avenue, will continue to be a priority for the Seminary in order to create open and inviting views and opportunities for relaxation and interaction throughout the Campus and maintain a strong buffer between the central core of the Campus and the adjacent neighborhood (Ex. 76, 82B-E-X- 82E, 84). Wesley stated that the new university housing building and Campus core will be substantially landscaped. More significantly, substantial additional landscaping will be added along University Avenue focused on the University Avenue driveway and former site of the administration/maintenance building and at the location of the Old President's House and new Neighborhood Playground (Ex. 84). The impact of this new landscaping is to enhance the natural buffer between the Campus and the Spring Valley neighborhood.

Transportation

65. The Campus is well served by public transportation systems. The Tenleytown Metrorail station is approximately one-half mile to the east of Campus, and AU offers shuttle bus service to the station. The Campus is also served by the N3, N4, N6, and N8 Metrobus lines along Massachusetts Avenue, N.W. and N2 and M4 Metrobus lines nearby along Nebraska Avenue, N.W. The Campus' current vehicular circulation pattern is a two-way access from Massachusetts Avenue with exit only from University Avenue (*see* Ex. 82B-E-X). Based on intersection and automobile count data as well as the testing of several circulation

options and input from the community, the 2025 Campus Plan is proposing to maintain the two-way access from Massachusetts Avenue (*Id.*). The University Avenue entrance will be further restricted to prohibit vehicles from exiting on to University Avenue; limited two-way access for emergency, service, and delivery vehicles will be maintained (*Id.*). Minimizing the use of University Avenue will prevent commercial vehicles from driving into and through the residential streets of Spring Valley. In addition, Wesley plans to maintain adequate off-street parking inventory to meet the parking needs of the Campus, including approximately 31 surface parking spaces that will be retained on Campus and two levels of underground parking with 264 parking spaces in the new university housing building, including a minimum of 77 spaces and maximum of 105 spaces dedicated for Seminary use. In order to maintain the Green Open Space buffer to the neighborhood, parking has been concentrated within the central core of the Campus and underground (Ex. 82).

Neighborhood Playground

66. The Spring Valley neighborhood has requested the Seminary build and maintain a small neighborhood playground on the Wesley Campus as a community amenity. In addition to its much enjoyed "Sledding Hill," Wesley Seminary has committed to provide space and finance this new neighborhood serving project. The proposed neighborhood playground would be setback back approximately 40 feet from University Avenue in the area of the three residential lots. The playground will measure approximately 40 feet by 95 feet and have an area of approximately 3,800 square feet with a natural double shredded hardwood mulch safety surface surrounded by a 48-inch-tall vinyl-coated chain link perimeter fence. It will include benches and play equipment suitable for toddlers and young children and a bicycle rack. The playground will have a public point of entry adjacent to University Avenue, N.W. by means of an accessible sidewalk. It will be fenced and open to the public only during daylight hours (Ex. 82).

Increased Availability of Affordable Housing in Neighborhood

67. The Seminary stated that the 2025 Campus Plan will have a positive impact on affordable housing and housing availability in the immediate neighborhood through its potential to attract students that are currently residing in nearby single-family homes and multi-family developments, some of which might be affordable. For the surrounding neighborhood, the new university housing building will accomplish their long-standing desire for students to live within the precincts of a campus and will make scarce lower cost neighborhood housing available to non-students (Ex. 82). Notably, this is also something that is expressly encouraged in the Education Facilities Element of the Comprehensive Plan, which states:

> *"[e]ncourage the provision of on-campus student housing in order to reduce college and university impacts on the housing stock, especially the affordable housing stock, in adjacent neighborhoods. Consider measures to address the demand for student housing generated by non-District institutions with local branches."* [9]

(Ex. 82).

[9] Policy EDU-3.3.4: Student Housing (10-A DCMR 1214.9).

No Agreement with American University

68. Wesley stated there is no agreement with AU and none is necessary or being pursued by Wesley or Landmark Properties for the proposed new university housing building to be successful. With respect to the building and its residents, Wesley stands ready to discuss issues such as security cooperation, pedestrian, and traffic flow with AU when it is ready. The Seminary has assurances directly from the new President, Jonathan R. Alger, that AU is willing to discuss the impact of this building on the two campuses "at the appropriate time." Wesley has designed the building to orient toward the adjacent AU Campus. The issue of the existing fence between the two campuses has been raised in ANC 3D and community meetings. With the future cooperation of AU in consultation with the community, the Seminary would support efforts to remove the fence or install a controlled pedestrian gate as a way to facilitate access back and forth (Ex. 82).

69. Wesley stated that both it and Landmark Properties are confident that the number of AU students who will be readily attracted to this purpose built first-class student housing immediately next door to AU will exceed the available beds. The student-oriented design and operation of the new university housing building will meet student housing preferences not available in existing neighborhood off-campus housing, including: location immediately adjacent to campus; professional on-site management; secure building with 24/7 electronic monitoring; up to 4- and 5-bedroom units offering different rental price points; individual housing contracts; fully furnished units; cost competitive with local off-campus housing; housing costs unbundled from student food service plans; student oriented amenities such as private and group study rooms, free printing, desktop computers, clubroom with lounge seating, outdoor common areas; community events; roommate matching services; spacious and open concept floorplans; and LEED Gold building design with modern finishes (Ex. 82).

70. Wesley noted that AU is subject to minimum on-campus student housing requirements under its approved Campus Plan (Z.C. Order No. 20-31). The 2025 Wesley Campus Plan and the new university housing building will have no impact on the conditions of AU's Campus Plan. Housing of AU students on Wesley's Campus will not permit increased AU enrollment or be counted toward AU meeting its minimum on-campus housing requirements. Namely, the new university housing building will support and enhance AU's off-campus housing program and provide additional first-class housing options for its students directly adjacent to its campus (Ex. 82).

71. In response to the 2023 Campus Plan, which was to be facilitated through a PUD, Wesley submitted a statement dated November 29, 2023, authorized by AU for submission to the case record, stating (Ex. 61A):

> American University values its relationship with Wesley Theological Seminary. AU leadership recently met with the Wesley team to receive an update on their proposed Campus Plan/Planned Unit Development (PUD) and collaboration with Landmark Development to provide housing on the Wesley campus. As the Wesley housing proposal is an independent project pursued as part of Wesley's campus

planning process, separate from American University's own campus planning process, AU has not assessed the impact of the proposed Wesley development on our campus and community. Accordingly, AU does not have a specific position in support of or opposition to the project (*Id.*).

No Sale or Lease of Wesley Property to AU

72. As part of the existing Campus Plan (Z.C. Order No. 05-40C), the Seminary agreed to the neighborhood's request to not sell or lease any party of the Wesley Campus to American University for university use. Under the 2025 Campus Plan, the Seminary has agreed to extend that prohibition as a specific condition of this Order (excluding any units in the new university housing building) (Ex. 82).

Zoning Administrator Determination

73. By electronic mail on January 31, 2020, the Applicant received a zoning determination (hereinafter, "Zoning Administrator's determination" or "confirmation email") from the then Zoning Administrator, Matthew LeGrant that the proposed dormitory is a residential use and that use is permitted in the RA-1 zone. Specifically, the Zoning Administrator determined:

- We met on 12/12/19, along with John 'Pat' Brown, and representatives of the Wesley Theological Seminary ("WTS") and Landmark Properties ("Landmark") to discuss the below matter.
- WTS and Landmark Properties are planning to develop a new dormitory/student residence hall ("Project") on the campus of WTS which is located at 4500 Massachusetts Avenue, N.W. which is zoned RA-1 and subject to the campus plan provisions of the Zoning Regulations.
- The 12/12/19 meeting was in follow-up to a previous meeting with the Office of Planning [OP] staff (copied here) which questioned the student residence hall/dormitory use because only a portion of the beds (approximately 20%) will be occupied by WTS students. The rest will be leased to other officially enrolled undergraduate and graduate university students most of which will be American University students given the adjacency of the AU campus and a shortage of beds on campus for all of their students.
- OP questioned whether this occupancy profile would point towards an apartment house zoning classification, as opposed to a dormitory use.
- As we discussed, the applicable 2016 Zoning Regulations do not define the term "dormitory", or "student residence hall".
- As a result, I looked at Webster's dictionary definition of "dormitory" for guidance [*see* attached], and the excerpted relevant section is:
  - "A residence hall providing rooms for individuals or for groups usually without private baths."
- As we further discussed, Landmark and WTS asserted that Webster's definition is somewhat outdated as today's universities provide dormitory rooms which often include private baths and, on occasion, kitchens.

- Currently, WTS has student housing in Carroll Hall which includes efficiency and two-bedroom apartments for married students and families. The Carroll Hall units will be replaced by similar units in the new building to be constructed.
- I suggested that you survey other area universities to support that assertion and provide it to me [Please *see* attached].
- Further, regarding occupancy by non WTS students, WTS is currently providing occupancy to students with the approval of the Zoning Commission (*see* the attached ZC Order Nos. 05-40B, 05-40C and pending issuance 05-40D), albeit for a limited period of time.
- I conclude that a new student residence project which includes units featuring private baths and kitchens, and offering occupancy to non WTS students, can be considered a dormitory use, pursuant to the Zoning Regulations.
- The Zoning Commission pursuant to the campus plan and further processing procedures will be the ultimate arbiter of the proposed dormitory use specifics.

(Ex. 16A).

Zoning Commission Order No. 23-01 classifies dormitories as a residential use

74. The Applicant asserted that since the issuance of the confirmation on January 31, 2020, the Zoning Regulations have been revised with a text amendment specific to dormitories. Z.C. Order No. 23-01, effective August 25, 2023, amended the definition of the "Residential" use category to include dormitories as an example. Therefore, the current definition of the "Residential" use category is "[a] use offering habitation on a continuous basis of at least thirty (30) days. The continuous basis is established by tenancy with a minimum term of one (1) month or property ownership." (Subtitle B § 200.2(aa)(1)). Additionally, examples of residential use were expanded to include "single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, rooming units, substance abusers' home, youth residential care home, assisted living facility, floating homes, dormitories, or other residential uses." (Subtitle B § 200.2(aa)(3), [emphasis added]):
    - Given that "dormitory is specifically identified as an example of a use in the "Residential" use category, it is considered a residential use rather than a commercial-related use.
    - In addition, dormitories are a permitted use in the "Education, College / University" use category, pursuant to Subtitle B § 200.2(j).

    (Ex. 31A14 at 3).

The Zoning Administrator determines the use category

75. The Application asserted, pursuant to Subtitle B § 201.4, the Zoning Administrator shall determine the category or categories for a use, based on consistency with Subtitle B, Chapter 2. Accordingly:
    - Since the issuance of the confirmation e-mail, the text amendment summarized above in Z.C. Order No. 23-01 has become effective, and adds certainty to the classification of a dormitory as a "Residential" use. A dormitory is classified as such in the "Residential" use category, and it is appropriate in the "Education, College / University" use group.

- A dormitory is not a service, retail, or office use under the use categories in Subtitle B § 200.2, and the term "commercial" is not a defined term under Subtitle B § 100.2 or under the use categories.
- A ground lease or other financial arrangement does not determine the use category. This is entirely consistent with the Zoning Regulations' focus on the use or function of a property, not its ownership structure or status of its occupants.

(Ex. 31A14 at 3, 82).

Campus Plan Requirements (Subtitle X § 101)

76. The Application included the following information in satisfaction of the campus plan requirements set forth in Subtitle X § 101:

- S*ubtitle X § 101.1: Educational Use by a College or University.* The Seminary was chartered as an educational institution of higher learning by an Act of the General Assembly of the State of Maryland. Wesley is fully accredited by the Association of Theological Schools in the United States and Canada, the Commission on Higher Education of the Middle States Association of Colleges and Schools, the University Senate of the United Methodist Church (Board of Higher Education and Ministry) and the District of Columbia Educational Licensure Commission (Ex. 82);
- *Subtitle X § 101.2: The Uses Shall Be Located So They Are Not Likely to Become Objectionable to Neighboring Property Because of Noise, Traffic, Parking, Number of Students, or Other Objectionable Conditions*. The Seminary's 2025 Campus Plan, developed in close and detailed participation with the community, establishes a long-term plan for the stable future and new development of the Campus that maintains and strengthens the original hilltop campus configuration surrounded by the prominent Green Open Space that defines its relationship with Spring Valley neighborhood and as buffer to the larger AU Campus (Ex. 82):
  - *Noise.* Activities within the 2025 Campus Plan boundaries are centrally located and designed so as to minimize noise (and visual) impacts on the surrounding community. New facilities proposed in this Campus Plan will also be centrally located and isolated from the surrounding neighborhood with minimum impact on the community in terms of noise. In an effort to reduce noise, the Seminary will continue to abide by the following measures: locating Campus activities so as to satisfy the need of students, faculty and residents for a quiet and secure place to study, work and live, with attention to the need to minimize impacts on the community; and locating and designing loading docks and mechanical systems to reduce, as much as possible, the noise they produce (Ex. 82).
  - *Traffic and Parking.* The Seminary proposes to provide a total of 295 on-campus parking spaces, including 264 underground parking spaces in the new university housing building (at minimum 77 spaces *dedicated* to Wesley) and 31 surface parking spaces. The proposed parking in conjunction with the TDM plan endorsed by DDOT will meet or exceed the demand for on-campus parking by students, residents, faculty, staff and visitors, and off-campus parking restrictions and enforcement will prevent or mitigate any adverse parking impacts on the neighborhood (Ex. 80, 82, 86, 110A1-A3, 110I, 110J). The 2025 Campus Plan creates minimal additional vehicular traffic; the new restrictions on use of the

University Avenue exit, and ongoing monitoring will also limit and mitigate any objectionable traffic conditions (*Id.*).

- *Number of Students.* The development proposed in the 2025 Campus Plan will not create objectionable conditions due to the number of students, residents or other conditions. The Plan maintains the current enrollment levels for the Seminary within the proposed enrollment cap as updated to adopt the headcount methodology (Ex. 82B-E-X). Residents will be centrally located on Campus and be subject to strict and enforced Codes of Conduct by Wesley, AU and Landmark, including off-campus parking restrictions and enforcement (Ex. 82G). As stated above, the TDM plan will be designed to meet the needs of the Campus over the 10-year term of the Plan. Additionally, the Plan proposes the development of new facilities to meet the needs of the changing student population over the term of the Plan (Ex. 82). AU students living in the new university housing building will be counted within the AU student enrollment under its approved Campus Plan (Z.C. Order No. 20-31) (Ex. 82).
- *Personnel.* The personnel population on the Campus may increase proportionately to support the academic mission and student population of the Wesley Seminary Campus and the operation of the new university housing building, but any increase will not be substantial and is capped by the 2025 Campus Plan (Ex. 82, 96).
- *Other Objectionable Conditions.* The 2025 Campus Plan does not create any other objectionable conditions on neighboring *properties*. However, in order to mitigate any potential impacts, the Seminary has proposed a comprehensive set of conditions for approval of the Campus Plan. In addition, the Campus Plan sets forth the Seminary's commitment to continued active collaboration with the neighborhood in the implementation of the goals and objectives of the Campus Plan; (Ex. 82, 96).

- *Subtitle X §§ 101.3 and 101.4: Analysis of Incidental Uses*. Throughout this Campus Plan process and its predecessor application (Z.C. Case No. 22-13), there has been an ongoing debate on whether the proposed new university housing building is a permitted use directly related to the Seminary's educational mission or a commercial use prohibited under Subtitle X § 101.4 of the campus plan regulations. Wesley has consistently maintained that the proposed university housing to be constructed and operated by Landmark under a ground lease is a permitted educational and residential use on the Campus supported by a January 2020 determination email by the then Zoning Administrator that stated: "I conclude that a new <u>student residence</u> project which includes units featuring private baths and kitchens and offering occupancy to non-WTS students can be considered a <u>dormitory</u> use, pursuant to the Zoning Regulations." (Emphasis in original) (*see* Ex. 16A). This is entirely consistent with the Zoning Regulations' focus on the use or function of a property, not its ownership structure or status of its occupants. Further as more fully discussed herein the new university housing building is not inconsistent with Institutional designation of the Wesley Campus under the Comprehensive Plan maps.
  - The Commission confirmed the use characterization of the proposed new university housing building, under the campus plan regulations, by adopting a text amendment to the campus plan regulations adding a new Subtitle X § 101.5, stating:

101.5 University housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819 shall not be subject to the commercial use restrictions in this section if approved by the Zoning Commission as part of a campus plan.

- The new § 101.5 directly addresses the commercial use objections raised by opponents of the Original Campus Plan and the 2023 Campus Plan and PUD application, which were not approved by the Commission. In the context of the 2025 Campus Plan, the text amendment to the campus plan regulations clarifies that the Zoning Commission does not find the proposed new university housing building to be a commercial use prohibited under the campus plan regulations (*see* Z.C. Order No. 24-09).

- *Subtitle X §§ 101.6 through 101.9 and 101.13: Campus Development Standards.*
  - *Density*. The property within the 2025 Campus Plan boundaries is zoned RA-1. The Zoning Regulations limit campus development to a FAR of 1.8 (687,780 square feet). When added to all existing buildings and structures on the Campus that will be retained, development under this Campus Plan will not exceed the maximum permitted gross floor area prescribed for the Campus. If all proposed development is constructed, the gross floor area within the Campus Plan boundaries will total approximately 387,040 square feet. This results in an overall FAR of approximately 1.014, well within the 1.8 FAR limit. Approximately 300,740 square feet of available campus gross floor area will not be developed; (Ex. 76, 82, 96).
  - *Height*. Subtitle X § 101.6 permits a maximum height of 50 feet for campus buildings in the RA-1 zone and a maximum height of 40 feet is allowed in the RA-1 zone (Subtitle F §203.2). Except under Subtitle F § 203.7, an institutional building or structure may be erected to a maximum height of 90 feet with no limit on number of stories, not including penthouse or rooftop structure, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot for each foot of height in excess of that authorized in the zone in which it is located (i.e., 40 feet). Consistent with these regulations, all proposed campus buildings are within the 90 feet requirement. The new university housing building will have a height of 74 feet 8 inches - significantly less than the maximum permitted and the height of the immediately adjacent AU building (Ex. 82, 96).
- *Subtitle X § 101.9: Plan for Campus as a Whole, Showing the Location, Height, and Bulk, Where Appropriate, of All Present and Proposed Improvements*. The 2025 Campus Plan includes a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements; (Ex. 76-76F 82-82G, 84).
- *Section 101.9(a): Buildings, Parking and Loading*. The 2025 Campus Plan calls for a total Residential/Campus Life gross floor area of 387,040 square feet, including the new residential housing building gross floor area of 282,061 square feet (Ex. 76, 82). The 2025 Campus Plan and CTR detail the locations of all existing and proposed parking and loading facilities; loading facilities for the new university housing building will be located inside the building and accessed only to and from Massachusetts Avenue, and delivery truck circulation will be routed to discourage use of neighborhood streets (Ex. 76-76F, 82-82G, 110A1-A3).

- *Section 101.9(b): Screening, Signs, Streets, and Public Utility Facilities*. The 2025 Campus Plan recognizes the importance of the landscape and open space elements that are distinctive to the Seminary's urban campus, relationship to the surrounding neighborhood, proximity to the AU Campus, and introduces new features to further enhance the campus environment (Ex. 82).
  - *Screening.* The landscaped elements of the 2025 Campus Plan seek to enhance the visual impact of the Campus, form a stronger sense of place, create a sense of harmony with the surrounding community, improve pedestrian connections, and enhance Wesley's open space system. The Campus Plan proposes to continue to enhance Wesley's open space system within the central campus core and perimeter and increase and intensify landscaping on Campus (Ex. 82, 84, 96).
  - *Signs.* The 2025 Campus Plan calls for maintenance of Wesley's existing signage and amenities programs, including building identification, directories and other exterior graphics. A new small sign identifying the new university housing building will be proposed for the Massachusetts Avenue entrance. The Plan also proposes to develop major perimeter gateways and campus core gateways through the use of signage. The gateways will not only create clarity for both pedestrians and vehicular traffic, but also will aesthetically enhance the interface between the surrounding community and the Campus. Signage and other means as required will be used to restrict the use of the University Avenue exit (Ex. 82).
  - *Streets.* The 2025 Campus Plan calls for using Massachusetts Avenue as the principal means of ingress and egress to the Campus. The use of the University Avenue entrance will be further restricted for private vehicles and limited to service and delivery vehicles and emergency vehicles (Ex. 82, 96).
  - *Public Utilities.* There are no current plans or requirements for any utility expansions within or immediately adjacent to the Campus, and no special utility development conditions are expected to be required within the Campus during the period covered by the 2025 Plan. General upgrades and improvements to existing utilities, including upgrades to the main water line and other utilities improvements have been previously completed (Ex. 82).
- *Section 101.9(c). Athletic and Other Recreational Facilities*. Renovation and improvements to the Seminary's existing recreational facilities and additional facilities in the new university housing building will serve the recreational needs of the Seminary community. A small community playground is proposed in the area of the three residential lots, setback from University Avenue (Ex. 82).
- *Section 101.9(d). Description of All Activities Conducted or to be Conducted on the Campus, and the Capacity of All Present and Proposed Campus Development.* The activities to be conducted on Campus include those activities associated with general seminary and educational use as well as auxiliary uses. Five land use categories are used to identify and describe campus activities: Academic/Administrative (A), Residential (R), Chapel (C), Support (S), and Open Space (O). The proposed Campus land use patterns will remain largely unchanged and the proposed new university housing building will continue to provide an environment consistent with the existing Campus (Ex.82).

- *Subtitle X § 101.10. Further Processing for Specific Buildings, Structures, and Uses.* As required by § 101.10, the Seminary will submit a separate application for further processing for the proposed new university housing building and for any other buildings or structures approved within the 2025 Campus Plan (Ex. 82).
- *Subtitle X § 101.11. No Interim Use of Land or Improved Property Proposed.* No interim use of property is proposed under the 2025 Campus Plan (Ex. 82).
- *Subtitle X § 101.12. Compliance with the Comprehensive Plan.* Compliance with policies of the District Elements of *the* Comprehensive Plan are detailed in Findings of Fact ("FF") Nos. 80-94 below.
- *Subtitle X § 101.14. Referral to the District of Columbia Office of Planning, Department of Transportation, and Department of Energy and Environment*. The Application was referred by OZ to OP, DDOT, and DOEE for their review and written reports.
- *Subtitle X § 101.15*: *Application is in Harmony with the Zoning Regulations*. The 2025 Campus Plan is 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 for the reasons discussed herein (Ex. 82).
- *Subtitle X § 101.16: Small Deviations from Approved Plans:* The provisions of this section are not applicable in this *campus* plan case.
- *Subtitle X § 101.17: A Further Processing of a Campus Building Shall Not be Filed Simultaneously with a Full Campus Plan Application.* No further processing applications were filed simultaneously with the Campus Plan application (Ex.82).

Request for Area Variance Relief

77. The Zoning Regulations, under Subtitle X § 1000.3, authorize the Commission to grant area variance relief as part of a campus plan application pursuant to the variance standards in Subtitle X § 1002.1(a). Specifically, Wesley is requesting an area variance for a deviation in the proposed height of the new university housing building under the height restrictions of Subtitle F § 203.7 which provides:

> In any of the RA-1, RA-2, or R-3 zones, an institutional building or structure may be erected to a height not exceeding ninety feet (90 ft). with no limit on number of stories, not including a penthouse or rooftop structure, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft). for each one foot (1 ft). of height in excess of that authorized in the district in which it is located.

In the RA-1 zone, the maximum height is 40 ft., subject to the provisions of Subtitle F § 203.7. The height of the proposed new university housing building is 74'-8". As a result, Subtitle F § 203.7 requires the building to be setback 35'-0" from all lot lines. As shown on the Site Plan (Ex. 82, 96), the new university housing building is set back from the lot lines at least 35'-0" on the east along the north-south boundary with AU (35'-0"), on the north along Massachusetts Avenue (425'+/-) and to the west along University Avenue (300'). However, at the southern lot line the irregular "notch" in the property boundary with AU reduces the required setback to 27'-0" along only a limited portion of the lot line. Beyond the "notch" area, the setback substantially exceeds the minimum 35'-0" required.

As a result, the Seminary is requesting an area variance from the height required by Subtitle F § 203.7 (Ex. 82, 96).

78. The burden of proof for an area variance is well established. The Seminary must demonstrate that (1) the property is affected by an exceptional or extraordinary situation or condition, that (2) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant, and that (3) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent purpose or integrity of the zone plan (Subtitle X §§ 1000.1, 1002.1(a)). As set forth below, the Seminary satisfies the three-part test for the requested area variance relief.

79. Based on the record, the Seminary asserted it is affected by several exceptional conditions that both individually and taken together dictate the location of the new university housing building. The "notch" into the property creates an anomaly or unique configuration of the otherwise continuous straight southern lot line that extends to University Avenue. As a result, several practical difficulties result. The location of the new university housing building is restricted by the existing improvements on the Campus, including the east-west driveway and walkways, the surrounding existing buildings (Library, Kresge Hall, and the 2014 Dorm), and the Heritage Tree which prevents movement of the footprint to avoid the conflict created by the "notch". Relocation of the new university housing building in order to comply with the 35'-0" setback would encroach on the existing improvements, undermine the preservation of the Heritage Tree, and prevent the longstanding pedestrian and vehicular circulation on the Campus. These circumstances would be unduly burdensome, if not impossible, for the Seminary to achieve. Finally, the requested area variance would be a substantial benefit to the public good, not a detriment, by locating the new university housing building immediately adjacent to the existing and taller AU buildings and in the farthest corner of the Campus from the surrounding neighborhood on University Avenue and Massachusetts Avenue. This allowance for the isolated "notch" in the property line will not impair the purpose or intent of the RA-1 zone plan which provides for regulating height at this location (Ex. 82, 96).

Not Inconsistent with The Comprehensive Plan ("10-A DCMR" or "CP") (Subtitle X § 101.12)

80. Wesley stated that the 2025 Campus Plan is not inconsistent with the Comprehensive Plan as detailed in its submissions (*see* Ex. 76, 76F, 82). The continued use of the Campus and the proposed new development and facility modernizations are not inconsistent with the Property's designations on the Comprehensive Plan maps, and relevant District Elements of the Comprehensive Plan, including when viewed through a racial equity lens.

81. Generalized Policy Map ("GPM"). The Property is designated as Institutional on the GPM. The Institutional category represents colleges and universities; change and infill can be expected on each campus consistent with campus plans (10-A DCMR § 225.22). This designation anticipates growth on campuses. The existing Seminary and the 2025 Campus Plan are not inconsistent with the Institutional GPM designation, as colleges and universities are permitted, and the designation allows for changes to occur to the Property consistent with a campus plan (Ex. 76, 76F, 82).

82. Future Land Use Map ("FLUM"). The Property is designated as Institutional on the FLUM. The Institutional category includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions (10-A DCMR § 227.18). The 2025 Campus Plan is not inconsistent with the Institutional FLUM designation, as Wesley Seminary is indeed an institutional use. It is one of the nation's leading and largest graduate theological schools (most of which are known as "seminaries" or "divinity schools"), consisting of a diverse student body and offering three Master's degrees and a Doctor of Ministry, as well as several non-degree programs (Ex. 76, 76F, 82).

83. Wesley stated that the 2025 Campus Plan, including its proposed new university housing building, will advance many objectives and policies of the Comprehensive Plan's District Elements, including the Land Use, Transportation, Housing, Environmental Protection, and Educational Facilities Elements, as well as the Rock Creek West Area Element, as described below (Ex. 76, 76F, 82).

84. Land Use Element. The 2025 Campus Plan will advance the following policies of the Land Use Element (Ex. 76, 76F, 82):

a. *Policy LU-1.4.9: Public Facilities.* The entire Campus enhances neighborhood identity by opening its facilities to the public, especially the green open space which surrounds and buffers the hilltop campus from the Spring Valley neighborhood and provides unique urban space for community activities, including sledding, family movie nights, picnicking, yoga, dog walking, a community playground, and general enjoyment (10-A DCMR § 307.17);
b. *Policy LU-2.1.1: Variety of Neighborhood Types.* The Campus Plan maintains the low-density character of the neighborhood by providing a long-standing and substantial buffer and transition from the abutting AU campus and the Spring Valley neighborhood (10-A DCMR § 310.7);
c. *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods.* The Campus Plan achieves numerous objectives, including conserving the Wesley presence and contribution to the neighborhood and the District, increased on-campus housing for students, increased availability and affordability of local housing for non-students, and affordable student housing (10-A DCMR § 310.10);
d. *Policy LU-2.1.5: Support Low-Density Neighborhoods.* The Campus Plan maintains and enhances the hilltop campus configuration and compatible relationship with the adjoining low density Spring Valley neighborhood. The existing design character and scale of the existing neighborhood is maintained, including the substantial green open space and public space (10-A DCMR § 310.12);
e. *Policy LU-2.3.4: Transitional and Buffer Zone Districts.* The Campus Plan maintains and enhances the longstanding institutional presence and contribution of the Seminary which provides a robust transition and buffer between the Spring Valley residential neighborhood (10-A DCMR § 312.6);
f. *Policy LU-2.3.5: Institutional Uses.* The Campus Plan recognizes the critical importance of this institutional use to the economy, character, history, livability

and future of the District and its residents, including its most vulnerable. Together, the Seminary and its neighbors have worked long, hard and productively to address issues of concern (10-A DCMR § 312.7);

g. *Policy LU-2.3.6: Places of Worship and Other Religious Facilities.* The Seminary is at the same time an important institutional, educational and religious facility and contributor to the life and welfare of the District and beyond. The Seminary, over its sixty-eight years in this location, has worked with its neighbors to meet the evolving needs of the institution while enhancing and maintaining its physical and spiritual relationship with the Spring Valley community and the District (10-A DCMR § 312.8);

h. *Policy LU-3.3.1: Transportation Impacts of Institutional Uses.* The Campus Plan affirmatively minimizes and mitigates the transportation impacts of the Campus operations, including ample off-street parking, limited vehicular use of University Avenue, and on-campus ride-sharing, a pick-up and drop-off area, a new Capital Bikeshare station, and a scooter parking area (10-A DCMR § 317.7); and

i. *Policy LU-3.3.2: Corporate Citizenship.* The Campus Plan supports the Seminary's continued corporate citizenship and educational and religious contributions to the neighborhood, the District and beyond. The Seminary's positive physical presence in the Spring Valley neighborhood is maintained and enhanced by the hilltop campus configuration and surrounding substantial green open space (10-A DCMR § 317.8).

85. Transportation Element. The 2025 Campus Plan will advance the following policies of the Transportation Element (Ex. 76, 76F, 82):

a. *Policy T-1.1.2: Land Use Impact Assessment.* A CTR has been completed in conjunction with the Campus Plan which assessed the transportation impacts using multi-modal standards. Based on the CTR and extensive DDOT, ANC and neighborhood input, the Seminary has adopted extensive conditions for approval which will mitigate development impacts and provide for ongoing performance monitoring (10-A DCMR § 403.7);

b. *Policy T-1.1.7: Equitable Transportation Access.* The Wesley Campus is well-served by all forms of transportation, including vehicular, pedestrian, public transportation, ride sharing and rental bikes, and scooters providing readily available, affordable, and convenient access to faculty, staff, students, residents and visitors (10-A DCMR § 403.13);

c. *Policy T-1.2.3: Discouraging Auto-Oriented Uses.* The Campus Plan proposal to close the University Avenue driveway to exiting vehicles and limit entry and exit to service, delivery and emergency vehicles only will significantly reduce vehicular impacts directly to the immediate Spring Valley neighborhood (10-A DCMR § 404.6);

d. *Policy T-3.1.1.: Transportation Demand Management (TDM) Programs.* The Campus Plan CTR includes TDM programs and strategies aimed at reducing car trips and may, after further study and performance monitoring, include additional mitigation measures such as car sharing, innovative parking management measures, and systems (10-A DCMR § 415.10); and

e. *Policy T-5.2.2: Charging Infrastructure*. The new university housing building underground parking facility will include at least seven EV charging stations available to faculty, staff, students, residents and visitors (10-A DCMR § 430.4).

86. Housing Element. The 2025 Campus Plan will advance the following policies of the Housing Element (Ex. 76, 76F, 82):

a. *Policy H-1.2.9: Advancing Diversity and Equity of Planning Areas.* The Campus Plan will create new on-campus affordable housing for eligible students. Increased on-campus housing of students will increase the availability and affordability of neighborhood housing for non-students (10-A DCMR § 504.17); and
b. *Policy H-1.3.5: Student Housing*. The Campus Plan will create substantial new and improved on-campus housing for Wesley and AU students, faculty and staff (10-A DCMR § 505.12).

87. Environmental Protection Element. The 2025 Campus Plan will advance the following policies of the Environmental Protection Element (Ex. 76, 76F, 82):

a. *Policy E-2.1.2: Tree Requirements in New Development.* The Campus Plan is defined by the substantial green open space that is maintained and enhanced, protection of heritage and special trees and substantial new landscaping (10-A DCMR § 605.6);
b. *Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff.* The Campus Plan incorporates additional landscaping, maintenance of existing green space and a green roof of the new university housing building to reduce runoff (10-A DCMR § 615.4); and
c. *Policy E-4.2.1: Support for Green Building.* The new university housing building proposed under the Campus Plan will achieve at least LEED Gold certification (10-A DCMR § 616.3).

88. Educational Facilities Element. The 2025 Campus Plan will advance the following policies of the Educational Facilities Element (Ex. 76, 76F,82):

a. *Policy EDU-3.2.2: Corporate Citizenship.* The Campus Plan supports the Seminary's continued corporate citizenship and educational and religious contributions to the neighborhood, the District and beyond. The Seminary's positive physical presence in the Spring Valley neighborhood is maintained and enhanced by the hilltop campus configuration and surrounding substantial green open space (10-A DCMR § 1213.3);
b. *Policy EDU-3.2.3: Workforce Development.* The Campus Plan will facilitate the Seminary's continuing educational and religious training and research which provides religious and social service leaders most immediately to the District and its residents (10-A DCMR § 1213.4);
c. *Policy EDU-3.2.4: Universities as Community Partners.* The Seminary has long maintained strong and deep service and religious-oriented partnerships, especially in Wards 7 and 8 and among the most vulnerable (10-A DCMR § 1213.5);

d. *Policy EDU-3.2.5: University Research Partnerships.* The Seminary will continue to be at the leading edge of research that impacts locally, regionally, nationally and internationally (10-A DCMR § 1213.6);

e. *Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs.* The Campus Plan was carefully developed to maintain and protect the unique and critical physical relationship between the Campus and the surrounding neighborhood. Impacts of the new building have been mitigated through a detailed TDM, a large landscape buffer, preservation of heritage and special trees, and through thoughtful building design and orientation (10-A DCMR § 1214.7);

f. *Policy EDU-3.3.3: Universities as Large Landowners and Campus Plan Requirements.* The Campus Plan was developed and has been subject to a lengthy and in-depth review process with the ANCs, CLC and immediate neighbors to address, minimize and mitigate potential objectionable conditions. The conditions address neighborhood priorities, including traffic and parking (10-A DCMR § 1214.8);

g. *Policy EDU-3.3.4: Student Housing.* The Campus Plan will create substantial new and improved on-campus housing for Wesley and AU students, faculty and staff (10-A DCMR § 1214.9); and

h. *Policy EDU-3.3.5: Transportation Impacts of Colleges and Universities.* The Campus Plan includes a TDM plan, performance monitoring, self-imposed restrictions, and substantial off-street parking and enforcement that will mitigate traffic and parking impacts on the surrounding neighborhood (10-A DCMR § 1214.10).

89. Rock Creek West Area Element. The 2025 Campus Plan will advance the following policies of the Rock Creek West Area Element (Ex. 76, 76F, 82):

a. *Policy RCW-1.1.2: Economic Development.* The Campus Plan creates an institutional-private partnership to develop the new university housing building that will provide and enhance public space and community amenities (10-A DCMR § 2308.3);

b. *Policy RCW-1.1.8: Managing Institutional Land Uses.* The Campus Plan carefully balances a measured expansion of the Seminary Campus that is in harmony with the surrounding neighborhood and minimizes and mitigates any potential adverse impacts (10-A DCMR § 2308.9);

c. *Policy RCW-1.1.9: Conserving Common Open Space.* The Campus Plan is defined by the hilltop Campus and surrounding green open space that maintains the relationship with the surrounding neighborhood. Fifty-three (53) percent of the Spring Valley Campus area will remain undeveloped and devoted to green open space (10-A DCMR § 2308.10); and

d. *Policy RCW-1.1.11: Managing Transportation Demand.* The Campus Plan incorporates a TDM plan and performance monitoring that minimizes impacts on the immediate neighborhood. The Campus Plan also includes multimodal transportation options such as bicycle parking, pedestrian improvements, and the installation of a Capital Bikeshare station (10-A DCMR § 2308.12).

Racial Equity

90. The Seminary noted that equity is conveyed throughout the Comprehensive Plan where priorities of affordable housing, preventing displacement, and access to opportunity are distinguished (10-A DCMR §§ 2501.4-2501.6, 2501.8). In light of the guidance provided by relevant Comprehensive Plan policies the Seminary asserted that the 2025 Campus Plan would not be inconsistent with the Comprehensive Plan when viewed through a racial equity lens (*Id.*). In support of its assertion, the Applicant evaluated the 2025 Campus Plan's consistency with the Comprehensive Plan through a racial equity lens by applying the Commission's Racial Equity Tool[10] (the "Tool") (Ex. 76F).

91. *Community Outreach and Engagement.* The Seminary provided the following information about its community outreach and engagement in response to the Tool (Ex. 75F, 96):

a. Wesley Seminary is a community unto itself, providing housing, education, a dining hall, chapel, community meeting areas, and various activities on the Campus. The Campus is characterized by large landscape buffers that screen its buildings from the street and provide a park-like setting enjoyed by students and neighbors alike;

b. Historically, discriminatory land use and financing tools have been used for the exclusion of Black residents from Rock Creek West. The Federal Housing Administration Map of 1937 graded areas of the District for loan approvals using race as a criterion, with many of the highest graded categories concentrated in Rock Creek West. Additionally, the Planning Area has a history of displacement of Black communities, such as in Reno City and the George Pointer settlement. Today, Rock Creek West remains the Planning Area with the highest share of white residents in the District;

c. The Seminary's role in the community and relationship with its neighbors is very important and a natural extension of its ministry. Beginning with its inaugural Campus Plan in 2005 and over the last twenty years, this community engagement has continued through the established Community Liaison Committee ("CLC"), ANCs 3D and 3E, other established neighborhood organizations, including the Spring Valley Neighborhood Association, Neighbors for a Livable Community, Spring Valley Wesley Heights Citizens Association, and other interested parties and individuals. This process has been candid and productive at every stage of Wesley Seminary's evolving Campus Plan applications, resulting in the 2025 Campus Plan;

d. Outreach to the community for this plan initially began in 2019. Although this process was slowed by an unforeseen change in development partners and the COVID-19 emergency, community meetings were fully renewed in 2021 and have been extensive and continuous. Wesley Seminary has participated in 51 community meetings; and

[10] Consistent with Comprehensive Plan guidance under 10-A DCMR §§ 2501.4-2501.6, 2501.8, the Commission utilizes a Racial Equity Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from applicants and the Office of Planning analyzing the zoning action's consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable; a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action; and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action.

e. As a result of its outreach to the community, Wesley agreed to the following: 1) not increasing enrollment on Campus; 2) provided fewer parking spaces in proportion to number of beds in the new university housing building; 3) prohibited residential parking permits for those living or working on Campus; 4) evaluated and implemented options for reducing the design, size, massing and number of beds in the new university housing building to further mitigate any potential objectionable conditions; 5) in consultation with DDOT, the Seminary requested that use of the University Avenue driveway be closed for exiting vehicles 24/7 and that only limited service, delivery and emergency vehicles can enter and exit the Campus from University Avenue; 6) in conjunction with the expanded limits on the use of University Avenue, the Seminary encouraged DDOT to allow left turns by vehicles leaving the Campus at Massachusetts Avenue during agreed time periods with appropriate signage; and 7) Redirected vehicular traffic to an access point on Massachusetts Avenue.

92. Applying the Tool's racial equity themes, the Seminary asserted the proposed 2025 Campus Plan would have the following impacts and/or outcomes (Ex. 76F):

a. *Displacement* – The proposal would not result in negative outcomes with respect to direct displacement because of the following (Ex. 76F):
   i. There would be no physical displacement of residents, as two existing dormitories providing 90 student beds will be replaced with one new university housing building providing 659 student beds. This expansion of student housing capacity will not only accommodate more students but also preserve access to stable housing for current residents, preventing displacement and fostering a more equitable environment for all students, regardless of their racial or socioeconomic backgrounds;
   ii. Indirect displacement is not anticipated with the proposed new university housing building. The building is designed to increase housing capacity without negatively impacting the surrounding community or its existing residents. By providing more student beds, the building helps meet the demand for on-campus housing, which can reduce the pressure on nearby rental markets and prevent displacement of local residents. As such, the proposed building will contribute to a more stable and equitable housing environment without causing adverse effects on neighboring areas;
   iii. Student activity spaces will be included within the new university housing building to encourage community and congregation; and
   iv. Living in proximity to other students on campus allows for direct collaboration with peers;

b. *Housing Stock* – The proposal would result in positive changes with respect to housing stock because (Ex. 76F):
   i. The proposed new university housing building aligns with the Comprehensive Plan's goals to increase housing in high-priority areas by providing more lower-cost housing options for District residents. When students occupy on campus housing, it will free up housing in the surrounding neighborhoods, potentially lowering rental pressures and improving affordability for local

residents. Additionally, the new university housing building includes replacement of 43 family-sized housing units, ensuring that housing options remain available for families in the area;

c. *Physical Environment* – The proposal would result in positive changes with respect to the physical environment because it would:
   i. Improve landscaping to create a more pedestrian-friendly environment, including the installation of new landscaping and public space improvements along University Avenue;
   ii. Preserve 205,000 square feet of green open space on Campus;
   iii. Install a new neighborhood playground to replace the Old President's House;
   iv. Include a green roof and solar panels on the new university housing building;
   v. Provide improved stormwater infrastructure, including installation of multiple bioretention facilities;
   vi. Be certified LEED Mid-Rise Residential Gold for the new university housing building, including points for energy efficiency, use of environmentally preferred materials, and use of photovoltaic solar panels;
   vii. Preserve Heritage and Special trees;
   viii. Increase permeable surface; and
   ix. Result in an influx of students living on-campus that will enhance and diversify campus life;

d. *Access to Opportunities*- The proposal would result in positive changes with respect to access to opportunities because it would:
   i. Provide student housing within one-half mile of the Tenleytown-AU Metro station and other public transit options, allowing District-wide access to jobs, restaurants, services, and entertainment;
   ii. Maintain and increase employment on campus, and continue to train students for religious and social service employment in the District;
   iii. Support nearby retail, services, and amenities along the Wisconsin Avenue corridor; and
   iv. Provide access to a new neighborhood playground to be installed on Campus, and be within close proximity to nature areas and reserves, including Rock Creek Park, Battery Kemble Park, and Spring Valley Park.

93. For all the reasons stated immediately above, Wesley asserted that the 2025 Campus Plan would not be inconsistent with the Comprehensive Plan when evaluated through a racial equity lens utilizing the Tool (Ex. 76F, 82, 96).

Potential Inconsistencies with the Comprehensive Plan

94. The Seminary did not specifically identify any Comprehensive Plan policies that were potentially inconsistent with the Campus Plan. However, the Seminary acknowledged that while Comprehensive Plan policies may be viewed as inconsistent with the Campus Plan, these potential inconsistencies are far outweighed by the Campus Plan's overall consistency with Comprehensive Plan maps, and its advancement of District Element policies and policies relating to Rock Creek West, as discussed above (Ex. 82, 96).

Responses to the Application

95. As noted above in the Finding of Fact Nos. 22-26, previous iterations of the Campus Plan, including both the Original Campus Plan (Z.C. Case No. 22-13) and the 2023 Campus Plan facilitated by a PUD (Z.C. Case No. 23-08) were not approved by the Commission and withdrawn by the Seminary. The Commission approved text amendments in Z.C. Order No. 24-09 to directly address opposition issues raised in previous Campus Plan iterations regarding applicability of IZ and characterization as commercial use in relation to the proposed university housing building. This Order approves the 2025 Campus Plan, which revised and updated the 2023 Campus Plan. Accordingly, this Order directly addresses the responses, the contested issues, and the public hearings regarding the revised and updated 2025 Campus Plan only. Any discussion below or above herein regarding previous iterations[11] of the Campus Plan are to provide background information for proposals that were ultimately not approved by the Commission.

The Office of Planning ("OP")

96. On May 2, 2025, OP submitted a Hearing Report ("OP Hearing Report), dated May 5, 2025, evaluating the 2025 Campus Plan to Thrive in Place, 2025-2035[12] (Ex. 85). The OP Hearing Report noted the previous iterations of the Campus Plan and the text amendment approved in Z.C. Order No. 24-09 and recommended approval of the 2025 Campus Plan, pursuant to Subtitle X § 101, and the area variance from setback requirements of Subtitle F § 203.7, pursuant to Subtitle X § 1000.3 and 1002.1; and OP stated that the 2025 Campus Plan would not be inconsistent with the Comprehensive Plan maps and with the District Elements of the Comprehensive Plan, including when viewed through a racial equity lens. OP also recommended that Wesley: (i) clarify if persons residing or working on Campus will have access to the AU Shuttle Bus, (ii) work with DOEE to increase towards carbon-neutrality, (iii) amend proposed conditions of approval to add solar panels to the university housing building and remove conditions that would be more appropriately addressed at further processing, and (iv) at further processing provide detailed and documented information on investigation of alternative means for meeting the IZ set-aside requirements and DC government monitoring of IZ units production. (Ex. 85).

97. In its evaluation of the revised and updated 2025 Campus Plan, under the campus plan criteria of Subtitle X § 101, OP concluded that the Campus Plan would not likely become objectionable to neighboring property because of noise, traffic, parking, number of students or other objectionable conditions (lighting views). OP noted that the TDM was amended to restrict traffic entering and exiting from residentially bordered University Avenue; residential parking permits were prohibited for all residents of the proposed university housing building; the designs for the upper stories of the proposed university housing building were set back farther to avoid light spillage into the residential neighborhood; the ratio of beds to parking spaces was reduced; and the existing cap on student, faculty/staff

[11] Hereinafter all references to "previous iterations" or "prior iterations" of the Campus Plan refer to the 2022 Campus Plan (Z.C. Case No. 22-13) and the 2023 Campus Plan as described in Findings of Fact 22-26 above.

[12] On September 6, 2023, OP submitted a Hearing Report at Ex. 21, and on September 22, 2023, OP submitted a Supplemental Report at Ex. 38, both evaluated the 2023 Campus Plan and PUD applications, which were ultimately not approved by the Commission. For this reason, this Order does not include a discussion of the contents of these reports.

enrollment was maintained. OP provided a careful analysis of the applicability and compliance with the commercial use and educational mission restrictions set forth in Subtitle X §§ 101.3 and 101.4, and concluded that the Commission's approval of a text amendment with a new Subtitle X § 101.5[13] in Z.C. Order No. 24-09 affirmed the uniqueness of this situation in which Wesley is housing AU students on its campus in order to meet its educational mission, and made Subtitle X §§ 101.3 and 101.4 not applicable to Wesley's proposed university housing building. OP further concluded that the Campus Plan would meet the remaining applicable criteria of Subtitle X § 101 with respect to height, FAR, and other requirements (Ex. 85).

98. The OP Hearing Report evaluated Wesley's request for an area variance from setback requirements of Subtitle F § 203.7 to provide a 27-foot setback for a small "notch" area at the southern lot line boundary where a 35-foot setback is required. OP concluded that Wesley's request met the area variance criteria, under Subtitle X §§ 1000.3 and 1002.1, because Wesley is faced with an exceptional situation resulting in a practical difficulty, in that the southeastern portion of the Property has a carve out and the new university housing building must be located on the southernmost portion of Campus to have the least impact on surrounding residential uses. Shifting the building to meet the 35-foot setback requirement would either place it too close to the 2014 Dorm or require shifting the roadway resulting in a costly change to the Campus circulation pattern. OP noted that the eight foot reduction in setback for this small portion of the Property would not be detrimental to the public good as it is adjacent to an undeveloped portion of the AU property, and it would meet the intent and purpose of the RA-1 zone as the university housing building would be compatible in height to dormitories on the adjacent AU campus and significantly distanced from the residences across University and Massachusetts Avenues (Ex. 85).

99. The OP Hearing Report evaluated the 2025 Campus Plan's consistency with the Comprehensive Plan and concluded that the proposal would not be inconsistent with the Property's Institutional designations on both the Future Land Use Map ("FLUM") and the Generalized Policy Map ("GPM"); that the proposal would advance District Element Land Use (*see* 10-A DCMR §§ 311.5, 312.7, 317.7, 317.9), Transportation (*see* 10-A DCMR §§ 403.14, 430.4), Housing (*see* 10-A DCMR § 505.12), Environmental Protection (*see* 10-A DCMR §§ 605.6, 614.2), Economic Development (*see* 10-A DCMR §§ 703.12, 710.4), Parks, Recreation, and Open Space (*see* 10-A DCMR §§818.3), Educational Facilities (*see* 10-A DCMR §§ 1213.3, 1213.5, 1214.8, 1214.9, 1214.10) policies as well as policies of the Rock Creek West Area Element (*see* 10-A DCMR §§ 2308.9, 2308.10; and would advance Comprehensive Plan racial equity goals (Ex. 85). With respect to the Property's Institutional designations on both the FLUM and GPM, OP noted that the institutional use would be a campus of higher learning proposed by the Campus Plan and the proposed additions, including the university housing building, would continue to be

[13] The new § 101.5 states: "University housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819 shall not be subject to the commercial use restrictions in this section if approved by the Zoning Commission as part of a campus plan."

university uses entirely within the boundaries of Wesley's existing institutional Campus (*Id.*).

100. **Racial Equity.** The OP Hearing Report's racial equity analysis provided disaggregated race and ethnicity data for the Rock Creek West Planning Area, in which the Property is located, noting:

- Population – In 2012-2016, the Planning Area had a population of 91,389 or 13.9% percent of the District-wide total. In the 2019-2023 period, the population decreased to 86,400 and 12.8% of the Districtwide total – a 1.1% decrease of the Districtwide total. However, while the population has declined somewhat in the last five years, the area has become somewhat more racially and ethnically diverse. For the Planning Area population in 2019-2023, the population identifying as White decreased by 8.4% and Hispanic by 0.3% from 2012-2016. Meanwhile, the population identifying as Black increased by 1.5% and Asian by 0.3%;
- Median Income – The Rock Creek West Planning Area had a higher median income than the District as a whole for both the 2012-2016 and the 2019-2023 periods. The 2012-2016 data identify the median household income as $118,411 for the Planning Area, which was 62% greater than the median Districtwide household income of $72,935. There was a significant increase of approximately $34,000 in the Districtwide median household income for the 2019-2023 period and the Planning Area's increase for the same period was also approximately $34,000, but these gains were not distributed evenly across racial groups. In the 2012- 2016 time period, the difference between the median income of Black or African American and Whites Districtwide was approximately $52,000. This difference significantly increases in the 2019-2023 period to an approximately $100,000 difference. The median income in the Planning Area for the 2019-2023 saw a similar difference in the median income for Blacks or African Americans vs. Whites of approximately $100,000;
- Housing Tenure – More residents in Rock Creek West own their home than in the District as a whole – 53.7% compared to 41.1% in 2019-2023. However, the homeownership rate in the Planning Area decreased slightly over the two survey periods, while there was a small increase District-wide. The homeownership rate among White households had a slight decrease between the time periods, as opposed to citywide, where White ownership decreased by approximately 1%. Black homeownership decreased in the Planning Area, although somewhat less than the citywide trend. There was an increase in renter occupancy for Blacks and a decrease for Whites. The Asian population has the largest increase in percentage of homeownership in the 2019 to 2023 period of 15%.

101. The OP Hearing Report concluded that the 2025 Campus Plan would not result in any direct displacement of residents as this proposal involves an educational campus with no permanent residents. Further, OP does not anticipate any indirect displacement to result from the proposal.

102. The OP Hearing Report concluded that the 2025 Campus Plan would allow the provision of 735 beds of which 659 would be in the new university housing building. OP noted that

the Comprehensive Plan recognizes that without increased housing the imbalance between supply and demand will drive up housing prices in a way that creates challenges for many residents, particularly low-income residents. The provision of more student beds on Wesley's Campus may have a marginally positive impact on the affordability of housing in Rock Creek West by freeing up off-campus units now rented by students for non-student renters as students potentially relocate to the Wesley Campus. The Comprehensive Plan further recognizes the importance of inclusionary zoning requirements in providing affordable housing opportunities for households of varying income levels. OP stated that although the proposed university housing building will not receive any additional density over that allowed in the RA-1 zone for institutional uses, the text amendments approved by the Commission in Z.C. Order No. 24-09 require Wesley to provide off-site IZ in Ward 3 and outline options for fulfilling this requirement (Ex. 85).

Department of Energy & Environment ("DOEE")

103. DOEE did not submit a separate report, but provided "DOEE Development Review Comments" to OP, which was attached as Appendix II, to the May 5, 2025 OP Hearing Report (Ex. 85). DOEE stated that it "applauds the applicant's commitment to achieve LEED Gold certification for the proposed new building, and especially appreciates that the applicant will certify the new dormitory with the LEED Multifamily Midrise rating system, which is best suited for this building type and includes features that will benefit future tenants. . . DOEE commends the applicant for achieving a 0.6 GAR, which exceeds the minimum 0.4 GAR required for the zone. Stormwater management on this site is more environmentally beneficial given the project's location within the municipal separated storm sewer system (MS4). . ." In addition, DOEE offered recommendations for net-zero energy, including energy performance, electrification, renewable energy and deconstruction, reuse and embodied carbon reduction (Ex. 85).

Department of Transportation ("DDOT")

104. On May 2, 2025, DDOT submitted a Supplemental Report (Ex. 86), stating that since submitting its original report at Ex.19 the Applicant has updated the development plan to reduce the number of off-street parking spaces by 99 spaces and committed to additional measures in its TDM plan. The DDOT Supplemental Report stated that the Applicant submitted an updated Transportation Memorandum into the record on March 25, 2025 (Ex. 80) documenting these changes, which DDOT supports. The DDOT Supplemental Report further stated that for the reasons stated in its original report at Exhibit 19[14], DDOT continues to support the revised and updated 2025 Campus Plan with the following conditions:

- The Applicant shall implement the Performance Monitoring Plan (PMP) and TDM Plan provided in its March 25, 2025, Transportation Memorandum (Ex. 80) for the life of the project with the following addition:

[14] The DDOT Report at Ex. 19 evaluates the 2023 Campus Plan and PUD application; therefore, it is not summarized herein. The DDOT Report stated no objection to the 2023 Campus Plan and PUD with conditions that were updated based on the Applicant's March 25, 2025 Transportation Memo (Ex. 80) and DDOT's Supplemental Report (Ex. 86).

- Applicant shall install three (3) inverted-U bike racks near the entrance to the playground on University Avenue, NW, either in the public right-of-way or on private property; and
- Applicant shall install the scooter corral as depicted on the April 28, 2025, site plan (Attachment 1 to DDOT Supplemental Report) so that it is out of the path of turning vehicles.

(Ex. 86).

105. The Applicant accepted DDOT's additional conditions in its hearing presentation (Ex. 96) and incorporated the requirements in the revised conditions submitted to the Commission (Ex. 104) and set forth in the conditions of approval to this Order.

Advisory Neighborhood Commission 3D ("ANC 3D")

106. The Wesley Campus had been located within the boundaries of ANC 3D for at least 20 years, prior to the 2023 redistricting.

107. ANC 3D has been an active participant and party to all the Wesley Campus Plan cases dating back to the original campus plan in 2005 (Z.C. Order No. 05-40, et. seq)..

108. ANC 3D submitted several reports and letters in support of prior iterations of the Campus Plan noting its qualified support subject to resolution of the legal issues raised by NLC-SVWHCA and requested conditions and expressed concerns primarily related to traffic impacts; and ANC 3D noted its general support of a text amendment proceeding and Wesley providing financial support for affordable housing elsewhere in Ward 3 to satisfy IZ[15] (Ex. 23, 27, 41, 59, 70). On May 8, 2025, prior to the May, 12, 2025 public hearing, ANC 3D submitted its most recent report, stating that at its May 7, 2025 duly noticed meeting, with a quorum present, it voted 5-1-0 to support the Campus Plan (i.e., the 2025 Campus Plan), noting that "this campus plan has been under review in one form or another for several years ("ANC 3D Report", Ex. 90).

109. The ANC 3D Report stated it was unnecessary to repeat its arguments in support from previous submissions to the large case record. Instead, the ANC highlighted the Wesley proposed conditions of approval related to green open space; off-site IZ; transportation and parking; construction management; and continued coordination/meetings with the CLC (Ex. 90). With respect to green space, the ANC noted Wesley's commitment to preserve 205,000 square feet of green open space on Campus. Regarding off-site IZ, the ANC noted that the provision of funds proposed by Wesley is not a traditional way to satisfy IZ requirements but it finds Wesley contributing to affordable housing in Ward 3 through a revolving fund attractive, with appropriate mechanisms in place to monitor the fund. Regarding transportation and parking, the ANC stated support for the TDM plan and PMP outlined in the conditions along with the commitments for sidewalk construction and traffic patterns for Massachusetts and University Avenues. Regarding construction management

[15] This is a summary of several exhibits submitted by ANC 3D in response to prior iterations of the Campus Plan and is intended to highlight the main issues raised and does not detail every issue raised; as noted, the Commission approved the revised and updated 2025 Campus Plan not prior iterations. Accordingly, this Order only directly addresses the arguments raised in response to the 2025 Campus Plan approved by the Commission.

and continuation of dialogue with the CLC, the ANC noted the importance of a job site contact during construction and CLC meetings for review of Campus Plan performance issues (*Id.*).

110. The ANC 3D Report also specifically identified and responded to objections to the Campus Plan raised by NLC-SVWHCA that include violations of the Zoning regulations, lack of affordable housing, architecture not matching Wesley's campus, and worries about traffic and parking. The ANC noted the Commission recently approved a text amendment that states, "University housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819 shall not be subject to the commercial use restrictions in this section if approved by the Zoning Commission as part of a campus plan." The ANC 3D Report further states: "This clearly addresses the zoning regulations regarding this project. We have heard arguments that this is a "commercial" building, but it is a residential building. The SVWHCA-NLC has submitted testimony in opposition that cites Commissioner Peter May's statements from past hearings. In this testimony Commissioner May concedes that the Zoning Administrator opined this building as a "dormitory" because students will live here. Commissioner May refers to this project as a "commercial venture", not a "commercial building" as the opponent's state. Wesley has been forthcoming in their stated purpose of entering into this arrangement– the ground lease from this building will be used as a source of income to continue their mission. The Zoning Commission is within bounds to approve this arrangement should they choose to do so. As far as the building's architecture is concerned, the new building will only be slightly visible to neighbors and passersby, and we leave it up to Wesley to decide what their campus looks like from within. The conditions set out in the Campus Plan adequately address traffic and parking issues. ANC3D has heard from all residents who want to be heard. It is our conclusion that if this project is approved and the new dormitory is built it will have no objectionable impact on the residents of Spring Valley whom we represent." (Ex. 90).

ANC 3E

111. ANC 3E submitted several reports and letters in opposition of prior iterations of the Campus Plan asserting that the proposal did not meet PUD evaluation criteria due to the extraordinary relief requested from IZ requirements in exchange for a privately administered student IZ with no clear oversight; the intensity of the proposed building height and density; the inadequacy of proffered benefits and amenities; failure to advance Comprehensive Plan racial equity goals; and failure to mitigate traffic and parking impacts given the excessive number of parking spaces proposed and the impacts the increased number of vehicles would have on surrounding traffic circulation (Ex. 26-26A2, 35, 36, 39, 42, 50, 57, 62, 72). The ANC 3E reports and letters in opposition also asserted that the proposal to house primarily AU students on Wesley's Campus is a commercial project that should be facilitated through a rulemaking amending the Zoning Regulations, preferably requiring Wesley and all similarly situated developers to provide substantial amenities and not exempting Wesley from the commercial activity prohibition (*Id.*). Likewise, the ANC 3E reports and letters in opposition asserted that any changes proposed to the IZ Program to allow for Wesley's proposal should be facilitated through a rulemaking amending the

Zoning Regulations, preferably not exempting Wesley or others from IZ requirements[16] (*Id.*).

112. On May 9, 2025, prior to the May 12, 2025 public hearing, ANC 3E submitted its most recent resolution ("ANC 3E Resolution") in response to the revised and updated 2025 Campus Plan (Ex. 92) and on May 12, 2025, ANC 3E submitted its written hearing testimony ("ANC 3E Testimony") (Ex. 102).

113. The ANC 3E Resolution stated that at its May 8, 2025 regularly scheduled public meeting, with a quorum present, the ANC voted 7-0-0 to adopt the resolution citing the following main issues and concerns:

a. ANC 3E stated it has worked with Wesley and OP to explore options for production of off-site IZ in Ward 3 with the $8M in funds Wesley has committed to provide for this purpose, but has observed that Wesley's discussions with possible local affordable housing providers for new construction development has been limited to only a few developers; ideally any new construction units should be IZ units in a comparable building (to the university housing building) not taxpayer subsidized private-sector units facilitated by loan;
b. ANC 3E stated Wesley has not pursued the option of negotiating rent buy downs or buy downs of existing market rate units to convert them to IZ, despite the scores of potential buildings in Ward 3 where market rate units could be bought down to IZ;
c. The ANC stated that Wesley originally intended to provide an 8% IZ set aside (on-site within the proposed building) and now proposes to provide a 10% IZ set aside (off-site through Ward 3 construction); however, Wesley's commitment to provide only $8M appears insufficient to buy down market rate units in Ward 3 to achieve an 8% IZ set aside;
d. The ANC argued that substantial IZ beyond the bare minimum should be required due to the extraordinary relief of amendments to the Zoning Regulations to allow both Wesley and AU students to reside in the proposed university housing building, and Wesley's $8M commitment is insufficient;
e. The ANC argued that Wesley's $8M commitment represents the savings from eliminating a level of underground vehicle parking spaces from the university housing building (in the revised and updated 2025 Campus Plan); the ANC asserted that the $8M is insufficient to meet the 10% set aside requirement (contrary to Wesley's assertions based on estimated $325/square foot construction costs that $8M would exceed the 10% set aside in Ward 3) and should be increased substantially;
f. The ANC stated that any conditions of approval for this matter should refer to "university housing" rather than "dormitory";

16 This is a summary of several exhibits submitted by ANC 3E in response to prior iterations of the Campus Plan and is intended to highlight the main opposition issues raised and does not detail every issue raised; as noted, the Commission approved the revised and updated 2025 Campus Plan not prior iterations. Accordingly, this Order only directly addresses the opposition arguments raised in response to the 2025 Campus Plan approved by the Commission.

g. The ANC stated that the only condition in the main Campus Plan regarding affordable housing should be something similar to: "Applicant will demonstrate compliance with (anticipated) new Sec. 1006.10 during further processing"; and

h. The ANC stated that it supports the changes to Wesley's proposed conditions of approval reflected in Ex. 2 to the ANC 3E Resolution. The ANC changes were subsequently incorporated by Wesley into its revised conditions at Ex. 104.

(Ex. 92).

114. The ANC 3E Testimony largely reiterates the arguments in the ANC 3E Resolution summarized immediately above (Ex. 102).

SVNA

115. On May 9, 2025, prior to the May 12, 2025 public hearing, William Clarkson, President of SVNA and authorized representative (*see* Ex. 18), submitted testimony on behalf of SVNA, stating (Ex. 99):

> "We believe the Seminary has continued to make a concerted, good faith effort to proactively engage with community stakeholders regarding this campus plan proposal and to address concerns raised by potentially affected individual neighbors. We are particularly pleased that the proposed Campus Plan provides for the construction of a community playground and sidewalk along University Avenue. We also believe that our elected ANC 3D and ANC 3E representatives should be commended for their tireless efforts to keep neighborhood residents informed and for working to foster meaningful dialogue among the various stakeholders and community interests. The proposed Campus Plan is the result of numerous meetings and discussions involving the CLC, ANC 3D and3E, multiple neighborhood organizations, and individual neighbors, and we believe it will allow our neighbor, Wesley Seminary, the best opportunity to thrive in place." (Ex. 90).

NLC-SVWHCA

116. NLC-SVWHCA submitted several letters and testimony in opposition to prior iterations of the Campus Plan asserting the following opposition arguments: the proposal to house primarily AU students on Wesley's Campus in a building managed by Landmark Properties is a commercial use that is not a permitted use under the campus plan and PUD regulations, under Subtitle X § 101.4 and Subtitle X §§ 300.1, 300.2, respectively; the proposal seeks no relief necessary through the PUD process; the proposal will result in objectionable impacts because of the large size and scale of the housing building being out of character with the Campus and neighborhood, the excessive number of parking spaces proposed and resulting traffic/circulation impacts on Massachusetts Avenue, stormwater runoff issues, and security issues; the proposal does not meet PUD evaluation criteria because the proffered benefits and amenities are insufficient under the requirements of Subtitle X § 305 and the objectional impacts cannot be mitigated by Wesley's proposed conditions of approval; the proposed housing building would inappropriately directly compete with AU's on-campus housing and there is no agreement with AU and no indication from AU that its students need this housing option; Wesley's decreased enrollment numbers do not align

with its assertion that 90 of its students will occupy the proposed housing building; Wesley has provided no financial information to meet the evidentiary threshold of demonstrating that that the proposed housing building is necessary for it to remain financially capable of remaining in its current location; it is unclear how the proposed privately administered student IZ would be administered and if it would provide measurable affordable housing; and the proposal would be inconsistent with policies of the Comprehensive Plan Rock Creek West Area Element that encourage institutional uses to be compatible with the surrounding neighborhood, that building design addresses density and height concerns, and that transportation safety and quality of life issues are evaluated[17] (Ex. 12-15, 17, 22, 34, 45-45A, 48, 51, 54, 55, 58). In response to possible text amendments to the campus plan and IZ regulations, NLC-SVWHCA stated opposition to potential text amendments that would exempt Wesley rather than policy-driven amendments that would apply citywide (Ex. 71).

117. On May 5, 2025, prior to the May 12, 2025 public hearing, NLC-SVWHCA submitted a pre-hearing statement ("NLC-SVWHCA Statement") in response to the revised and updated 2025 Campus Plan (Ex. 88)[18] and on May 11, 2025, NLC-SVWHCA submitted its written hearing testimony ("NLC-SVWHCA Testimony") (Ex. 98).

118. The NLC-SVWHCA Statement opposed the revised and updated 2025 Campus Plan and cited the following opposition arguments/issues:

a. AU's lack of engagement and endorsement is reason for rejecting the Campus Plan;
b. The proposal does not comply with the campus plan requirements of Subtitle X § 101.2 because it presents objectional impacts for AU and neighboring residential property; and it does not comply with the requirements of Subtitle X § 101.4 because it does not relate to Wesley's educational mission as 72.8% of the total campus build-out would be dedicated to AU students and the proposed commercial use is not consistent with the Future Land Use Map of the Comprehensive Plan;
c. The text amendment approved in Z.C. Order No. 24-09 exempts Wesley from the commercial limits of Subtitle X § 101 but does not address the Subtitle B § 200.2(j) land use definition for education use, which permits universities to offer housing for its students enrolled at the institution where their degrees are conferred; and does not address that because "commercial" is not a defined term in the Zoning Regulations, it is defined as having the meaning given in Webster's unabridged dictionary, per Subtitle B § 100.1(g);
d. The text amendment approved in Z.C. Order No. 24-09 does not conclude that the proposed university housing building is not a commercial enterprise and would not have been needed if the proposal was not deemed commercial;

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[17] This is a summary of several exhibits submitted by NLC-SVWHCA in response to prior iterations of the Campus Plan and is intended to highlight the main opposition issues raised and does not detail every issue raised; as noted, the Commission approved the revised and updated 2025 Campus Plan not prior iterations. Accordingly, this Order only directly addresses the opposition arguments raised in response to the 2025 Campus Plan approved by the Commission.

[18] Ex. 88 updated the NLC-SVWHCA pre-hearing statement filed at Exhibit 87; only the updated statement at Ex. 88 is discussed herein.

e. Based on the D.C. Court of Appeals decision in *Durant v. District of Columbia Zoning Commission*[19], the proposal is inconsistent with the Property's institutional designation on the FLUM because the "actual physical characteristics" of the proposed land use is primarily to house AU students solely for financial gain not to house Wesley students;

f. The size of the proposed development is inconsistent with the underlying RA-1 zone development standards and therefore inconsistent with CP policy LU-2.3.8, which states that institutional use on property should conform to the underlying zone and the District should limit non-conforming uses by institutions;

g. The proposal is inconsistent with policies of the CP Land Use Element, including Policy LU-2.1.1, which encourages new housing development on underused property; Policy LU-2.1.5, which encourages maintaining established low-density neighborhoods and related zones; Policy LU-2.3, which stresses maintaining institutional land use compatibility with surrounding residential neighborhoods; Policy LU-2.3.1, which stresses preventing encroachment of inappropriate commercial uses into residential neighborhoods; Policy LU-2.3.7, which stresses that institutions should ensure that their use conforms to the underlying zone of the site; Policy LU-2.3.8, which states that the District should limit non-conforming uses by institutions; and Policy LU-3.3.3, which encourages institutional uses occupying large sites within residential areas to minimize objectionable impacts on adjacent communities;

h. The proposal is inconsistent with policies of the CP Educational Facilities Element emphasizing the importance of universities being good neighbors and limiting new developments to those compatible with surrounding neighborhoods, and Policy EDU-3.3.2, which discourages university actions that would adversely affect the character or quality of life in surrounding residential areas;

i. Wesley's proposed IZ financial contribution of $8M to provide off-site IZ is financially insufficient and not commensurate with the degree of relief sought and the off-site IZ housing would not benefit students from either Wesley or AU nor is it likely to result in any new affordable housing for the adjacent neighborhood as it is not tied to any specific project;

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[19] Durant v. District of Columbia Zoning Commission refers to the following three D.C. Court of Appeals decisions regarding a proposed PUD and related map amendment to authorize construction of a six-story building on a parcel mostly designated on the FLUM for low density residential use with parts of the parcel designated for low-density and moderate density mixed-use: *Durant v. District of Columbia Zoning Commission*, 65 A.3d 1161 (D.C. 2013) ("*Durant I*"); *Durant v. District of Columbia Zoning Commission*, 99 A.3d 253 (D.C. 2014)("*Durant II*"); and *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880 (D.C. 2016) ("*Durant III*") (collectively, "*Durant*" hereinafter). In *Durant I* and *Durant II*, the D.C. Court of Appeals remanded the Commission's approval of the proposed PUD for the Commission to further explain its reasoning for why the proposed PUD project should properly be characterized as a moderate density development/use consistent with the Comprehensive Plan. In *Durant III*, the D.C. Court of Appeals set aside the Commission's approval of the PUD and denied the application holding that the proposed six-story apartment building was not moderate density residential development under the FLUM as it would not be comparable to the smaller-scale structures in the definition of moderate-density residential use; and the Commission placed unwarranted reliance on the moderate-density FLUM definition reference to the R-5-B district to support classifying the proposed PUD as moderate density residential use when the proposed building would not ordinarily be permissible in the R-5-B district.

j. Wesley's revised 2025 Campus Plan does not reduce the overall 659-bed occupancy of the proposed university housing building yet Wesley has provided no justification for the proposed reduction in parking spaces from 394 to 295 to explain why less parking is needed for its own students, faculty, and staff, as well as students living in the proposed university housing building. Further, the absence of factual data to justify the parking reduction raises questions about the adequacy of the proposed parking (*see* Gorove-Slade filing at Ex. 80 does not address parking reduction);

k. The case record does not include an updated CTR and instead includes the CTR that was submitted in Z.C. Case No. 22-13, and that CTR is limited to transportation issues tied to the proposed university housing building rather than the Campus Plan as a whole;

l. Even with the proposed reduction of one floor, Wesley's revised 2025 Campus Plan does not reduce the overall 659-bed occupancy of the proposed university housing building; therefore, it will create objectionable conditions due to its large size and number of students, under Subtitle X § 101.2; and Wesley has failed to provide a student count for every student on campus, as required under Subtitle Z § 302.10(d), without which it is impossible to set a head count given the melding with AU students, faculty, and staff who will be living on campus;

m. Wesley's revised 2025 Campus Plan does not include a stormwater run-off containment strategy during construction to prevent flooding of property downhill and includes no commitment to take responsibility for property damage; and Wesley plans to add impervious surfaces on the Property site, including sidewalks, which pose unmitigated risks for long-term stormwater management;

n. Wesley's proposed campus security plan is not adequate and comprehensive to address student safety and is therefore objectionable under Subtitle X § 101.2;

o. The Office of Tenant Advocate has indicated that it cannot serve as ombudsman for AU students living in the proposed university housing building on Wesley's Campus and neither can AU; therefore, AU students will have to file legal action to resolve any disputes; and

p. There is no evidence in the record to demonstrate Wesley's financial need to justify this proposal.

(Ex. 88).

119. The NLC-SVWHCA Testimony (Ex. 98) of representatives Tom Smith, Blaine Carter, and Alma Gates largely reiterated the arguments raised in the NLC-SVWHCA Statement summarized immediately above.

Persons in Opposition

120. On May 9, 2025, prior to the May 12, 2025 public hearing, Robert Scholz, who resides on University Avenue directly across from Wesley, submitted a letter in opposition to the revised and updated 2025 Campus Plan, citing the following opposition arguments: AU does not support this proposal and avoids involvement even though 86.43% of the university housing building is for AU students; the proposed massive 7-story university housing building atop a 50 foot hill does not meet the standard of existing buildings on Campus, the Property's underlying RA-1 zoning, or the surrounding low-rise residential

neighborhood and will result in impacts to neighbors; reducing the total number of parking spaces to 295, given the proposed 659-bed building, seems insufficient for the number of residents, commuter students, faculty, and staff; and the proposed $8M cash payment in lieu of providing IZ units seems insufficient and should be calculated based on the fair market value of DC IZ units (Ex. 93).

121. On May 9, 2025, prior to the May 12, 2025 public hearing, Committee of 100 submitted a letter in opposition to the revised and updated 2025 Campus Plan, stating that the off-site IZ plan is too vague and lacking in detail to demonstrate compliance with new §1006.10; and the proposed $8M financial contribution is too low and should produce more than the 10.97% set aside set forth by Wesley (Ex. 94).

122. On May 9, 2025, prior to the May 12, 2025 public hearing, Josie Scholz, who resides on University Avenue directly across from Wesley, submitted a letter in opposition to the revised and updated 2025 Campus Plan, stating that Wesley has not provided data to evidence its financial need for income from the university housing building, has not found an alternative to raise money other than requesting an exception from the Zoning Regulations, has not coordinated with AU regarding safety and other issues, and noted that the proposal could adversely affect Wesley's existing graduate community by adding AU undergraduate residents (Ex. 95).

Persons in Support

123. On May 6, 2025, prior to the May 12, 2025 public hearing, the Rev. Randolph Marshall Hollerith, Dean of the Washington Cathedral submitted a letter in support of the revised and updated 2025 Campus Plan, stating:

> Wesley's Campus Plan is not about expansion for expansion's sake. It is a thoughtful, restrained, and mission-driven effort to "thrive in place." Rather than relocate to a less expensive region, Wesley has made the intentional and courageous decision to remain rooted in Washington, D.C., believing that its proximity to the nation's capital is essential to forming ethical, engaged, and forward-thinking religious and nonprofit leaders. This project will enable Wesley to offer more affordable, flexible housing options to students and their families while maintaining and enhancing green space and open community areas, including a new playground for neighborhood children. Approving this Campus Plan is not only a vote of confidence in a historic educational institution; it is a commitment to the ongoing strength and diversity of D.C.'s nonprofit, faith-based, and civic leadership pipeline. In a time when these sectors are under increasing strain, supporting institutions like Wesley is more important than ever (Ex. 89).

124. On May 9, 2025, prior to the May 12, 2025 public hearing, Carole Thompson Cole, the former D.C. City Administrator and Wesley Board member submitted a letter in support of the revised and updated 2025 Campus Plan (Ex. 97).

125. On the day of the May 12, 2025 public hearing, Dr. Joseph W. Daniels, Jr., Lead Pastor at The Emory Fellowship, submitted a letter in support of the revised and updated 2025 Campus Plan, stating:

> The efforts outlined in the application put forth will allow Wesley to continue to provide top-flight theological education from D.C and Spring Valley -- in a community which offers a tremendous environment for learning, formation, and service. To be able to do this at a time where there is renewed interest in religion, particularly amongst young people, is critical (Ex. 100).

Public Hearings of September 11, 2023 and May 12, 2025

126. As previously noted, the Commission conducted a consolidated public hearing on the 2023 Campus Plan (Z.C. Case No. 23-08(1)) and the Planned Unit Development ("PUD") (Z.C. Case No. 23-08) on September 11, 2023, which was continued on October 2, 2023.[20] The Commission then conducted a public hearing on the revised and updated 2025 Campus Plan on May 12, 2025; and made an announcement at the beginning of the public hearing, stating the following:

- The May 12th hearing is technically a continued hearing on the Wesley Campus Plan;
- The parties to the application include Neighbors for a Livable Community, Spring Valley West Heights Association, and Spring Valley Neighborhood Association, who were granted party status in previous proceedings;
- The original Campus Plan application (i.e., 2023 Campus Plan) has been revised, specifically a separate PUD application that was part of the original Campus Plan application has been withdrawn and text amendments are pending in separate Z.C. Case No. 24-09 that relate to the overall Campus Plan; and
- The Commission is aware that the revised Campus Plan application (i.e., 2025 Campus Plan) includes a proposal to create a Ward 3 IZ Revolving Fund; however, any final conditions related to satisfaction of the off-site IZ requirement are to be considered in a further processing case for the planned university housing building and the Commission will not adopt any conditions related to those requirements in this Campus Plan case. Therefore, the Commission believes that any detailed discussion of the Applicant's proposed Ward 3 fund to satisfy the off-site IZ requirement is not appropriate in this Campus Plan proceeding because it's both premature and potentially misleading to the public.

(*see* May 12, 2025 Public Hearing Tr. at 6, 8).

Applicant's Testimony

127. The Applicant presented the testimony of Rev. Dr. David McAllister-Wilson, President of Wesley Seminary; Jack Owen Boarman, AIA, NCARB, CID, Partner-in Charge, BKV Architects (architectural consultant); Stephen C. Karcha, CM, LEED, AP, GRP, Vice

[20] This Order does not include a separate discussion of all the hearing testimony and cross examination that took place at the September 11, 2023 and October 2, 2023 public hearings pertaining to the 2023 Campus Plan as that iteration of the Campus Plan was not approved by the Commission; however, to the extent deemed relevant for purposes of evaluating the 2025 Campus Plan, this Order includes discussion of hearing testimony and cross-examination from the September 11, 2023 public hearing.

President of Project and Construction Management, Advanced Project Management, Inc (Seminary's project manager); Brandice Elliott, Director of Planning Services, Holland & Knight, LLP (consultant on zoning and planning); and William Zeid, PE, Senior Associate and Project Manager, Gorove Slade Transportation Planners and Engineers (transportation consultant) at the September 11, 2023 and May 12, 2025 public hearings. Mr. Boarman was accepted by the Commission as an expert in architecture, Ms. Elliott was accepted as an expert in zoning and planning, and Mr. Zeid was accepted by the Commission as an expert in transportation engineering. At the May 12, 2025 public hearing Mr. Erwin Andres replaced Mr. Zeid and was accepted as an expert witness (*see* May 12, 2025 Public Hearing Tr. at 12). Also, Sara Link, of Bohler Engineering, was not accepted as an expert witness, but provided testimony (*see* May 12, 2025 Public Hearing Transcript at 16-17).

128. Rev. McAllister-Wilson testified that the Seminary has enjoyed more than 60 years on its Spring Valley campus, and is committed through this Campus Plan to "Thrive in Place." The Campus Plan fulfills the Seminary's physical and financial needs in support of its educational mission, location and service to the District, including commitment to racial equity, public service and community engagement. Rev. McAllister-Wilson emphasized that the legacy, mission and continued growth, leadership and success are built upon and directly linked and derived from its location in Washington, D.C. Although the Seminary is regionally, nationally and internationally recognized as one of the top 20 seminaries in the nation, its roots in the City are what distinguishes it from other seminaries (*see* May 12, 2025 Public Hearing Tr. at 18-19; Ex. 96).

129. Rev. McAllister-Wilson concluded that taken as a whole, the "Thrive in Place" campus plan is integral to fulfilling its educational mission on its Spring Valley campus. The Plan will provide modern, flexible housing for its students, provide needed "on-campus" housing for AU students needing local housing, strengthen and deepen the historical ties with AU, provide long-term and substantial resources to provide subsidies for tuition and housing for its students to avoid lifetime crushing student debt, attract and retain the best faculty and students, and elevate the status of the Seminary within theological education (*Id.*).

130. Ms. Elliott testified regarding the application and compliance with the Campus Plan regulations, under Subtitle X, Sec. 101, including no objectionable conditions, permitted campus uses, racial equity and the Comprehensive Plan (*see* May 12, 2025 Public Hearing Tr. at 33-37; Ex. 96).

131. Ms. Elliott concluded that the Campus Plan, including the new university housing building, would not create any unusual or objectionable conditions for location, size, noise, light, view, number of students, and traffic or parking. In particular, Ms. Elliott concluded that the location of the new university housing building adjacent to existing AU dormitories would be isolated from the surrounding neighborhood especially with the maintenance and enhancement of the existing Green Open Space Area along University Avenue and Massachusetts Avenue. The limited new traffic created, limiting use of University Avenue exit and the proposed TDM and PMP would minimize and mitigate any potential

objectionable traffic and parking conditions (*see* September 11, 2023 Public Hearing Tr. at 36-37; Ex. 96).

132. Ms. Elliott also addressed the permitted campus uses concluding that a "dormitory was a specifically listed permitted campus and residential use, not a commercial use and distinguished from "ancillary commercial" uses under the Campus Plan regulations. The underlying ground lease, and private construction, finance and operation of the new university housing building were not relevant or alter the underlying permitted dormitory use. She also cited the Zoning Administrator's determination that the proposed building housing both Wesley and AU students was a dormitory as a permitted residential use in the RA-1 zone (*see* September 11, 2023 Public Hearing Tr. at 33-36).

133. Finally, Ms. Elliott testified that the Campus Plan was consistent with the Comprehensive Plan, including the Institutional use classification of the property, educational, racial equity, environmental and housing goals. She noted that no relocation of existing tenants would occur and in fact would encourage on-campus student housing, minimize the impact on local housing by students and provide additional affordable housing resources in the neighborhood for non-students (*see* May 12, 2025 Public Hearing Tr. at 33-37; Ex. 96).

134. Mr. Karcha testified that proposed Administration Building had been eliminated and the new university housing building would be constructed on the hilltop within the existing central core of the Campus setback from the surrounding neighborhood and buffered by the Green Open Space, including numerous Heritage and Special Trees that will be maintained and enhanced; 205,000 square feet or about 53% of the Campus will be Green Open Space. The 2014 Dorm is setback 171 feet from the east curb of University Avenue and, the new university housing building 300 feet (*see* May 12, 2025 Public Hearing Transcript at 30-31; Ex. 96 at 35-42).

135. Mr. Karcha testified that the Old President's House, parking area, driveway and curb cut would be removed and relandscaped including a new community playground accessible from University Avenue. A new sidewalk on the east side of University Avenue from Massachusetts Avenue to Rodman Street will be installed by the Seminary. Additional landscaping will be installed along University Avenue, the University Avenue exit and the Massachusetts Avenue entrance (*Id.*).

136. At the May 12, 2025 public hearing, Ms. Sara Link, PE of Bohler Engineering, testified regarding the revised landscaping plan, increase in GAR from the minimum of 0.40 to 0.60 as a result of increased landscaping, bioretention and other sustainability features (*see* May 12, 2025 Public Hearing Tr. at 31-32). Ms. Link stated that she could not provide the exact tree replacement ratio but would be able to provide the information in a post-hearing submission (*Id*. at 45).

137. Mr. Boarman testified on the program and design of the proposed new university housing building, including housing for Wesley and AU students faculty and staff only, 7 stories, 74 feet 8 inches in height, 659 beds in 215 units configured in studio, 1, 2, 3, 4, and 5 bedroom units, 2 levels of underground parking with 264 spaces including 77 Wesley

replacement spaces, high quality dormitory design, amenities and operations, LEED Gold Mid-Rise Residential, Green Roof and Solar panels. Loading and trash facilities will be located inside the building (*see* May 12, 2025 Public Hearing Tr. at 24-30; Ex. 96 at 17-34).

138. Mr. Boarman described the evolution of the new university housing building design that was a result of community input, including most recently the elimination of the top/penthouse level and reduction in the underground parking. The design and materials were intended to relate to existing Wesley buildings. The massing and setback were revised to limit the visibility and impact on University Avenue. Specifically, the portion of the building next to University Avenue was lowered to five stories down to roughly 60 feet for the lower portion of the five-story stepped area. The top floors were setback, units eliminated and windows rotated. (*Id.*).

139. Mr. Boarman noted that the first five floors of the new university housing building are screened from University Avenue by the 2014 Dorm. The floors above are setback and enjoy substantial additional screening from the existing trees along University Avenue and the 300-foot distance from that street (*Id.*).

140. At the September 11, 2023 public hearing, Mr. Zeid testified that a CTR was provided to and accepted by DDOT. As a result of ongoing discussions with DDOT and the community, a revised TDM and PMP was developed including a new sidewalk along University Avenue, accepted by DDOT and made a condition of the Campus Plan (*see* September 11, 2023 Public Hearing Tr. at 47-49).

141. At the May 12, 2025 public hearing, Mr. Andres confirmed that DDOT had reviewed Gorove Slade's Transportation Study submission, dated March 25, 2025, at Ex. 80 of the case record; approved the updated TDM and PMP included therein; and Wesley agreed to DDOT's two requested measures regarding installation of the scooter corral and bike racks, as stated in DDOT's Supplemental Report, dated May 1, 2025, at Exhibit 86 of the case record (*see* May 12, 2025 Public Hearing Tr. at 37-38).

Cross-Examination of the Applicant's Testimony by NLC-SVWHCA at September 11, 2023 Public Hearing

142. During cross-examination proceedings at the September 11, 2023 public hearing, Ms. Alma Gates cross-examined the Applicant on behalf of NLC-SVWHCA. Specifically, Ms. Gates cross-examined Rev. McAllister-Wilson raising the following questions and concerns:[21]

a. Whether Wesley considered options other than the proposed housing building;
b. How will the revenue from the student housing building be allocated between enlarging Wesley's endowment and providing financial aid to students;

[21] This list of questions and concerns omits the portion of the cross-examination that focused on the proposed building amenities and rental costs; the proposed student IZ; the proposed green open space; renderings; and other topics regarding the 2023 Campus Plan that were subsequently updated and/or revised with the 2025 Campus Plan materials (see omitted cross-examination, September 11, 2023 Public Hearing Tr. at 102-118).

c. Whether there is a correlation between declining enrollment and Wesley choosing to expand programming;
d. What is meant by thrive;
e. How would moving from the D.C. Metro area affect recruitment of students and grants; and
f. The number of discussions with AU regarding the proposal.

(*see* September 11, 2023 Public Hearing Tr. at 93-101).

143. Rev. McAllister-Wilson responded to Ms. Gates cross-examination questions, stating:

a. The Seminary considered several alternatives to the housing building, including alternative uses for the Property ranging from selling it and moving to developing single family homes or apartments. But ultimately these options seemed less attractive than providing an ultimate return on the Property to the Seminary and these options would have resulted in a loss of green space;
b. He would not have a percentage breakdown of how revenue would be allocated between the endowment and student financial aid;
c. He explained that many factors are contributing to declining enrollment and Wesley is trying to find a level of enrollment to sustain the current quality of faculty;
d. He explained that thrive is to pay faculty and staff livable wages, to enable students to come to Wesley without incurring substantial debt, to sustain Wesley's range of programs, including pastoral ministry, chaplaincy in military, and preparing students for community and non-profit engagement, without a need to downsize;
e. He explained that a number of Wesley's grants come because its Washington, D.C. location facilitates programs for public theology in the nation's capital and urban community engagement. Also, Wesley's diversity of student body is attributable to its Washington, D.C. location; and
f. He stated that discussions with AU about the proposal have been limited to AU agreeing to engage at the appropriate time.

(*Id.*).

Cross-Examination of the Applicant's Testimony by Parties at May 12, 2025 Public Hearing

144. During hearing testimony and cross-examination proceedings at the May 12, 2025 public hearing, the parties were represented as follows: Mr. Tom Smith, Ms. Alma Gates, and Mr. Blaine Carter, on behalf of NLC-SVWHCA; Mr. William Clarkson, on behalf of Spring Valley Neighborhood Association; Ms. Tricia Duncan, on behalf of ANC 3D; and Mr. Jonathan Bender, on behalf of ANC 3E.

145. Mr. Tom Smith, on behalf of NLC-SVWHCA, cross-examined the Seminary's witnesses, raising questions and concerns on the following issues in response to the Applicant's testimony:

a. Who will have access to the recreational facilities in the housing building;
b. What initially prompted the Zoning Administrator's determination and was it a final writing given the sentence in the email: "The Zoning Commission pursuant to the

campus plan and further processing procedures will be the ultimate arbiter of the proposed dormitory use specifics";

c. Whether Wesley's enrollment numbers have declined and can the number of students on campus at any given time be provided;
d. Whether the addition of potentially 600 AU students will impact Wesley's Campus;
e. The current number of beds occupied on Wesley's Campus;
f. Whether there are facilities that cannot be built to meet Wesley students' needs as a consequence of maintaining 300,000 square feet of open space on campus;
g. Whether there is data to evidence how many students live in neighborhood rental units;
h. Whether there will be coordination between AU and Wesley to ensure that AU residents of the housing building remain AU students throughout the lease term;
i. Whether Wesley has capability to provide a full scale campus security plan with provisions for international students;
j. Why are there no security cameras directed at the playground;
k. Whether stormwater damage compensation will be provided to neighbors if damage occurs to their property; and
l. Whether the AU shuttle will stop on Wesley's campus.

(*see* May 12, 2025 Public Hearing Tr. at 67-93).

146. The Seminary responded to NLC-SVWHCA's cross-examination concerns to the best of its ability noting that some of the data requested was not readily available to fully respond, and that some of the questions would need to be more fully addressed at the time of further processing. In its responses, the Seminary stated that the Zoning Administrator's determination stands for itself; most of the students on campus day to day are masters and doctorate level; the presence of AU students on Campus will have *de minimis* impacts; all available beds on Campus as currently configured are full; and the proposed new housing building allows Wesley to remain on this Campus and continue to subsidize underserved communities because there is an economic benefit to it. Overall, the Seminary reiterated its hearing testimony that the Campus Plan will not result in objectionable impacts (*Id.*).

147. None of the other parties cross-examined the Applicant's testimony at the May 12, 2025 public hearing.

Office of Planning Testimony

148. OP representative Maxine Brown-Roberts testified to confirm OP's support for the 2025 Campus Plan and recommended approval subject to the conditions outlined in OP's report at Ex. 85 as revised by the revised DDOT conditions (Ex. 86). Ms. Brown-Roberts testified that the 2025 Campus Plan meets the standards of Subtitle X § 101 regarding noise, number of students, traffic and parking, and other objectionable conditions as there are no large areas for university activities, the location of buildings is central to the Campus with the new housing building closest to the AU dorm and fields, and there would be extensive landscaping, open space, and buffering over current conditions; the number of students and staff would remain the same though with the increased number of beds and parking spaces on Campus, traffic to and from Campus would increase; in coordination with DDOT, a TDM and PMP have been agreed to by Wesley to address any resulting impacts; per the

pending amendments in Z.C. Case No. 24-09, the Campus is exempted from commercial use restrictions and IZ units can be provided off-site; the requested area variance to reduce the setback to 27 feet due to a notch at the property line meets the variance standard; the Campus Plan would not be inconsistent with the CP maps' institutional designations as housing of students meets the criteria for institutional uses, and would not be inconsistent with the written elements of the CP, including the Rock Creek West Area Element and CP racial equity goals (*see* May 12, 2025 Public Hearing Tr. at 93-95).

Cross-Examination of OP's Testimony by Parties

149. Mr. Tom Smith, on behalf of NLC-SVWHCA, cross-examined Ms. Brown-Roberts, raising questions and concerns on the following issues in response to OP's testimony:

a. How does excluding AU students from the student cap or head count for the Wesley Campus Plan meet the requirements of Subtitle Z § 302.10 and account for the intensity of the proposed housing building;
b. How has the revised Campus Plan changed such that it is now consistent with the Comprehensive Plan;
c. Whether the campus plan text amendments adding a new Subtitle X § 101.5 affirm that Wesley's housing of AU students meets its educational mission;
d. Whether the proposed housing building would comply with RA-1 zone standards if it was not on Wesley's Campus;
e. Whether Wesley has provided financial information to demonstrate that the housing building is projected to stabilize its financial future; and
f. Whether OP is concerned that Wesley's housing of undergraduate AU students would be incompatible with its graduate-level students.

(*see* May 12, 2025 Public Hearing Tr. at 97-102).

150. Ms. Brown-Roberts responded to NLC-SVWHCA's cross-examination questions of OP, noting that the student head count or cap, under Subtitle Z § 302.10, is a number with only students attending the university in mind; the Campus Plan did not change to become more consistent with the Comprehensive Plan but rather the evaluation standards of the application changed since it is no longer a PUD; the text amendments adding a new Subtitle X § 101.5 do not state that Wesley's housing of AU's students meets its educational mission; the RA-1 zone has particular standards for a campus plan and different standards for other locations; Wesley did not provide financial information to OP documenting that the new housing building is projected to stabilize its financial future; and OP is not concerned that housing AU undergraduate students is incompatible with Wesley's graduate-level students (*Id.*).

151. None of the other parties cross-examined OP's testimony at the May 12, 2025 public hearing.

Testimony of DDOT

152. Mr. Aaron Zimmerman appeared on behalf of DDOT at the September 11, 2023 hearing, and testified that DDOT is in support of the application on condition that transportation demand management is implemented to form its management plans that include a bikeshare station, constructing missing sidewalk facilities, and conducting a study for need of a traffic signal on Massachusetts Avenue at the driveway after the building opens and the Applicant's agreement to the TDM and PMP with the additions requested in the September 1, 2023 DDOT report at Exhibit 27 of the case record (*see* September 11, 2023 Public Hearing Tr. at 119-120). DDOT did not testify at the May 12, 2025 public hearing. As noted above in FF Nos. 32, 104-105, and 141, DDOT reviewed the Gorove Slade Transportation Study provided at Ex. 80 and agreed to the updated TDM and PMP with the additions requested in DDOT's Supplemental Report at Exhibit 86, which were accepted by the Applicant.

Testimony of ANC 3E and ANC 3D

153. At the May 12, 2025 public hearing, Chair Jonathan Bender testified on behalf of ANC 3E, stating that his testimony primarily addresses Wesley's IZ proposal and should be deferred for a later date according to the Commission's instructions. The Commission agreed (*see* May 12, 2025 Public Hearing Tr. at 102-103).

154. At the May 12, 2025 public hearing, Tricia Duncan provided testimony on behalf of ANC 3D, highlighting Wesley's proposed conditions of approval regarding green open space, landscaping, and a playground; regarding transportation and parking, including the TDM and PMP, new sidewalk construction, and the University Avenue circulation plan; and regarding construction management and continued coordination with CLC (*see* May 12, 2025 Public Hearing Tr. at 105-107). Ms. Duncan stated that most of the opposition testimony has to do with American University and differing interpretations of what the Zoning Regulations allow but what seems absent is how the proposal would personally have an adverse effect on any given neighbor of Spring Valley (*Id.*). Further, she does not read AU's non-engagement as opposition but rather as respecting its neighbor, and AU would have interjected long ago if this proposal threatened its operations (*Id.*).

Cross-Examination of ANC 3D's Testimony by Parties

155. Mr. Tom Smith, of NLC-SVWHCA, cross-examined Ms. Duncan questioning whether her constituents were advised of the most recent traffic circulation conditions, whether land use that generates revenue is consistent with Wesley's educational mission, whether the playground would be the only one in Spring Valley, and whether her comments about AU were her personal beliefs rather than ANC 3Ds. Ms. Duncan clarified that her constituents were not advised of the most recent condition changes due to limited timing before the May 12th hearing; that she did not have issue with approval of the application but would defer judgment on the educational mission question to the Commission; that there are other recreational facilities but this would be the only public playground in Spring Valley; and that her statements about AU were her personal opinion not the position of ANC 3D (*see* May 12, 2025 Public Hearing Tr. at 108-114).

156. None of the other parties cross-examined ANC 3D's testimony at the May 12, 2025 public hearing.

Party in Support

157. At the May 12, 2025 public hearing, Mr. William Clarkson on behalf of SVNA, testified in support of the Campus Plan, noting that it is the result of numerous meetings and discussions involving the CLC, ANC 3D and 3E, multiple neighborhood and citizens associations, and organizations and individual neighbors; and specifically noting support for the community playground and University Avenue sidewalk (*see* May 12, 2025 Public Hearing Tr. at 114-116).

158. None of the parties cross-examined the testimony of SVNA at the May 12, 2025 public hearing.

Persons in opposition

159. At the public hearings on September 11, 2023 and May 12, 2025, Mr. Robert Scholz, longtime resident of 3900 University Avenue, testified and provided written testimony in opposition. In his testimony at the May 12, 2025 public hearing, Mr. Scholz raised four opposition issues: 1) AU's lack of involvement; 2) height and other probable impacts to neighbors due to the new university housing building; 3) insufficiency of campus parking; and 4) insufficiency of the $8M cash payment to satisfy IZ requirements (*see* May 12, 2025 Public Hearing Tr. at 164-165). Mr. Scholz also stated that he supports the reduction in height on the western portion of the housing building because his property is the most affected by the height and positioning of the building (*Id.*).

160. At the public hearings on September 11, 2023 and May 12, 2025, Mrs. Josie Scholz, longtime resident of 3900 University Avenue, testified and provided written testimony in opposition. In her testimony at the May 12, 2025 public hearing, Mrs. Scholz asked that the Commission require Wesley to contribute funds above minimum IZ requirements to share with less financially fortunate in the ANC 3 community some of the benefit being afforded to Wesley by giving them the green light to build this project (*see* May 12, 2025 Public Hearing Tr. at 163-164.

161. At both public hearings, Shelly Repp, Chair of the Committee of 100 on the Federal City, testified and provided written testimony. In his May 12, 2025 testimony, Mr. Repp stated that most of his concerns relate to IZ so he would defer them to further processing. He also stated that AU should be concerned that the substantial amount of money the proposed new university housing building will generate will not be going to AU (*see* May 12, 2025 Tr. at 161-162).

Party in Opposition

162. At the September 11, 2023 and October 2, 2023, and May 12, 2025 public hearings, NLC-SVWHCA testified and submitted written testimony to the record through Mr. Blaine Carter, Ms. Alma Gates and Mr. Tom Smith. At the May 12, 2025 public hearing, Mr. Tom Smith initiated NLC-SVWHCA's testimony, stating that Wesley's arguments are a repeat of their testimony during the previous 2022 Campus Plan, the 2023 PUD/Campus Plan,

and the 2024 text amendment case; the Commission did not approve the previous Campus Plans and the pending text amendments do not resolve all the legal obstacles associated with this Campus Plan. First, the university housing building primarily for AU students is inconsistent with Subtitle X § 101.4 because it is unrelated to the educational mission of Wesley. He argued that despite Wesley and OP's filings citing the pending text amendments to evidence that the housing building is not a commercial venture, the building is a commercial venture as Landmark will enter into lease agreements with AU students who are not enrolled for an academic degree from Wesley, which is required under Subtitle B; and the building will constitute 72.8% Wesley's occupiable square feet making it the dominant use of Campus. He argued the pending text amendments may exempt Wesley from the commercial limits of Subtitle X § 101 but they do not redefine "commercial" and the commercial nature of this proposal is at odds with Subtitle B. Second, based on the standards of review established in *Durant*, the Campus Plan is inconsistent with the FLUM and the Comprehensive Plan. Third, the Campus Plan is inconsistent with Subtitle X § 101.2 because it presents objectionable conditions for neighboring properties, including parking, campus security, number of students, and stormwater containment as discussed in Exhibit 88 of the case record; and AU, including poaching AU students for Wesley's financial gain when AU is experiencing its own financial challenges; and the IZ proposal is inadequate and also an objectionable condition (*see* May 12, 2025 Public Hearing Tr. at 119-122).

163. Mr. Blaine Carter continued NLC-SVWHCA's testimony, stating that a dormitory housing AU students is not a legitimate university use on Wesley's Campus and the pending text amendments do not state that housing AU students is part of AU's educational mission. He stated the number of AU students housed on Wesley's Campus will be seven times greater than Wesley students housed on Campus; only about 19% of Wesley's students live on Campus so Wesley does not need the housing building except to achieve its objective of making money. He argued another issue that makes this case egregious is Landmark, at Wesley's bidding, is exploiting campus plan flexibility to allow development standards of the Property's underlying RA-1 zone to be exceeded. In addition, AU is not actively engaged in this Campus Plan process and anything less than AU's full-throated endorsement and collaboration is reason for the Commission to reject this proposal. He noted residents are deeply concerned that the neighborhood may be left with a non-conforming asset building on the Wesley Campus if this housing building is constructed and AU's students do not occupy the building. Finally, he stated, despite the Commission bending over backwards to move this proposal forward with a limited text amendment that does not solve the regulatory issues in this case, Wesley has still provided no evidence of its financial need (*see* May 12, 2025 Hearing Tr. at 122-127).

164. Lastly, Ms. Alma Gates testified on NLC-SVWHCA's behalf, arguing that the proposal is inconsistent with the Comprehensive Plan. She noted: "Although Wesley removed the building's penthouse, the reconfigured density remains on site [and the] seven-story building is shoehorned into a corner of the campus, hoping to be hidden from sight by distant AU dorms, but the low-scale buildings on the Wesley campus are overshadowed by the proposed addition." She stated that the proposed housing building is inconsistent with CP Land Use Element Policy LU-2.1.5, which supports maintaining established low-

density neighborhoods and related low-density zoning and encourages alternatives to existing structures to be compatible with the general design character and scale of the existing neighborhood, and preserve civic and open space. She also argued that the proposal is inconsistent with the D.C. Court of Appeals holding in the Durant cases, stating: " I reference Durant because there are many similarities between it and the Wesley Campus application stemming from the interpretation of the Future Land Use Map, the FLUM. Although 901 Monroe was for a PUD, it was the interpretation of the density of the FLUM zoning designation versus what was being proposed that resulted in denial of the application." She contended that in this case, the FLUM designates the Property as institutional but the proposal would change the building use from institutional use to commercial use by virtue of bed rentals to non-Wesley tenants; and commercial uses of the proposed building scale are not permitted in the underlying RA-1 zone. In these circumstances, the D.C. Court of Appeals would be unable to point to the immediate application and find substantial evidence in the rationale or proceedings to support commercial use in an area designated on the FLUM for institutional use; nothing in the proposed land use supports Wesley's educational mission and the underling RA-1 zoning permits moderate-density residential development. She concluded, noting: "It is the medium-density residential areas that are neighborhoods or areas where mid-rise, four to seven story apartment areas are the predominant use. The FLUM designates Durant and Wesley as moderate-density residential, not medium density. And this is the major parallel with Durant, land use." (*see* May 12, 2025 Public Hearing Tr. at 127-134).

165. During its comments in response to the testimony at the May 12, 2025 public hearing, Commissioners stated that the proposed university housing building is connected to Wesley's educational mission; and that it is student housing and not commercialization (*see* May 12, 2025 Public Hearing Tr. at 141-144). Commissioners also commented that this case is a unique situation where two universities are immediately adjacent and the text amendment in Z.C. Order No. 24-09 carves out an exception from commercial use restrictions (*see* May 12, 2025 Public Hearing Tr. at 145-147). Commissioners further commented that there could have been other cleaner solutions than the proposal before the Commission; however, lots of mitigations are being provided to address objectionable impacts (*Id.*).

Post May 12, 2025 Public Hearing Submissions

166. At the conclusion of the May 12, 2025 public hearing, the Commission closed the record except for the submission of rebuttal testimony and requested information from the Seminary and opportunity for party responses.

167. On May 23, 2025, the Seminary submitted rebuttal testimony and the requested information (Ex. 104). Specifically, the Seminary's submission included:

- *Revised Draft Conditions*: Wesley stated it accepted ANC 3E's proposed revisions to its draft conditions and made the deletions requested by OP in its report at Ex. 85;
- *Tree Replacement Ratio*: In response to the Commission's inquiry at the public hearing, Wesley confirmed that the tree replacement ratio is 4.5 new trees for every 1 tree removed. No heritage trees will be removed. The project is currently planning to preserve 177

existing trees (to include 27 heritage trees and 75 special trees) and remove 22 trees with this project. The current landscape/GAR plan is proposing to replant a minimum of 100 trees (combination of canopy trees and understory trees);

- *Durant CP Inconsistency Issue*: Wesley stated that the assertion that the proposed Wesley Campus Plan is inconsistent with the FLUM and Comprehensive Plan ("Comp Plan), based on the D.C. Court of Appeals' decision in *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880 (D.C. 2016) ("*Durant*"), mischaracterizes both the intent and application of the relevant land use designation and misapplies the legal standard established in *Durant*. Under *Durant*, the FLUM must be considered in concert with the Comp Plan's broader text, goals, and policies. The legal test is whether the proposal is "not inconsistent" with the Comp Plan, not whether it perfectly conforms to every single provision. As clarified in *Durant*, the Commission retains discretion to balance and reconcile competing objectives. In this case, the Wesley Campus is designated for "Institutional" use on the FLUM. The Framework Element of the Comp Plan states that "[t]his designation includes land and facilities occupied and used by colleges and universities. . ." Accordingly, the proposed dormitory conforms to the institutional use designation. Moreover, the proposal meets that standard established in *Durant*, as on balance, the proposed dormitory advances more policies than it does not, as identified in Wesley's Comp Plan analysis (*see* Ex. 69F, 85, 96). The analysis provides that the Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Educational Facilities Citywide Elements of the Comp Plan, as well as in the Rock Creek West Area Element would be furthered by the proposed dormitory, including goals related to expanding housing opportunities, promoting equitable access to educational resources, and increasing socio-economic diversity in high-opportunity areas like Ward 3. Further, the proposal supports key equity and housing goals, and has been refined through sustained engagement with the community;
- *Commercial Use Issue*: Wesley stated as defined in Subtitle B § 200.2(j), the Education, College/University use category includes "an institution of higher educational or academic learning providing facilities for teaching and research" and expressly contemplates the provision of student housing (i.e., dormitories and university housing) as an associated institutional use. While the proposed dormitory will house both Wesley and AU students instead of exclusively housing Wesley students, the Commission has addressed this unique situation with the adoption of a text amendment in Z.C. Order No. 24-09 that makes clear that the proposed housing will not be treated as a commercial use for zoning purposes if it is approved through a campus plan. The suggestion that the dormitory must still be considered a "commercial" use under Webster's dictionary ignores the core principle that land use interpretations in the zoning context rest with the Commission, not external definitional sources. The fact that the Commission found it necessary to exempt the building from Subtitle X's commercial use restrictions does not concede that the building is a commercial enterprise in the planning or land use sense—it reflects a legal clarification to remove ambiguity and allow the Commission to evaluate the proposal within the institutional framework of the campus plan process; and
- *Applicant's Rebuttal*: Wesley provided rebuttal arguments affirming its position that the campus plan furthers its educational mission, maintains green open space and Wesley's hilltop configuration with its neighbors, and will not have any objectionable impacts on neighboring properties. The rebuttal also stated that several issues will be taken up in more

detail at further processing, including: off-site IZ; campus security plan; neighborhood parking restrictions and enforcement; codes of conduct and enforcement; verification and enforcement of AU student enrollment; cooperation with AU regarding fence and use of AU shuttle; and Wesley access to new university housing building facilities (*Id.*).

168. On May 30, 2025, NLC-SVWHCA filed a response to the Seminary's rebuttal, stating (Ex. 105):

a. The proposal is unrelated to Wesley's educational mission, in violation of Subtitle X § 101.4 requirements, because it is solely to create a commercial revenue source, it will primarily serve AU students with no connection to Wesley's educational mission, and the Zoning Regulations require approval of separate campus plans based on different physical boundaries and ownership without differentiating whether educational institutions are neighboring;

b. The Seminary's analysis of *Durant* is flawed because that decision focused on whether the proposed PUD was consistent with the FLUM's definition of the moderate density residential land use category and in this case the issue is whether the proposed housing building is consistent with the FLUM's definition of the institutional land use category. Further, in *Durant*, the Court determined that the proposed PUD would not be consistent with the underlying zoning and in this case, the proposed housing building would not be consistent with the Campus' underlying RA-1 zoning nor is it consistent with the adjacent neighborhood, which is zoned R-1B and R-1A;

c. The Seminary's analysis of Subtitle B § 200.2(j), which defines the Education, College/University use category, ignores the language "leading to a degree, and authorized to grant academic degrees" in the definition, which links university land use to the institution's enrollment by indicating the use is intended for academic "study leading to a degree." The critical factor in this case is that the proposed housing building is for AU students who will not be enrolled at Wesley and therefore will not be eligible to receive a degree from Wesley; therefore, the proposed housing building does not meet the standard for Education, College University use under Subtitle B § 200.2(j) ;

d. The proposed housing building is not in harmony with the institutional uses permitted under Subtitle B § 200.2(j) because it is a commercial student apartment building that will comprise nearly 73% of occupiable space on Wesley's Campus– the dominance of this commercial component in Wesley's Campus Plan is what makes it objectionable. The proposed housing building is consistent with Webster's definition of "commercial"; and the Zoning Regulations, under Subtitle B § 100.1(g), require Webster's definition for undefined words;

e. The Seminary's Comprehensive Plan analysis skips several Land Use Element policies that Wesley's Campus Plan is inconsistent with, including:
   - LU – 2.1.5 which calls for supporting low density neighborhoods;
   - LU – 2.3 which stresses that the District should maintain institutional land use compatibility with the surrounding residential neighborhoods and even references Subtitle X, Section 101.4 of the Zoning Regulations as the means to "ensure land use compatibility;"

- LU – 2.3.1 which stresses that the District should prevent encroachment of inappropriate commercial use into residential neighborhoods;
- LU – 2.3.7 which stresses that institutions should ensure that their use conforms to the underlying zoning of the site, particularly to protect neighborhood interests in the future; and
- LU – 2.3.8 which states that the District should limit non-conforming uses by institutions, like the use proposed in this case by Wesley and Landmark; and

f. Three issues, including affordability of housing units, design issues related to noise, and stormwater plan, should be added to the items for review at further processing. In addition, both the campus security plan and IZ should be addressed during the Campus Plan proceeding and should not be delegated to the further processing. Finally, NLC-SVWHCA cited its objections to several of the proposed conditions of approval.

(*Id.*).

169. On June 2, 2025, the Seminary filed Draft Findings of Fact and Conclusions of Law (Ex. 106) and Closing Statement of Rev. David McAllister-Wilson (Ex. 107). Rev. McAllister-Wilson repeated the importance of the Campus Plan to not only the Seminary and its ability to thrive in place, but to the continued well-being of the neighborhood, Ward 3 and the District.

170. On June 6, 2025, NLC-SVWHCA filed a motion to reopen the record to allow filing of two motions (Ex. 108, 108A). First, requesting a further hearing to discuss transportation issues related to Wesley's CTR, which NLC-SVWHCA noted was missing from the case record, and to cross-examine Wesley on its revised proposed conditions. Second, requesting a further hearing to consider the off-site IZ component of the proposed university housing building, which was excluded from the May 12, 2025 public hearing, and NLC-SVWHCA argues constitutes an objectionable condition justifying rejection of the Campus Plan.

171. On June 10, 2025, the Seminary filed a statement in opposition to the two motions filed by NLC-SVWHCA (Ex. 109).

172. At its June 12, 2025 public meeting, the Commission partially granted and partially denied NLC-SVWHCA's motions (Ex. 108, 108A) requesting a further hearing. The Commission granted the request for a further hearing regarding Wesley's CTR only; and denied the requests for a further hearing to discuss the proposed off-site IZ and to cross-examine Wesley regarding the proposed campus plan conditions.

173. On June 12, 2025, as requested by the Commission, the Seminary filed a cover letter and the April 29, 2022 CTR, and all the subsequent updates through May 1, 2025 to and from DDOT (Ex. 110); the filing included the following documents:

- CTR, dated April 29, 2022, filed in the previous iteration of the Wesley Campus Plan Case (Z.C. Case No. 22-13) (Ex. 110A1-A3);
- DDOT Report, dated June 3, 2022, filed in the previous iteration of the Wesley Campus Plan Case (Z.C. Case No. 22-13) (Ex. 110B);

- Gorove Slade TDM and PMP Plans, dated June 10, 2022, filed previously in Z.C. Case No. 22-13 (Ex. 110C);
- DDOT Comments, July 20, 2022 (Ex. 110D);
- Presentation from Gorove Slade Meeting with DDOT, August 18, 2023 (Ex. 110E);
- Gorove Slade Project Status & TDM Update, August 25, 2023 (Ex. 110F);
- DDOT Report, dated September 1, 2023, filed in the Wesley Campus Plan and PUD Cases (Z.C. Case Nos. 23-08, 23-08(1)) (Ex. 110G);
- Updated TDM, Submitted September 1, 2023 (Ex. 110H);
- Gorove Slade Project Status & TDM Update (Transportation Study), dated March 25, 2025 (Ex. 110I; also Ex. 80); and
- DDOT Supplemental Report, dated May 1, 2025 (Ex. 110J; also Ex. 86).

174. On June 13, 2025, the Commission issued a Notice of Limited Scope Public Hearing scheduled on July 2, 2025, by electronic mail to the parties in the case as well as OP, DDOT, and DOEE.

Public Hearing of July 2, 2025

175. At the limited scope public hearing on July 2, 2025, the Seminary provided a PowerPoint presentation (Ex. 111) and testimony by Daniel Solomon, AICP,[22] Principal at Gorove Slade Transportation Planners and Engineers, as an expert witness in transportation issues. The Applicant's PowerPoint presentation for the July 2, 2025 limited scope hearing included:

- A statement that there is no effective change in the number of students and staff as part of the 2025 Campus Plan compared to the previous campus plan therefore the focus of the transportation review was on changes expected due to development of the university housing building;
- A timeline of submission updates and coordination with DDOT;
- A list of updates and refinements to the TDM and PMP based on DDOT and community feedback, including restricting access at University Avenue and reducing the number of vehicle parking spaces;
- A statement noting the following regarding the CTR:
- assumptions regarding trip generation, mode splits, and analysis scenarios were reviewed and approved by DDOT;
- expected trip generation is below DDOT's threshold for vehicle analysis (25 peak hour, peak direction trips) and the CTR analysis stayed below impact thresholds at study area intersections;
- subsequent update maintained conservative estimates for traffic generation (600 net new beds + 1535 sf retail vs. 569 net new beds) and DDOT approved this methodology; and

[22] The transcript from the July 2, 2025 limited scope hearing does not include the testimony from Daniel Solomon; the court reporter informed the Office of Zoning that no additional audio files are available for the July 2, 2025 hearing beyond those in the transcript provided. However, the Office of Zoning website does include a video of the July 2, 2025 limited scope hearing, which can be accessed in the Z.C. Case 23-08(1) case record.

- Lists highlighting requirements of the TDM and PMP presented in the Applicant's March 25, 2025 Transportation Memo, satisfying DDOT's condition of approving the CTR (*Id.*).

176. On behalf of NLC-SVWHCA, Mr. Tom Smith and Mr. Blaime Carter attended the July 2, 2025 public hearing. Mr. Tom Smith cross-examined Mr. Solomon, asking:

a. Whether the trip generation model used accounted for the proposed university housing building;
b. Whether their study examined potential traffic or parking issues stemming from special events on campus or a playground;
c. Whether Massachusetts Avenue and Wesley Circle Northwest operate at unacceptable levels of service and also have queuing issues;
d. Whether their study recommended that DDOT conduct a safety audit of Massachusetts Avenue and Wesley Circle intersection after examining crash data;
e. What specific mitigations are proposed in the TDM to target the levels of service at those two intersections;
f. Based on the March 25, 2025 memorandum, is the pick-up/drop off located at a residential loading entrance of the proposed housing building, is that a typical location, and will it be adequate during periods of high traffic volumes; and
g. Why does the CTR say it is for the proposed housing building and not the campus as a whole.

(*see* July 2, 2025 Public Hearing Tr. at 5-9).

177. Mr. Soloman responded to Mr. Smith's cross-examination questions as follows:

a. The trip generation model accounted for the proposed university housing building by using a student apartment adjacent to campus, as agreed with DDOT;
b. Their study did not examine potential traffic or parking issues stemming from special events on campus or a playground;
c. Massachusetts Avenue and Wesley Circle Northwest do operate at unacceptable levels of service and they also have queuing issues;
d. Their study did recommend that DDOT conduct a safety audit of Massachusetts Avenue and Wesley Circle intersection after examining crash data;
e. The level of service issues are existing issues that are not being caused by the Campus Plan so they are not Wesley's responsibility to mitigate;
f. Based on the March 25, 2025 memorandum, the pick-up/drop off is located at a residential loading entrance of the proposed housing building, which is atypical, but adequate; and
g. He cannot speak to why the CTR does not state it is for whole campus.

(*Id.*).

178. At the July 2, 2025 limited scope public hearing, Mr. Erkin Ozberk testified on behalf of DDOT confirming the May 1, 2025, DDOT Supplemental Report (Ex. 86) recommending approval on condition that Wesley implements the TDM and PMP, including the bike share station, construction of pedestrian facilities, and a study for a future traffic signal at

Massachusetts Avenue driveway, with the additions of Wesley installing bike racks and a scooter corral, to which it has agreed (*see* July 2, 2025 Public Hearing Tr. at 11-12).

179. Mr. Tom Smith cross-examined Erkin Ozberk, asking:

a. Has DDOT been provided with any data to support the change in the amount of parking from 380+ spaces down to 295 spaces;
b. Do you have a sense of whether DDOT reviewed any previous DDOT reports for Wesley going back, for example, to 2012;
c. Does DDOT have any concern about Wesley's requested flexibility to increase or decrease parking by 10%;
d. Is DDOT proposing a study of the potential need for a traffic or pedestrian signal at the Massachusetts Avenue and Wesley Circle driveway;
e. Why did DDOT accept the use of old data from the 2012 and 2020 campus plans;
f. Is DDOT aware that the 2012 report relied on 2005 data;
g. Why would an additional study be needed for the Massachusetts Avenue and Wesley Circle driveway since there is already a pedestrian signal 200 feet from the driveway; and
h. Why didn't DDOT require Wesley to update its CTR when it updated the Campus Plan in March 2025, given that it was originally filed in April 2022 with very limited data collection due to Covid.

(*see* July 2, 2025 Public Hearing Tr. at 13-18).

180. Mr. Ozberk responded to Mr. Smith's cross-examination questions as follows:

a. In DDOT's 2023 report, the parking was identified as higher than anticipated so DDOT was supportive of the parking reduction, which is still in excess of DDOT's preferred parking rate;
b. He does not have a sense of whether DDOT reviewed any previous DDOT reports for Wesley;
c. He does not have any concern about Wesley's requested flexibility to increase or decrease parking by 10%;
d. DDOT is proposing a study of the potential need for a traffic or pedestrian signal at the Massachusetts Avenue and Wesley Circle driveway;
e. It is his understanding that DDOT and Wesley agreed to apply a growth rate to those older counts to bring it to comparable data when this study was performed in 2022;
f. He does not know if DDOT is aware that the 2012 report relied on 2005 data;
g. It is his understanding that the impacts of the Massachusetts Avenue and Wesley Circle driveway are subject to future study and may require further improvements once the university housing building is open; and
h. DDOT did not require an updated CTR in March 2025 because it felt the existing analysis was appropriate, in particular, given the elimination of the retail component originally proposed in Z.C. Case 22-13.

(*Id.*).

181. Mr. Smith and Mr. Carter testified at the limited scope public hearing arguing that the CTR serves as evidence that the Wesley Campus Plan is objectionable to neighboring property due to traffic and parking and fails to meet Subtitle X § 101.2 standards of approval because it was completed for a prior Wesley Campus Plan case that was withdrawn; the CTR relies on old untimely data not representative of typical conditions and consequently its analysis of existing and background traffic conditions is invalid; the CTR fails to include an assessment of future traffic conditions; the CTR fails to include mitigations for two critical study intersections operated at unacceptable levels of service and Wesley's TDM does not specifically mitigate the problems with these two intersections; the CTR is not an assessment of traffic impacts of the Campus Plan as a whole, including faculty staff, and commuter students, and instead limits trip generation data to residents of the proposed university housing building; and Wesley's proposed reduction to 295 parking spaces is not supported by any current real world parking utilization data and is likely inadequate to accommodate the Campus Plan. Therefore, Wesley should be required to submit a new CTR to offer insight into existing future and background conditions and to allow them to form data-driven decision making in this case (*see* July 2, 2025 Public Hearing Tr. at 22-29; *see* written testimony, Ex. 112).

182. At the July 2, 2025 public hearing, the Commission asked about residential parking permits in the neighborhood; commented that it agreed with DDOT regarding Wesley's TDM being robust; and stressed the importance of Wesley's compliance with reporting requirements under its current Campus Plan (*see* July 2, 2025 Public Hearing Tr. at 33-42). At the conclusion of the hearing, the Commission held the record open to allow NLC-SVWHCA to submit its written hearing testimony; and for Wesley to submit total campus trip generation data and NLC-SVWHCA to provide a response.

183. On July 18, 2025, the Seminary filed a cover letter and a technical memorandum from Mr. Soloman of Gorove Slade, which included total campus trip generation data, and noted that the total trips account for the existing number of entering and exiting trips determined in the CTR dated April 29, 2022, and the predicted number of trips related to the university housing building (Ex. 114). The memorandum concluded that the new trips generated by the campus plan as a result of the proposed university housing building during peak periods is below DDOT's threshold of 25 or more vehicle trips in the peak direction during a peak hour for requiring a full traffic impact study, but one was conducted to ensure a rigorous and transparent process (*Id.*). The Seminary's cover letter stated that the new trip generation is very limited and total trip generation for the Wesley Campus will remain historically low; and noted that, under its current campus plan (05-40B), " the traffic monitoring survey requirements shall be suspended so long as enrollment remains below the enrollment for the 2011-2012 academic year" and it is well established that Master's enrollment has continuously remained below the 2011-2012 levels (*Id.*).

184. On July 21, 2025, NLC-SVWHCA filed a response to the Seminary's trip generation filing citing the following main arguments: the CTR is focused on the proposed university housing building and not the campus as a whole; the trip generation data does not provide critical mode split data to demonstrate mode of travel used to access the campus and guide the TDM; the trip generation totals are not representative of typical conditions as the data

was collected during Covid-19; Wesley incorrectly claims that it is not required to file traffic and parking monitoring reports under the current campus plan based solely on Master's enrollment but Wesley has not complied with reporting requirements and had it complied, additional TDMs would have been triggered; the absence of parking utilization data in the CTR is evidence of Wesley's non-compliance; and overall, the CTR is based on old and outdated data for the 2022 Campus Plan and should not be relied on for a 2025 Campus Plan (Ex. 115).

Contested Issues

185. The Commission considered the entire record and finds that the following are the contested issues collectively raised by ANC 3E, Committee of 100, Robert and Josie Scholz, and NLC-SVWHCA regarding the 2025 Campus Plan (FF Nos. 113, 118, 120-122, 159, 160, 162-164, 168, 181, 184).

a. Issues Related to IZ
   i. The proposed $8M financial contribution to satisfy IZ requirements off-site is insufficient and should be calculated based on the fair market value of DC IZ units and produce a higher set-aside than the 10.97% Wesley proposes;
   ii. The off-site IZ proposal is too vague and lacking in detail to demonstrate compliance with new Subtitle C § 1006.10, under Z.C. Order No. 24-09; and
   iii. The off-site IZ financial contribution would not benefit students from either Wesley or AU nor is it likely to result in any new affordable housing for the adjacent neighborhood as it is not tied to any specific project.

b. Issues Related to AU
   i. AU's lack of engagement and endorsement is reason for rejecting the Campus Plan; and
   ii. There has been a lack of coordination with AU on various issues, including campus safety, neighborhood parking enforcement, process to verify AU enrollment for university housing building residents, AU shuttle route, etc.;

c. Issues Related to Objectionable Conditions/Impacts (Subtitle X § 101.2)
   i. The proposal will create objectionable conditions due to its number of students and Wesley has failed to provide a student count for every student on campus, as required under Subtitle Z § 302.10(d), without which it is impossible to set a head count given the melding with AU students, faculty, and staff who will be living on campus;
   ii. The proposed university housing building will create objectionable noise and light impacts on neighboring properties due to its large size; it is larger than existing buildings on campus; and it exploits campus plan flexibility by allowing the underlying RA-1 zone development standards to be exceeded;
   iii. The proposed university housing building will create objectional impacts due to stormwater run-off and lack of a containment strategy during construction to prevent flooding of property downhill; and there is no commitment from the Applicant to take responsibility for property damage;
   iv. The proposal will create objectionable traffic and parking impacts due to an insufficient number of on campus parking spaces;

v. The proposed university housing building will present objectionable impacts to Wesley's existing graduate community due to adding AU undergraduate students;
vi. The proposed university housing building will present objectionable impacts to AU by poaching AU students to reside on Wesley's campus;
vii. The proposal will result in objectionable impacts due to an inadequate campus security plan that does not address student safety;
viii. The inadequacy of the proposed off-site IZ financial contribution presents an objectionable condition;
ix. Both the campus security plan and IZ should be addressed during this Campus Plan proceeding and should not be delegated to further processing; and
x. The proposed university housing building may result in a non-conforming asset being built on Wesley's campus if AU students ultimately do not occupy the building;

d. Issues Related to Commercial Use
i. The proposed university housing use violates Subtitle X § 101.4 because it does not relate to Wesley's educational mission as 72.8% of the total campus build-out would be dedicated to AU students not Wesley students;
ii. The proposed university housing use is not a permitted use under the land use categories of the Zoning Regulations because the Subtitle B § 200.2(j) land use definition for educational, college/university use only permits universities to offer housing for its students enrolled at the institution where their degrees are conferred;
iii. The proposed university housing building's commercial nature is at odds with Subtitle B of the Zoning Regulations. Under Subtitle B § 100.1(g), "commercial" is defined as having the meaning given in Webster's unabridged dictionary because "commercial" is not a defined term in the Zoning Regulations; and
iv. The Commission did not conclude that the proposed university housing building is not a commercial enterprise and the text amendments in Z.C. Order No. 24-09 would not have been needed if the proposal was not deemed commercial.

e. Issues Related to *Durant*
i. The proposed university housing building is a commercial use that is not consistent with Property's Institutional designation on the FLUM;
ii. The proposed university housing building is inconsistent with the Property's Institutional designation on the FLUM based on the holding in *Durant* because the "actual physical characteristics" of the proposed land use is primarily to house AU students solely for financial gain not to house Wesley students; and
iii. The size of the proposed university housing building is inconsistent with the underlying RA-1 zone and therefore inconsistent with the holding in *Durant*;

f. Issues Related to Comprehensive Plan Policy Inconsistencies
i. The proposal is inconsistent with policies of the Comprehensive Plan Land Use Element, including Policy LU-2.1.1, which encourages new housing development on underused property; Policy LU-2.1.5, which encourages maintaining established low-density neighborhoods and related zones; Policy

LU-2.3, which stresses maintaining institutional land use compatibility with surrounding residential neighborhoods; Policy LU-2.3.1, which stresses preventing encroachment of inappropriate commercial uses into residential neighborhoods; Policy LU-2.3.7, which stresses that institutions should ensure that their use conforms to the underlying zone of the site; Policy LU-2.3.8, which states that institutional use on property should conform to underlying zoning and the District should limit non-conforming uses by institutions; and Policy LU-3.3.3, which encourages institutional uses occupying large sites within residential areas to minimize objectionable impacts on adjacent communities; and

ii. The proposal is inconsistent with policies of the CP Educational Facilities Element emphasizing the importance of universities being good neighbors and limiting new developments to those compatible with surrounding neighborhoods, and Policy EDU-3.3.2, which discourages university actions that would adversely affect the character or quality of life in surrounding residential areas;

g. Issues Related to CTR

i. The CTR is based on old and outdated data (i.e., the same CTR as submitted in Z.C. Case No. 22-13), is limited to transportation issues tied to the proposed university housing building rather than the Campus Plan as a whole, and should be updated and not relied on for the 2025 Campus Plan;

ii. The 2025 Campus Plan reduction in parking spaces is not supported by the CTR or any other current data and is likely insufficient to support the Campus as a whole;

iii. The CTR, including its lack of parking utilization data, is evidence of Wesley's non-compliance with the reporting requirements of the current campus plan; and

iv. The CTR identifies two nearby intersections operating at unacceptable levels of service for which the TDM does not provide mitigations; and

h. Issues Related to Proof of Financial Need

i. There is no evidence in the record to demonstrate Wesley's financial need to justify the proposed university housing building.

(*Id.*).

CONCLUSIONS OF LAW

Authority

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (D.C. Official Code § 6-641.01), the Commission may approve an application for education use by a college or university as a special exception, including a campus plan and further processing of an approved campus plan, consistent with the requirements set forth in Subtitle X § 101, Subtitle X Chapter 9, and Subtitle Z § 302.

Standard of Review

2. The Commission's discretion in granting a special exception is "limited to a determination whether the exception sought meets the requirements of the regulation." *(Glenbrook Road*

Ass'n v. District of Columbia Bd. of Zoning Adjustment, 605 A.2d 22, 30 (D.C. 1992)). The Applicant has the burden of showing, in this case, that its proposal meets the requirements enumerated in Subtitle X § 101 as well as satisfying the general standard for special exception approval set forth in Subtitle X § 901. Once the Applicant makes the requisite showing, the Commission "ordinarily must grant [its] application." (*Id.* (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973))).

3. The Commission uses the following standard to determine whether objectionable impacts are present:

> "The appropriate test to employ, we have said, is 'whether the proposed use would significantly increase objectionable qualities over their current levels in the area.' In approving a campus plan and its implementation, the Commission may impose reasonable restrictions to minimize any adverse impacts on the neighborhood, having 'due regard for the [u]niversity's needs and prerogatives'. Ultimately, the Commission's task is to achieve a 'reasonable accommodation . . . between the University and the neighbors' – an accommodation that does not substantially 'interfere with the legitimate interests of the latter.'" *Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Commission*, 88 A.3d 697, 705 (D.C. 2013) (citing *Glenbrook Road Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 605 A.2d 22 (D.C. 1992)) and *Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Commission*, 856 A.2d 1174 (D.C. 2004).

4. The Comprehensive Plan Act of 1984 (DC Law 5-75; DC Official Code § 1-306.01(b)) established the Plan's purposes as:

   a. *To define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development;*
   b. *To guide executive and legislative decisions on matters affecting the District and its citizens;*
   c. *To promote economic growth and jobs for District residents;*
   d. *To guide private and public development in order to achieve District and community goals;*
   e. *To maintain and enhance the natural and architectural assets of the District; and*
   f. *To assist in conservation, stabilization and improvement of each neighborhood and community in the District.*

5. In determining whether a Campus Plan is not inconsistent with the Comprehensive Plan, the Commission shall balance the various elements of the Plan. The District of Columbia Court of Appeals discussed this balancing test in its review of the PUD and related Map Amendment for the redevelopment of the McMillan Reservoir Slow Sand Filtration Site (ZC Order No. 13-14(6)):

"The Comprehensive Plan is a 'broad framework intended to guide the future land use planning decisions for the District.' *Wisconsin-Newark Neighborhood Coal. v. District of Columbia Zoning Comm'n*, 33 A.3d 382, 394 (D.C. 2011) (internal quotation marks omitted). '[E]ven if a proposal conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole.' *Durant v. District of Columbia Zoning Comm'n*, 65 A.3d 1161, 1168 (D.C. 2013) ("*Durant I*"). The Comprehensive Plan reflects numerous 'occasionally competing policies and goals,' and, '[e]xcept where specifically provided, the Plan is not binding.' *Id.*. at 1167, 1168 (internal quotation marks omitted). Thus 'the Commission may balance competing priorities' in determining whether a PUD is consistent with the Comprehensive Plan as a whole. *D.C. Library Renaissance Building/West End Library Advisory Grp. v. District of Columbia Zoning Comm'n*, 73 A.3d 107, 126 (D.C. 2013). '[I]f the Commission approves a PUD that is inconsistent with one or more policies reflected in the Comprehensive Plan, the Commission must recognize these policies and explain why they are outweighed by other, competing considerations.'" (*Friends of McMillan Park v. District of Columbia Zoning Comm'n*, 149 A.3d 1027, 1035 (D.C. 2016)).

The Application satisfied the special exception test set forth in Subtitle X, § 101

6. The Commission concludes that the Applicant has met the burden of proof and the Application satisfies the special exception standards for the requested 2025 Campus Plan in the RA-1 zone set forth in Subtitle X, § 101 for the reasons stated herein. The Commission further concludes that the Applicant satisfied the general standard for granting a special exception in Subtitle X § 901 (and Subtitle X § 101.15); and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map; and that the requested relief will not tend to adversely affect the use of neighboring property (FF Nos. 48, 53, 60, 76, 96-97, 130-131, 138-139, 146, 148, 150):

   a. Generally, the Commission concludes that the 2025 Campus Plan, including the university housing building, is not likely to result in objectionable impacts to neighboring property due to the location of buildings central to Campus, extensive open space and landscape buffers, and a robust TDM plan and PMP along with a traffic circulation plan for Massachusetts and University Avenues and other measures outlined in the Conditions of Approval of this Order that mitigate potential impacts. With respect to the university housing building, it is positioned such that it is substantially buffered from the immediately surrounding neighborhood and University Avenue, in particular. The Commission further concludes that the requested Campus Plan can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map based on the Property's underlying RA-1 zoning for the reasons stated herein;

b. More specifically, the Commission concludes that the Applicant satisfied the campus plan special exception standards set forth in Subtitle X §§ 101.1, 101.6-101.14 and 101.16 (FF Nos. 76, 96, 97);

c. With respect to Subtitle X § 101.3, the Commission concludes the Applicant has satisfied the standards set forth because the proposed university housing building is not a commercial use and pursuant to Subtitle X §101.5, is not subject to the commercial use restrictions under Subtitle X §101 (FF Nos. 76, 96, 97);

d. With respect to Subtitle X § 101.5, the Commission concludes that the provision, which was adopted with a text amendment in Z.C. Order No. 24-09, exempts university housing exclusively for use by Wesley and AU students, faculty, and staff on Square 1600, Lot 819 from the commercial use restrictions of Subtitle X § 101, if approved as part of a campus plan. Accordingly, the Commission's approval of the proposed university housing building as part of the 2025 Campus Plan satisfies Subtitle X § 101.5 (FF Nos. 28, 76, 97); and

e. With respect to the remaining campus plan special exception standards, Subtitle X §§ 101.2, 101.4, 101.12, and 101.17, the Commission concludes the Applicant has satisfied the standards set forth and provides a more detailed discussion of its rationale along with responses to the contested issues raised regarding compliance with these standards below.

7. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the Applicant has satisfied the burden of proving that the university use, as described in the 2025 Campus Plan and subject to the Conditions of Approval adopted in this Order, will satisfy the applicable requirements of a university use and is not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions, as required under Subtitle X § 101.2 (FF Nos. 40, 48, 53, 60, 64, 65, 76, 96-97, 130-131, 138-139, 146, 148, 150):

a. The Commission considered the opposition arguments listed above under FF No. 185(c)(i-x), Issues Related to Objectionable Conditions/Impacts citing number of students, noise and light due to the large university housing building size, stormwater runoff, traffic and parking, campus security, and impacts to Wesley graduate students and AU student housing; and arguing that the proposed IZ financial contribution is an objectionable condition; the campus security plan and IZ should be addressed as a part of this Campus Plan application; and the university housing building may be a nonconforming asset if AU students do not occupy the building. The Commission addresses these issues below:

i. The proposal will create objectionable conditions due to its number of students and Wesley has failed to provide a student count for every student on campus, as required under Subtitle Z § 302.10(d), without which it is impossible to set a head count given the melding with AU students, faculty, and staff who will be living on campus.

Commission Response: The Commission is not persuaded that the 2025 Campus Plan will create objectionable impacts due to number of students. The Commission

notes that the Applicant provided an 11-year Fall 2011-Spring 2025 record of enrollment numbers based on headcount without regard to full or part-time status of student in accordance with Subtitle Z § 302.10 requirements. As a result of the headcount approach, Wesley revised its student enrollment cap to 1,000 to reflect both full-time and a substantial number of part-time students who only visit campus for brief sessions on weekends or during the summer. The Commission finds this relatively small increase in the student population over the next 10 years appropriate to allow for limited growth, given that the total number of students has steadily fallen from 2011-2025. Accordingly, the Commission concludes that the number of students on campus will not result in objectionable impacts and finds the codes of conduct for all students, faculty, and staff provide effective measures prevent objectionable impacts (FF Nos. 40, 42, 53, 70, 76, 96, 97, 148, 150).

ii. The proposed university housing building will create objectionable noise and light impacts on neighboring properties due to its large size; it is larger than existing buildings on campus; and it exploits campus plan flexibility by allowing the underlying RA-1 zone development standards to be exceeded.

Commission Response: The Commission recognizes the concerns of Mr. and Mrs. Scholz, the closest neighbors on University Avenue, and the concerns of others regarding potential objectionable impacts due to the size of the proposed university housing building, which will stand 74 feet, 8 inches high. The Commission notes the changes to the university housing building design, including removal of the penthouse and reduction of the total square footage. In addition, the building is 300 feet from the east curb of University Avenue; the portion closest to University Avenue was lowered to five stories down to roughly 60 feet for the lower portion of the five-story stepped area; the first five floors are screened from University Avenue by the 2014 dorm; and the upper floors setback and are screened by existing trees. The Commission also notes that the university housing building height of 74 feet, 8 inches is less than the maximum permitted 90 foot height in the RA-1 zone, and meets all development standards of the RA-1 zone except the setback requirement of 35 feet along a small portion of the property boundary with AU, for which the Applicant requested area variance relief to provide a 27 foot setback (FF No. 76-79, 97, 98). The Commission notes the campus plan regulations allow a maximum height of 50 feet in the RA-1 zone; therefore, the underlying RA-1 zone development standards allow for additional height to be achieved in these circumstances (FF No. 76). Though other buildings on Campus are shorter in height than the proposed university housing building, the Commission finds the centrally located positioning of the proposed building in proximity to existing AU buildings appropriate for its 74 foot, 8 inch height (FF No. 62). Further, Wesley has demonstrated that the actual visual impact of the building on nearby neighbors will be minimal. For these reasons, the Commission concludes that the university housing building will not create objectionable noise and light impacts due to its size. The Commission encourages the Seminary to continue to actively monitor and enhance, as needed, the existing landscaped buffers on Campus so that there continues to be adequate coverage for neighboring residential areas. The

Commission further notes that the student/campus life uses and the academic and administrative uses within the Campus boundaries have been located to minimize possible noise and light impacts. (FF Nos. 48, 60-62, 64, 76, 97, 130-131, 134-135, 138-139).

iii. The proposed university housing building will create objectional impacts due to stormwater run-off and lack of a containment strategy during construction to prevent flooding of property downhill; and there is no commitment from the Applicant to take responsibility for property damage.

Commission Response: The Commission is not persuaded that the proposed university housing building will create objectionable stormwater run-off impacts. The Commission notes the 2025 Campus Plan's increased GAR from 0.4 to 0.6, increased permeable surface, and inclusion of installation of multiple bioretention facilities, all of which will contribute to stormwater management (FF No. 50). The Commission finds the Conditions of Approval of this Order (to be more fully defined at further processing to authorize construction of the university housing building) respond to stormwater management issues. The Commission further notes Wesley's commitment to more fully address a stormwater management plan and be responsible for compliance and preventing any damage at further processing (*see* May 12, 2025 Public Hearing Tr. at 92). The Commission agrees with fully addressing stormwater management at further processing, which is required to authorize building construction within an approved campus plan. The Commission encourages the Seminary to maintain dialogue with neighbors during construction and long-term to address any stormwater management issues that may arise over the duration of the Campus Plan. Finally, the Commission notes that the Conditions of Approval in this Order include both stormwater management and construction management requirements (FF Nos. 50, 76, 97, 103, 136).

iv. The proposal will create objectionable traffic and parking impacts due to an insufficient number of on campus parking spaces.

Commission Response: The Commission is not persuaded that the proposal will result in objectionable traffic and parking impacts due to an insufficient number of on campus parking spaces. The Commission notes that the 2025 Campus Plan proposed a reduction in campus parking spaces of 99 spaces for a total of 264 underground parking spaces and 31 surface parking spaces on Campus. The Commission notes that DDOT supports the reduction in parking spaces and supports Wesley's proposed TDM, with two additional conditions accepted by Wesley, and its PMP (*see* July 2, 2025 Public Hearing Tr. at 11-13). The Commission further notes that the Conditions of Approval in this Order include a traffic circulation plan for Massachusetts and University Avenues; prohibition of RPP's for residents of the university housing building; and continuing enforcement efforts to prevent Wesley students and residents of the university housing building from parking in the neighborhood. For these reasons, the Commission does not believe that objectionable traffic and parking impacts will result from approval of

the Campus Plan due to insufficient on Campus parking (FF Nos. 32, 65, 76, 97, 104, 140, 141, 180).

v. The proposal will result in objectionable impacts due to an inadequate campus security plan that does not address student safety.

Commission Response: The Commission acknowledges the opposition concerns raised about the adequacy of the campus security plan, including the omission of security cameras directed at the playground; however, the Commission is not persuaded that the campus security plan will result in objectionable impacts. The Commission notes that Wesley provided a campus security plan as part of its revised and updated 2025 Campus Plan at Exhibit 82F of the case record. The Commission also notes Wesley's assurance that it expects to provide a more detailed campus security plan at further processing, with a security camera tuned on the playground, safety measures for Wesley and AU students, and consideration of international student issues (*see* May 12, 2025 Public Hearing Tr. at 89-91; FF No. 146). The Commission agrees with fully addressing campus security at further processing, which is required to authorize specific structures, buildings, and uses within an approved campus plan. Still, the campus security plan requirements in Exhibit 82F are Conditions of Approval in this Order.

vi. The proposed university housing building will present objectionable impacts to Wesley's existing graduate community due to adding AU undergraduate students.

Commission Response: The Commission acknowledges the concern that the presence of numerous AU undergraduate students living in the university housing building may disrupt Wesley's existing graduate community. However, the Commission notes that both Wesley and OP have stated that any impacts associated with AU students on Wesley's Campus will be de minimis (*see* May 12, 2025 Public Hearing Tr. at 80, 102). The Commission finds this testimony persuasive (FF Nos. 146, 150). The Commission acknowledges that the presence of AU students living in the proposed university housing building could result in changes to the Wesley campus environment but is not persuaded that the presence of AU students will result in objectionable impacts to Wesley's Campus and/or its graduate student population.

vii. The proposed university housing building will present objectionable impacts to AU by poaching AU students to reside on Wesley's campus.

Commission Response: The Commission is not persuaded that the university housing building will result in objectionable impacts to AU. The Commission notes that AU was not required to actively participate in Wesley's Campus Plan proceedings and the Commission has no authority to request AU's participation. The Commission also notes that AU did submit a neutral statement in response to the 2023 Campus Plan (FF No. 71). The Commission has consistently indicated

that it would have preferred that AU be more involved with this 2025 Campus Plan application. Nonetheless, the Commission has no basis to be persuaded that the proposed university housing building will result in objectionable impacts to AU.

viii. The inadequacy of the proposed off-site IZ financial contribution presents an objectionable condition.

Commission Response: The Commission disagrees with NLC-SVWHCA's assertion that Wesley's proposed $8M financial contribution to satisfy off-site IZ requirements is an objectionable condition because it is inadequate. Satisfaction of IZ is a requirement under the Zoning Regulations that must be met in conjunction with the proposed university housing building (FF No. 55); it is not an objectionable condition that will impact neighboring properties or the immediate area due to approval of the Campus Plan. Quite the contrary, since the Commission approved text amendments in Z.C. Order No. 24-09 which allow Wesley to satisfy the IZ requirement triggered by the proposed university housing building off-site from the Wesley Campus either through the provision of housing in other Ward 3 locations or through a financial contribution, deemed sufficient by the Commission (FF No. 28). The Commission will make a final determination on how the off-site IZ requirement will be satisfied in the further processing case to authorize construction of the proposed university housing building. The Commission expects to hear testimony regarding the adequacy or inadequacy of Wesley's proposed financial contribution to satisfy the off-site IZ requirement during the further processing proceeding. But the Commission sees no nexus between the final amount of any financial contribution and objectionable conditions/impacts to neighboring property which may result from approval of the Campus Plan. Because ultimately, IZ will be satisfied off-site away from the Wesley Campus and therefore cannot create objectionable conditions for neighboring property or the immediate surrounding area.

ix. Both the campus security plan and IZ should be addressed during this Campus Plan proceeding and should not be delegated to further processing

Commission Response: The Commission believes that it is more appropriate to fully address the campus security plan and IZ at the time of further processing to authorize construction of the university housing building. With respect to campus security, the Commission believes fully addressing the campus security plan in conjunction with further processing to authorize the university housing building construction will allow for a more comprehensive and thorough plan that appropriately accommodates the final university housing building design plans. With respect to IZ, the text amendment language in Z.C. Order No. 24-09 adds a new Subtitle C § 1006.10 that requires Wesley to "provide off-site IZ located in Ward 3 as an enforceable condition to its 2025-2035 Campus Plan further processing to construct university housing on Wesley's campus. . ." (FF No. 28). The Commission was deliberate in tying an enforceable condition to provide off-site IZ with the further processing application to authorize construction of the

university housing building. Primarily, because construction of the university housing building triggers IZ requirements and the Commission believes the conditions associated with the IZ requirements should be considered and finalized at the same time as the application to authorize construction of the university housing building. The Commission also believes this approach is more transparent for the public because there will be no conditions of approval associated with enforcement of IZ before further processing. For these reasons, the Commission believes it would be misleading to the public to have allowed detailed hearing testimony regarding IZ as a part of this Campus Plan proceeding. Moreover, the Commission believes that Wesley should be given the timeframe between this Campus Plan and further processing to modify and improve its proposal to satisfy the off-site IZ requirement.

x. The proposed university housing building may result in a non-conforming asset being built on Wesley's campus if AU students ultimately do not occupy the building.

Commission Response: The Commission is not persuaded by NLC-SVWHCA's concern that AU students will not occupy the proposed university housing building and it will become a non-conforming asset. First, the Commission cannot predict the future and any application it approves could ultimately result in a development that faces lease up challenges. Second, the Commission notes that the proposed university housing building cannot be described as non-conforming based on the definitions and descriptions of non-conforming structures in the Zoning Regulations (*see* Subtitle B § 100.2; Subtitle C § 200).

8. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the Applicant has satisfied the burden that the campus plan process shall not create general commercial activities or developments unrelated to the educational mission of the applicant or that would be inconsistent with the Comprehensive Plan, under Subtitle X § 101.4.

a. The Commission considered the opposition arguments listed above under FF No. 185(d)(i-iv), Issues Related to Commercial Use stating the proposed university housing violates the Subtitle X § 101.4 educational mission requirement; is not a permitted use based on the requirements of Subtitle B §§ 100.2, 200.2(j) of the Zoning Regulations; and if it were not a commercial use the text amendment to add a new section 101.5 in Z.C. Order No. 24-09 would have been unnecessary. The Commission addresses these issues below:

i. The proposed university housing use violates Subtitle X § 101.4 because it does not relate to Wesley's educational mission as 72.8% of the total campus build-out would be dedicated to AU students not Wesley students;

ii. The proposed university housing use is not a permitted use under the land use categories of the Zoning Regulations because the Subtitle B § 200.2(j) land use definition for educational, college/university use only permits

universities to offer housing for its students enrolled at the institution where their degrees are conferred;

iii. The proposed university housing building's commercial nature is at odds with Subtitle B of the Zoning Regulations. Under Subtitle B § 100.1(g), "commercial" is defined as having the meaning given in Webster's unabridged dictionary because "commercial" is not a defined term in the Zoning Regulations; and

iv. The Commission did not conclude that the proposed university housing building is not a commercial enterprise and the text amendments in Z.C. Order No. 24-09 would not have been needed if the proposal was not deemed commercial.

Commission Response: Because the four issues listed above are interrelated, the Commission addresses them together in a single response. The Commission disagrees with NLC-SVWHCA's assertion that the Subtitle B § 200.2(j) land use definition for educational, college/university use requires the Commission to conclude that the proposed university housing building is a commercial use because it only permits universities to offer housing for its students enrolled at the institution where their degrees are conferred. And because, Subtitle B § 100.1(g) requires the Commission to define the word "commercial" with the meaning in Webster's unabridged dictionary. The Commission notes that Webster's unabridged dictionary defines commercial as "of or relating to commerce; designed mainly for profit; paid for by advertisers." The Commission acknowledges that the proposed university housing building could be construed as a commercial use based on this definition. However, at no point during this Campus Plan proceeding or during proceedings for prior iterations did the Commission unanimously agree or conclude that the proposed university housing building is a commercial use. In response to opposition arguments asserting that the proposed university building was a commercial use, the Commission supported text amendments to clarify that the Commission did not construe the proposed university housing building as subject to the commercial use restrictions of Subtitle X § 101, specifically sections 101.3 and 101.4. Notably, the text amendment, adding a new Subtitle X § 101.5 limits the exclusion from commercial use restrictions to "university housing exclusively for use by Wesley Theological Seminary and American University students, faculty, and staff on Square 1600, Lot 819... if approved by the Zoning Commission as part of a campus plan." The Commission acknowledges that the land use definition of educational, college/university, under Subtitle B § 200.2(j)(1), does not contemplate facilities for students beyond students seeking a degree at the university where their degrees are conferred, but Subtitle B § 200.2(j)(2) includes dormitories as examples of permitted uses. Nonetheless, the Commission finds the proposed university housing building to align more with the educational, college/university land use definition than it aligns with Webster's definition of commercial. Therefore, the Commission concludes that the university housing building is a permissible use under the educational, college/university land use definition in Subtitle B § 200.2(j) (FF Nos. 73-75, 132). The Commission believes that what distinguishes the university housing building use is that everyone living

there will be students, faculty, or staff of a university irrespective of the fact that AU students will also reside in the building and enter into lease agreements to occupy the building (FF No. 165). The Commission has consistently maintained throughout this proceeding and prior iterations that this proposed arrangement of AU students living in university housing with Wesley students on Wesley's campus is unique and driven by the factual circumstances of the two universities being immediately adjacent (FF No. 165, 167). Likewise, the Commission has readily acknowledged that there are potentially alternative options to this proposed arrangement that could have been more straightforward, but the Commission is charged with reviewing the proposal before it[23]. For these reasons, the Commission purposely drafted the text amendment language in new Subtitle X § 101.5 to create a limited exclusion to accommodate these specific, unique factual circumstances (FF No. 28). The Commission acknowledges that during previous iterations and during this proceeding some Commissioners did express reservations about whether the proposed university housing building is consistent with Wesley's educational mission, as required under Subtitle X § 101.4. Based on the hearing testimony, both at the September 11, 2023 and May 12, 2025 hearings, and the submissions to the case record, the Commission was ultimately persuaded that the revenue generated from the proposed university housing building would further Wesley's educational mission to the extent it allows Wesley to stay in a location that attracts students faculty and staff from all over the world, and provides funding for programming to educate Wesley's students, provides financial aid to Wesley's students, and provides support to underserved communities/missions at Wesley's current scale. Despite the fact that the proposed university housing building will primarily house AU students, the revenue generated from it will directly support Wesley's educational mission (*see* FF Nos. 34, 123, 125, 128-129, 143, 165, 167, 169);

b. The Commission considered the opposition arguments listed above under FF No. 185(e)(i-iii), Issues Related to *Durant*[24] arguing that the proposed university

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23 *See Spring Valley–Wesley Heights Citizens Ass'n. v. District of Columbia Zoning Comm'n.*, 88 A.3d 697, 704 (D.C. 2013) (concluding that it is "not the function of the Commission to consider all the possible alternatives")

24 *Durant v. District of Columbia Zoning Commission* refers to the following three D.C. Court of Appeals decisions regarding a proposed PUD and related map amendment to authorize construction of a six-story building on a parcel mostly designated on the FLUM for low density residential use with parts of the parcel designated for low-density and moderate density mixed-use: *Durant v. District of Columbia Zoning Commission*, 65 A.3d 1161 (D.C. 2013) ("*Durant I*"); *Durant v. District of Columbia Zoning Commission*, 99 A.3d 253 (D.C. 2014)("*Durant II*"); and *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880 (D.C. 2016) ("*Durant III*") (collectively, "*Durant*" hereinafter). In *Durant I* and *Durant II*, the D.C. Court of Appeals remanded the Commission's approval of the proposed PUD for the Zoning Commission to further explain its reasoning for why the proposed PUD project should properly be characterized as a moderate density development/use consistent with the Comprehensive Plan. In *Durant III*, the D.C. Court of Appeals set aside the Commission's approval of the PUD and denied the application holding that the proposed six-story apartment building was not moderate density residential development under the FLUM as it would not be comparable to the smaller-scale structures in the definition of moderate-density residential use; and the Commission placed unwarranted reliance on the moderate-density FLUM definition reference to the R-5-B district to support classifying the proposed PUD as moderate density residential use when the proposed building would not ordinarily be permissible in the R-5-B district.

housing building is inconsistent with the Court's holding in *Durant* and with the Property's Institutional FLUM designation because it is a commercial use. The Commission addresses these issues below:

i. The proposed university housing building is a commercial use that is not consistent with Property's Institutional designation on the FLUM;
ii. The proposed university housing building is inconsistent with the Property's Institutional designation on the FLUM based on the holding in *Durant* because the "actual physical characteristics" of the proposed land use is primarily to house AU students solely for financial gain not to house Wesley students; and
iii. The size of the proposed university housing building is inconsistent with the underlying RA-1 zone and therefore inconsistent with the holding in *Durant.*

Commission Response: Because the three issues listed above are interrelated, the Commission addresses them together in a single response. The Commission must first note that its evaluation of Comprehensive Plan consistency in a campus plan is a more limited evaluation than in a PUD[25]. In a campus plan, the Commission's Comprehensive Plan evaluation is limited to "the campus plan [not serving] as a process to create general commercial activities or developments . . . that would be inconsistent with the Comprehensive Plan" and the Commission's consideration of "to the extent relevant, the policies of the District Elements of the Comprehensive Plan." (Subtitle X §§ 101.4, 101.12). The Commission does not find NLC-SVWHCA's arguments regarding the *Durant* holding persuasive. The Commission notes that the Property in this case is designated institutional on the FLUM and the institutional FLUM category states:

"This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories." (10-A DCMR § 227.18; FF No. 20, 82).

In *Durant*, part of the subject property was designated moderate density residential and the moderate density residential FLUM category included descriptive language of moderate density residential that conflicted with the proposed six-story building

[25] The PUD evaluation standard requires the Commission to find that a PUD is not inconsistent with the Comprehensive Plan, does not to result in unacceptable project impacts that are not capable of being mitigated or acceptable given the quality of the project public benefits, and includes specific public benefits and project amenities that are not inconsistent with the Comprehensive Plan (Subtitle X § 304.4) Further, in deciding a PUD, the Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any adverse effects according to the specific circumstances of the case (Subtitle X § 304.3)

in that PUD and related map amendment application. Consequently, the D.C. Court of Appeals concluded that the actual physical characteristics of the proposed six-story building conflicted with it being characterized as moderate density residential. Specifically, the moderate density residential FLUM category language included examples of types of moderate density development and cited specific zones that would be consistent with the moderate density residential category. *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880, 883-884 (D.C. 2016) ("*Durant III*")

Opponents argue that the facts in this case align with *Durant* because the actual physical characteristics of the proposed university housing building are to primarily house AU students for financial gain and this fact makes the proposed building commercial and inconsistent with the institutional FLUM category. However, unlike the facts in *Durant*, the institutional FLUM category does not include any descriptive language about the physical characteristics of institutional or language that conflicts with the proposed university housing building like the moderate density residential category did in *Durant*. This is evidenced by the entirety of the language in the institutional FLUM category provided immediately above. In *Durant*, the D.C. Court of Appeals could point to the language in the moderate density residential FLUM category and conclude that the proposed six story building was inconsistent with the examples of moderate density residential development and with other descriptive language in the category. *Id.*. In this case, the institutional FLUM category language does not include the descriptive detail that the moderate density residential FLUM category, which applied in *Durant*, did. For these reasons, the Commission is not persuaded that the actual physical characteristics of primarily housing AU students for financial gain in the proposed university housing conflicts with the institutional FLUM category. Nor is the Commission persuaded that the proposed university housing building is a commercial use that is inconsistent with the institutional FLUM category. (FF No. 167).

Opponents also argue that the D.C. Court of Appeals relied on the fact that underlying zoning would not permit the proposed six story building to conclude that it was inconsistent with the moderate density residential FLUM category. This is not an accurate characterization of the Court's rationale in the Commission's view. In *Durant*, the moderate density residential FLUM category cited specific zones as being consistent with the moderate density residential category; and the Court noted that one of those cited zones, which the Zoning Commission relied on in its order, would not permit the proposed six story building. *Id.* at 884. In this case, opponents argue that the proposed university housing building would not be permissible based on the Property's underlying RA-1 zoning to contend that the facts in this case are similar to *Durant*. However, unlike *Durant*, the institutional FLUM category does not cite any specific zones as being consistent with the institutional category; and the proposed university housing building is permissible under the RA-1 zone. The proposed university housing building meets all the development standards of the RA-1 zone, including height, except for the 35 foot

setback required for a small portion of the building abutting AU's property line, for which Wesley requested area variance relief to provide a 27 foot setback (FF Nos. 77-79, 98). Thus, the proposed university housing building is permissible in the underlying RA-1 zone but more significantly, there is no language in the institutional FLUM category citing specific consistent zones. Further, contrary to opponents' assertion, the Court did not rely on the underlying zoning of the property in *Durant* to justify its rationale. *Id.*. at 880-884. Accordingly, the holding in *Durant* is not based on facts that are similar to this case. For all the reasons stated immediately above, the Commission is not persuaded by opponents' contention that the holding in *Durant* does not support approval of this Campus Plan application, including the proposed university housing building (FF 167).

9. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the Applicant has satisfied the burden that the Campus Plan is not inconsistent with the policies of the District Elements of the Comprehensive Plan, to the extent relevant (Subtitle X § 101.12). As previously noted, the Commission utilizes a Racial Equity Tool in evaluating a zoning action's consistency with the Comprehensive Plan. (FF No. 90).The Commission concludes that the Campus Plan would not be inconsistent with the Comprehensive Plan on the whole, including the Property's Institutional designations on the GPM and FLUM; and would further Comprehensive Plan policies of the Land Use, Educational Facilities, Transportation, Housing, Environmental Protection, Parks, Recreation, and Open Space, and Economic Development District Elements as well as policies of the Rock Creek West Area Element, including when viewed through a racial equity lens. (FF Nos. 80-94, 99-102, 133, 148). The Commission bases this conclusion on the Comprehensive Plan consistency analyses, inclusive of Racial Equity analyses, provided by the Applicant and OP (FF Nos. 80-94, 99-102). Based on the case record, the Commission finds that the Campus Plan, including the proposed university housing building, is compatible with the existing neighborhood character, particularly after building design modifications in response to community concerns; maintains green open space of the Campus and generous buffers from the adjacent neighborhood; provides multimodal options that include pedestrian improvements; incorporates sustainable and thoughtful design elements; and expands the on-campus student housing supply in an area where there is a significant need for housing (80-94, 99-102, 133, 148):

a. Racial Equity – The Commission notes that, in accordance with the requirements of the Racial Equity Tool, the Applicant's Racial Equity Analysis included evidence of extensive community outreach and engagement; and OP's Racial Equity Analysis included disaggregated race and ethnicity data for the Rock Creek West Planning Area, in which the Property is located (FF Nos. 39, 91, 100-101). Specifically, the Applicant provided evidence of its community outreach and engagement efforts, which included meetings with neighbors, the CLC, and ANCs 3D and 3E, and based on these meetings, the Applicant revised the site design, building orientation, and TDM plan (FF Nos. 39, 48, 113, 138-139, 167). OP provided data for the Rock Creek West Planning Area showing that the area has become somewhat more racially and ethnically diverse between 2017-2021, when the population experienced slight increases in the Black or African American,

Asian, and Hispanic or Latino populations (FF No. 100). The Commission concludes that the information provided by the Applicant and OP satisfies the requirements of the Commission's Racial Equity Tool and that the revised and updated 2025 Campus Plan responds to Comprehensive Plan racial equity goals. (FF Nos. 67, 91-93, 100-102);

b. Potential CP Inconsistences – The Commission acknowledges that the Campus Plan may be potentially or inconsistent with Comprehensive Plan policies that have not been identified herein; to the extent any Comprehensive Plan inconsistencies have not been identified, the Commission finds them to be outweighed by the Comprehensive Plan policies that would be advanced by the Campus Plan (FF No. 94);

c. The Commission considered the opposition arguments listed above under FF No. 185(f)(i-ii), Issues Related to the Comprehensive Plan Policy Inconsistencies arguing that the proposal is inconsistent with policies of the Land Use Element and policies of the Educational Facilities Element. The Commission addresses these issues below.

i. The proposal is inconsistent with policies of the Comprehensive Plan Land Use Element, including Policy LU-2.1.1, which encourages new housing development on underused property; Policy LU-2.1.5, which encourages maintaining established low-density neighborhoods and related zones; Policy LU-2.3, which stresses maintaining institutional land use compatibility with surrounding residential neighborhoods; Policy LU-2.3.1, which stresses preventing encroachment of inappropriate commercial uses into residential neighborhoods; Policy LU-2.3.7, which stresses that institutions should ensure that their use conforms to the underlying zone of the site; Policy LU-2.3.8, which states that institutional use on property should conform to underlying zoning and the District should limit non-conforming uses by institutions; and Policy LU-3.3.3, which encourages institutional uses occupying large sites within residential areas to minimize objectionable impacts on adjacent communities; and

ii. The proposal is inconsistent with policies of the CP Educational Facilities Element emphasizing the importance of universities being good neighbors and limiting new developments to those compatible with surrounding neighborhoods, and Policy EDU-3.3.2, which discourages university actions that would adversely affect the character or quality of life in surrounding residential areas.

Commission Response: The Commission notes that the Comprehensive Plan states that the Land Use Element integrates and balances competing policies of all the other District Elements and should be given greater weight than other elements (*see* 10-A DCMR § 300.3) The Commission acknowledges that the proposal may be potentially inconsistent and/or inconsistent with policies of the Land Use Element that encourage new housing development on underused property; maintaining established low-density neighborhoods and related zones; maintaining institutional land use compatibility with surrounding residential neighborhoods; preventing encroachment of inappropriate commercial uses into

residential neighborhoods; ensuring that institutional use conforms to the underlying zone of the site; institutional use on property to conform to underlying zoning and the District to limit non-conforming uses by institutions; and institutional uses occupying large site within residential areas to minimize objectionable impacts on adjacent communities. The Commission acknowledges that NLC-SVWHCA specifically cited the following Land Use policies to demonstrate these Comprehensive Plan inconsistencies:

Policy LU-2.1.1: Variety of Neighborhood Types; Policy LU-2.1.5: Support Low-Density Neighborhoods; LU-2.3 Residential Land Use Compatibility; Policy LU-2.3.1: Managing Non-Residential Uses in Residential Areas; Policy LU-2.3.7: Nonconforming Institutional Uses; Policy LU-2.3.8: Nonconforming Commercial and Industrial Uses; Policy LU-Nonprofits, Private Schools and Service Organizations.

While these cited policies may be potentially inconsistent or inconsistent with the Campus Plan proposal, there are several competing Land Use Element policies that would be advanced by the proposal, as noted in the Applicant and OP's Comprehensive Plan consistency analyses (*see* FF Nos. 84, 99). Including Land Use Element policies cited in OP and/or the Applicant's analyses that: support development compatible with the general design character and scale of the existing neighborhood and preserve civic and open space; consider appropriate height design, density and operational standards to provide appropriate transitions between districts and enhance neighborhood character in each district; encourage projects that improve the visual quality of neighborhoods including landscaping, tree planting, parking improvements, and public realm enhancements and activations; recognize importance of institutional uses and ensure that when institutional uses are permitted in residential neighborhoods their design and operation is sensitive to neighborhood issues and neighbors' quality of life; support ongoing efforts by institutions to mitigate their traffic and parking impacts; and encourage institutions to be role models to improve physical environment through high-quality architecture and design, expanded use of green building methods and low-impact development (*see* Policies LU-2.1.5, 2.2.4, 2.3.4, 2.3.5, 3.3.1, 3.3.2; See also FF Nos. 84, 99). The Commission recognizes that these policies are overlapping and competing with those identified by NLC-SVWHCA. Based on case record, the Commission concludes that, despite the Land Use Element policy inconsistencies identified by NLC-SVWHCA, on balance the Campus Plan proposal would not be inconsistent with the Land Use Element and would advance several of its stated policy goals and objectives. Accordingly, the Commission finds that any Land Use Element policy inconsistencies are outweighed by the policies that would be advanced by the Campus Plan proposal.

The Commission acknowledges that the proposal may be potentially inconsistent and/or inconsistent with policies of the Educational Facilities Element that emphasize the importance of universities being good neighbors and limiting developments to those compatible with surrounding neighborhoods and that discourage actions that would adversely affect the character or quality of life in surrounding residential areas. The Commission also acknowledges that NLC-SVWHCA specifically cited Educational Facilities Element Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs to demonstrate these Comprehensive Plan policy inconsistencies. While this cited

policy may be potentially inconsistent or inconsistent with the Campus Plan proposal, there are several competing Educational Facilities Element policies that would be advanced by the proposal, as noted in the Applicant and OP's Comprehensive Plan consistency analyses (*see* FF Nos. 88, 99). Including Educational Facilities Element policies cited in OP and/or the Applicant's analyses that: encourage universities to partner students and faculty with members of the local community to help inform thinking on community-driven topics; encourage continuing to require campus plans for colleges and universities located in residential zones and require them to address issues raised by the surrounding community; encourage the provision of on-campus student housing in order to reduce college and university impacts on the housing stock, especially the affordable housing stock, in adjacent neighborhoods; and support efforts by colleges and universities to mitigate their traffic and parking impacts by promoting varied transportation demand management measures and the provision of adequate on-site parking for institutional uses (*see* Policies EDU-3.2.5, 3.3.3, 3.3.4, 3.3.5; See also FF Nos. 88, 99). The Commission recognizes that these policies are overlapping and competing with those identified by NLC-SVWHCA. Based on case record, the Commission concludes that, despite the Educational Facilities Element policy inconsistencies identified by NLC-SVWHCA, on balance the Campus Plan proposal would not be inconsistent with the Educational Facilities Element and would advance several of its stated policy goals and objectives. Accordingly, the Commission finds that any Educational Facilities Element policy inconsistencies are outweighed by the policies that would be advanced by the Campus Plan proposal.

10. Based on the Findings of Fact and the record before the Commission, the Commission concludes that the requirements of Subtitle X § 101.17 were met, and further processing to authorize construction of the proposed university housing building was not filed simultaneously with this full Campus Plan application. The Commission deliberated on this Campus Plan and took final action to approve this application at its July 31, 2025 public meeting. A further processing application to authorize construction of the proposed university housing building was not filed prior to the Commission taking final action on this Campus Plan; therefore, the applications were not filed or considered simultaneously. The Commission finds the process of reviewing campus plans and further processing applications separately effective and recognizes that the purpose of further processing is to provide for a detailed review of the specific objectionable impacts associated with any buildings proposed in the overall plan. Therefore, the approval of the 2025 Campus Plan is not effectively an approval of any future further processing; any future further processing will be separately considered by the Commission. The Commission concludes that the information provided in the case record and during testimony at the public hearings is sufficient for the Commission to find that the uses proposed in the 2025 Campus Plan, as subject to the Conditions of Approval adopted in this Order, are not likely to become objectionable to neighboring property. Therefore, the Commission concludes that the Applicant has met the burden of proof for approval of the 2025 Campus Plan.

Other Contested Issues

11. The Commission considered the opposition arguments listed above under FF No. 185(a)(i-iii), Issues Related to IZ citing both the inadequacy of Wesley's proposed $8M financial contribution to satisfy off-site IZ and other issues related to administration and

benefits of the proposed Ward 3 Inclusionary Zoning Revolving Fund. The Commission addresses these issues below:

- The proposed $8M financial contribution to satisfy IZ requirements off-site is insufficient and should be calculated based on the fair market value of DC IZ units and produce a higher set-aside than the 10.97% Wesley proposes;
- The off-site IZ proposal is too vague and lacking in detail to demonstrate compliance with new Subtitle C § 1006.10, under Z.C. Order No. 24-09; and
- The off-site IZ financial contribution would not benefit students from either Wesley or AU nor is it likely to result in any new affordable housing for the adjacent neighborhood as it is not tied to any specific project.

Commission Response: The Commission addresses the three issues above in one single answer as they all relate to off-site IZ. At the beginning of the May 12, 2025 public hearing, the Commission announced that it would address satisfaction of off-site IZ requirements with the new Subtitle C § 1006.10 as part of the further processing to authorize construction of the proposed university housing building (FF No. 126). The Commission believes that testimony associated with satisfaction with the off-site IZ requirement should be heard and considered simultaneous with the adoption of conditions to enforce the off-site IZ requirement, which will occur at further processing in accordance with Subtitle C § 1006.10. For these reasons, the Commission will defer consideration of the issues raised regarding satisfaction of off-site IZ until the further processing.

12. The Commission considered the opposition arguments listed above under FF No. 185(b)(i-ii), Issues Related to AU arguing that AU's lack of engagement and coordination on various logistical issues associated with its students living on Wesley's campus is reason for the Commission to deny the application. The Commission addresses these issues below.

- AU's lack of engagement and endorsement is reason for rejecting the Campus Plan; and
- There has been a lack of coordination with AU on various issues, including campus safety, neighborhood parking enforcement, process to verify AU enrollment for university housing building residents, AU shuttle route, etc.

Commission Response: Since these two issues are interrelated, the Commission addresses them together. The Commission has consistently expressed preference for AU to be more actively involved and engaged in this Campus Plan proceeding. However, AU is not required to be actively engaged in this application, and the Commission has no authority or basis to mandate its involvement or engagement. Accordingly, the Commission is not persuaded that AU's lack of involvement is reason alone to deny this Campus Plan application (FF Nos. 68-69). As previously noted by the Commission, AU did authorize submission of a letter to the record expressing a neutral position regarding the 2023 Campus Plan (*see* FF No. 71). The Commission agrees with the assertion that coordination with AU is necessary to facilitate several logistics associated with AU students being housed on Wesley's campus. The Commission therefore strongly encourages Wesley to

work closely and collaboratively with AU to address issues related to the following: monitoring AU enrollment of its university housing residents; enforcing parking restrictions in the surrounding neighborhood, which is a condition of approval of this Order; confirming whether the AU shuttle will stop on Wesley's Campus; and facilitating a process for AU student tenant disputes. The Commission recognizes that coordination between Wesley and AU will be ongoing, and notes that the Conditions of Approval in this Order address some of the necessary coordination.

13. The Commission considered the opposition arguments listed above under FF No. 185(g)(i-iv), Issues Related to the CTR arguing: the CTR is old, includes outdated and incomplete data that cannot be relied on, and should be updated for the 2025 Campus Plan; the reduction in parking spaces is not supported by the CTR and the CTR does not provide mitigations for two nearby intersections operating at unacceptable levels of service; and Wesley has not complied with reporting requirements under its current campus plan. The Commission addresses these issues below.

- The CTR is based on old and outdated data (i.e., the same CTR as submitted in Z.C. Case No. 22-13), is limited to transportation issues tied to the proposed university housing building rather than the Campus Plan as a whole, and should be updated and not relied on for the 2025 Campus Plan;
- The 2025 Campus Plan reduction in parking spaces is not supported by the CTR or any other current data and is likely insufficient to support the Campus as a whole;
- The CTR, including its lack of parking utilization data, is evidence of Wesley's non-compliance with the reporting requirements of the current campus plan; and
- The CTR identifies two nearby intersections operating at unacceptable levels of service for which the TDM does not provide mitigations.

Commission Response: The four issues above are interrelated and the Commission addresses them in a single response. The Commission held a limited scope public hearing on July 2, 2025 to discuss the CTR in this case. Based on the testimony at that hearing and the case record, the Commission concludes that an updated CTR is not necessary in this case (FF Nos. 176-181). The Commission is persuaded by DDOT's testimony provided at the limited scope hearing clarifying that the CTR did include data for the whole Campus; and DDOT's rationale for not requiring an updated report when the application was revised in March 2025 (FF Nos. 178, 180). Likewise, the Commission is persuaded that the reduction in parking spaces is supportable based on DDOT's testimony in support of the parking reduction; and the robust TDM proposed by Wesley and supported by DDOT, which provides transportation demand measures to discourage use of cars (FF Nos. 32, 65, 104, 140). The Commission is not persuaded that updating the CTR data to provide more current data would be conclusive in supporting a need for increased parking spaces on campus nor is the Commission persuaded that the CTR should have included current parking utilization data. The Commission finds that the CTR includes recommendations that will continue to enable Wesley to effectively minimize its traffic and parking impacts and support the transportation network surrounding the Campus. The Commission agrees with the CTR's conclusion that the 2025 Campus Plan is not likely to have an objectionable impact on the surrounding transportation network and neighboring properties because of

the Seminary's continued implementation of its TDM program coupled with the Conditions of Approval in this Order related to transportation and parking. The Commission finds the information that Wesley provided regarding its peak parking demand indicative of the fact that the Seminary is effectively managing its parking supply to accommodate demand. The Commission also finds persuasive the Seminary's commitment to maintaining, enhancing, and enforcing the off-campus parking restrictions, which effectively deters parking on neighborhood streets. The Commission supports the Seminary's proposal for a maximum of 295 parking spaces provided for campus-related uses included in the 2025 Campus Plan. The Commission agrees with the Applicant and DDOT that the parking provided, when combined with the Seminary's continued efforts to survey parking utilization, encourage alternative means of transportation, and enforce off-campus parking restrictions, will allow the Seminary to effectively and flexibly manage vehicle trips and parking utilization over the term of the 2025 Campus Plan without providing additional on-campus parking. The Commission finds the Seminary's TDM program adequate to address current traffic attributable to the Seminary. Moreover, a CTR is an evaluation of current and future transportation operations and does not require a comparison between past and current transportation data (FF Nos. 32, 104, 140-141, 173, 178, 180, 183).

The Commission is persuaded by the Applicant's testimony provided at the limited scope hearing and concludes that the CTR and the TDM were not required to provide mitigations for the two nearby intersections that operate at unacceptable levels of service because the conditions of those intersections are existing conditions not the result of the 2025 Campus Plan or its proposed university housing building (FF No. 177).

Finally, the Commission takes the assertion that Wesley is not in compliance with the reporting requirements of the current campus plan seriously. Adherence to reporting requirements is a mandate under campus plan orders. With the issuance of this Order, Wesley will have a new Campus Plan; the Commission expects Wesley to comply with all reporting requirements that are Conditions of Approval in this Order.

14. The Commission considered the opposition arguments listed above under FF No. 185(h)(i), Issues Related to Financial Need arguing that Wesley's evidentiary burden in this case requires evidence to demonstrate that there is a financial need for the university housing building. The Commission addresses this issue below.

    i. There is no evidence in the record to demonstrate Wesley's financial need to justify the proposed university housing building.

Commission Response: The Commission concludes that the burden of proof in this case is for Wesley to demonstrate compliance with the applicable requirements of the Zoning Regulations for the requested relief, which includes a campus plan and an area variance (FF Nos. 29-31, 76-94, 96-102). The Commission disagrees with opponents' assertion that Wesley is required to provide evidence of financial need to justify the proposed university housing building and meet its evidentiary burden in this case. Wesley is not required to provide such evidence.

Area Variance Relief

15. Based on the Findings of Fact, the Commission concludes that the area variance relief requested from the setback requirements of Subtitle F § 203.7 to provide a 27 foot setback for a small portion of the proposed university housing building that abuts the AU property line where at 35 foot setback is required meets the area variance standard requirements of Subtitle X §§ 1000.1, 1002.1(a) (FF Nos. 77-79, 96, 98). The reduced setback meets the following criteria for an area variance: the irregular property boundary at this location is an exceptional condition; the location of existing improvements and a Heritage tree and the need to keep them presents a practical difficulty ; and the requested relief minimizes the building's impact on surrounding properties thereby posing no detriment to the public good.

Issues Related to Other Objectionable Impacts

16. In regard to the new development proposed in the 2025 Campus Plan, the Commission concludes that all of the elements are appropriate for a further processing application. The Commission notes that during the further processing application for all of the elements (but in particular the new university housing building) the Applicant will be required to demonstrate that the proposed development will comply with the special exception criteria that no objectionable conditions are likely to occur as a result of the development of each specific element, as designed within the general parameters approved by the Commission in this Order. The Commission recognizes the concerns raised by opponents regarding potential impacts related to the campus security plan and stormwater management/containment. The Commission believes that those concerns will be more appropriately and fully addressed during the further processing application elements, when the specific attributes of the development will be presented to the Commission and to the community (FF No. 146).

Great Weight" to the Recommendations of OP

17. 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 § 405.9, 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, 1086 (D.C. 2016)).

18. OP submitted a written reports recommending approval of the 2025 Campus Plan, subject to certain conditions, which the Applicant has agreed to and are included as Conditions of Approval of this Order (FF Nos. 96-102). The Commission finds persuasive OP's recommendation that the Commission approve the Application and therefore concurs in that judgment.

"Great Weight" to the Written Reports of ANCs 3D and 3E

19. 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, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd.*

of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978)).

20. ANC 3D submitted numerous written reports recommending approval of the 2025 Campus Plan (FF Nos. 108-110). ANC 3D most recently filed an additional written report and testimony of Commissioner Tricia Duncan for the May 12, 2025 public hearing. The Commission finds persuasive ANC 3D's recommendations that the Commission approve the Application and therefore concurs in that judgment.

21. ANC 3E submitted numerous written reports responding to the 2025 Campus Plan, most of which raised opposition issues and concerns related to satisfaction of off-site IZ, and will be addressed at further processing to authorize construction of the university housing building (FF Nos. 112-114).

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the campus plan application and the area variance from the setback requirements of Subtitle F § 203.7, subject to the following guidelines, conditions, and standards:

1. Approval of the Campus Plan shall be valid for 10 years beginning with the effective date of this Order.

2. The Campus boundaries shall include Lots 6 (818 and 819), 7, 8 and 9 in Square 1600 with a land area of 381,878 square feet (8.77 acres).

Enrollment and Employee Population:

3. Wesley student enrollment headcount during the life of the Campus Plan shall be subject to the following Academic Year (September through August) limit of 1,000 full and part-time degree and non-degree students attending classes on campus, including Master of Divinity (M.Div.), Master of Theological Studies (M.T.S.), Master of Arts (M.A.), Doctor of Ministry ((D.Min.) degree students attending two-week sessions on campus during off-semester periods, and for Course of Study non-degree students attending weekend (Friday Night-Saturday) or two-week summer on campus programs. All students in degree and non-degree programs that participate entirely off-campus or by remote or virtual classes are not subject to this enrollment cap.

4. The number of Seminary employees (headcount) over the life of the Campus Plan shall not exceed 100 employees (including all full and part-time), excluding non-Wesley employees managing and operating the New University Housing. Additionally, not more than 12 employees (full and part-time) will be separately employed to manage and operate the New University Housing, but excluding any student resident assistants/community ambassadors living in the student residential buildings.

Campus Development:

5. The total build out of the campus facilities (including existing buildings) shall not exceed 387,040 square feet of gross floor area or 1.014 FAR during the term of the Campus Plan. Based on the 1.8 FAR permitted for university campuses located in the RA-1 zone pursuant to Subtitle X, Section 101.6, unused gross floor area of approximately 300,740 square feet shall remain undeveloped.

6. Vehicular parking spaces on the campus including below grade and surface spaces shall not exceed 295 spaces. Approximately 264 spaces will be located below grade in the new university housing building and 31 surface parking spaces will be located elsewhere on the campus in accordance with Exhibit 96.

7. The Applicant shall provide a maximum of 735 total beds on the campus to include not more than 659 beds in the new university housing building and 76 student beds in the existing 2014 Dorm.

8. The Applicant will implement a campus-wide security and monitoring system in accordance with Exhibit 82F, 96. The Seminary will also designate and publicize a Community Point of Contact (telephone hotline and electronic mail) to be available 24/7 to respond to security, illegal parking, and other potential adverse impacts on neighboring properties.

The New University Housing Building:

9. The new university housing building will house only enrolled Wesley and American University students, Wesley and AU faculty and staff (and their immediate families if any), resident management personnel and student resident assistants/ambassadors. "Immediate families" include spouses or domestic partners, and dependent children under the age of 18 living in the same unit as the enrolled Wesley and American University students, faculty or staff.

10. The new university housing building will have a maximum height of 74 feet, 8 inches. It will have a maximum total gross floor area of 282,061 square feet. Two levels of underground parking (approximately 264 spaces) and internal loading and trash facilities will be provided. Use of the underground parking spaces shall be restricted to Wesley faculty and staff and residents and staff of the new university housing building and also visitors in those cases when surface parking spaces are not sufficient. A portion of the underground parking will be utilized for Wesley maintenance facilities and storage.

11. **For the life of the Project**, the new university housing building will include an access security system and security cameras will be installed on the campus as generally shown in Ex. 82F and 96.

12. Resident leases for the new university housing building will include an on-campus and off-campus code of conduct and resident management staff and student resident assistants /ambassadors will monitor compliance. Leases will also include a parking addendum which prohibits residents from parking offsite at non-metered spaces on residential streets and

applying for a Residential Parking Permit. Enforcement will include a system of warnings, fines and lease nonrenewal or expulsion in accordance with D.C. laws.

13. The new university housing building will include approximately 216 units configured in studio, one, two, three, four and five bedroom units with not more than 659 beds. Each unit will contain a kitchenette and larger units will be designed as co-living units with separately leased bedrooms and private bathrooms and common kitchen and living areas.

14. AU students, faculty and staff residing in the new university housing building will have access to all Seminary facilities, including the library and dining facilities.

15. The Applicant shall provide the environmental and sustainable benefits for the Campus in accordance with this condition:

    a. **The Applicant shall submit with its building permit application for the New University Housing Building** a checklist evidencing that the new university housing building has been designed to achieve the equivalent of LEED Gold under LEED v.4 for Homes and Multifamily Midrise;
    b. **Prior to the issuance of the final residential Certificate of Occupancy for the New University Housing Building**, the Applicant shall demonstrate to the Zoning Administrator that it has incorporated the following into the design of the Project:
        i. Green roofs;
        ii. Rooftop Solar;
        iii. Space for composting;
        iv. All electric building with the exception of natural gas emergency generator;
        v. EV Charging Stations;
        vi. Stormwater management;
        vii. Limited rooftop mechanical equipment; and
        viii. Dark Sky compliance.

Green Open Space, Landscaping and Playground:

16. The Applicant will maintain and **prior to the final residential Certificate of Occupancy for the New University Housing Building** install the new Campus Plan landscaping in the existing Green Open Space Buffer Zone on University Avenue and Massachusetts Avenue in substantial accordance with Exhibit 82D, 84, 96, and 104. Designated green open space of approximately 205,000 square feet of land area is to be preserved and not available for future development.

17. **Prior to the issuance of the final residential Certificate of Occupancy for the New University Housing Building, the Applicant will build and maintain for the life of the new university housing building** a small community playground to be set back from University Avenue (Ex. 82D, 96). The playground will measure approximately 40 feet by 95 feet and have an area of approximately 3,800 square feet with a natural double shredded hardwood mulch safety surface surrounded by a 48 inch tall vinyl-coated chain link perimeter fence. It will include benches and play equipment suitable for toddlers and young

children. The playground will have a public point of entry adjacent to University Avenue, N.W. by means of an accessible sidewalk. It will be fenced and open to the public only during daylight hours. The final bike racks design of the playground will be substantially in accordance with Ex. 96.

18. The Applicant will implement the Landscape Plan in substantial accordance with Ex. 82D, 84, 96, and 104.

19. The Seminary will work with its Community Liaison Committee to review and make best efforts to achieve consensus on final plant and tree selections within the ranges included in the Landscape Plan to create an effective and aesthetically pleasing interface between the Campus and the surrounding neighborhood.

Off-Site Inclusionary Zoning:

20. During Further Processing, Applicant shall demonstrate compliance with new Subtitle C § 1006.10.

Transportation and Parking:

21. The Applicant shall implement, over the life of the Campus Plan, a Transportation Demand Management Plan and a Performance Monitoring Plan to reduce and manage traffic and parking, as detailed below. Residing on the Campus will not qualify anyone for Residential Permit Parking decals from the District of Columbia. The TDM Plan will include periodic performance monitoring requirements. Applicant shall install in the New University Housing Building a transit screen that is visible inside and outside the building that displays arrival information on Metrobus and AU transit buses, Capital Bikeshare availability and any other micro-mobility options which are available in the area. In the first monitoring report following the opening of the New University Housing Building, the Applicant will conduct a traffic signal warrant analysis for the driveway to Massachusetts Avenue NW. If DDOT's Traffic Engineering and Safety Division (TESD) determines a traffic signal or pedestrian beacon is warranted, the Applicant will design, fund, and install it within one year of DDOT approval.

Transportation Demand Management Plan (TDM)

22. **For the life of the Campus Plan**, the Applicant shall implement the following TDM measures applying to the New University Housing Building and to the Wesley Campus as a whole and will coordinate the implementation of other innovative TDM strategies with goDCgo and DDOT's TDM Team:

- Unbundle the cost of vehicle parking from the lease for each residential unit and charge a minimum rate based on the average market rate within a quarter mile. Only monthly or by semester rates will be charged. Free parking, validation, or discounted rates will not be offered;
- Of the 264 parking spaces within the Project's garage, at least five will have electrical vehicle charging stations per DDOT's recommendation of one charging station for every 50 parking spaces;

- Will work with American University to allow WTS students, faculty, and employees to use the AU shuttle to the Metrorail Station;
- Will fund and install an electronic screen displaying transit, shuttle, and bikeshare information in the lobby of the new building;
- Identify a Transportation Coordinator for the WTS campus. The Transportation Coordinator will act as a point of contact with DDOT, goDCgo, and Zoning Enforcement;
- Will provide Transportation Coordinator's 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;
- Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to the residents, 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;
- Transportation Coordinator will receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan and PMP;
- Provide residents 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;
- Will meet ZR16 long-term bicycle parking requirements by providing at least 62 long-term spaces free of charge to residents. At least 50% of long-term spaces (at least 31 spaces) will be located horizontally on the floor of the bike room. At least 10% of long-term spaces (at least 6 spaces) will be served by electrical outlets for e-bikes/scooters. At least 5% of long-term spaces (at least 3 spaces) will be designed to accommodate larger cargo/tandem bikes (10 feet by 3 feet size). Each bike storage room will include a repair station;
- Will meet ZR16 short-term bicycle parking requirements by providing 12 short-term spaces via exterior bike racks on campus;
- Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com.
- Transportation Coordinator will subscribe to goDCgo's residential newsletter.
- Post all TDM commitments on the WTS website and resident message board, publicize availability, and allow the public to see what commitments have been promised.
- Offer a free SmarTrip card to every new resident and a complimentary Capital Bikeshare coupon good for one ride.
- Fund and install a 19-dock Capital Bikeshare (CaBi) station with 12 bikes and fund one-year of maintenance and operations costs on the campus, or at a location to be selected by DDOT.
- Applicant shall install three inverted-U bike racks near the entrance to the playground on University Avenue, NW, either in the public right-of-way or on private property.

- Applicant shall install the scooter corral as depicted on the April 28, 2025, site plan (Attachment 1 to DDOT Supplemental Report at Exhibit 86 and 110J of Z.C. Case 23-08(1) record) so that it is out of the path of turning vehicles;
- Additional scooter parking will be available outside the Wesley Library within a designated scooter corral; and
- A ride share turn around area is proposed for convenient pick-up/drop-off operations.

Performance Monitoring Plan (PMP)

23. **For the life of the Campus Plan**, the Applicant shall track progress toward its Transportation Demand Management by implementing a Performance Monitoring Plan comprised of mode split surveys of students, internal WTS data, and manual counts of vehicle and bicycle parking inventory and occupancy which will be compiled into monitoring reports submitted to DDOT. The purpose of the monitoring reports is to make data-driven decisions above which TDM measures, if any, need to be adjusted to meet TDM goals:

    a. **Beginning the first spring semester following opening of the new dorm, monitoring will be performed, and reports will be prepared and submitted to DDOT annually until the trip goal has been met for two (2) consecutive years and then every other year for the duration of the term of the Campus Plan.** As detailed in the April 29, 2022 Comprehensive Transportation Review for the currently proposed campus plan, the proposed changes are expected to result in a net increase in vehicular trips of 14 additional morning peak hour trips and 33 additional afternoon peak hour trips. **Thus, increasing the trip goal for the campus to 101 vehicle trips in either the weekday morning (AM) or weekday evening (PM) peak hours. WTS will be considered in compliance with the PMP if the vehicle trip goal of 101 peak hour trips is met.** The monitoring reports will include details regarding the following:

        - Count of the number of morning and afternoon peak hour vehicular trips arriving at and departing from the campus;
            - Morning Peak Hour: Highest 1-hour between 6:30 AM – 9:30 AM
            - Afternoon Peak Hour: Highest 1-hour between 4:00 PM – 7:00 PM
            - **Whether the campus is compliant with the PMP goals by generating no more than 101 peak hour vehicle trips during any of these periods.**
        - Survey to identify mode split, broken down by students and employees;
        - Number of student, staff, and faculty parking permits issued;
        - Student, staff, and faculty parking permit rates;
        - Number of registered carpools;
        - Number and location of any car-sharing spaces, alternative fuel vehicle parking spaces, carpool/vanpool spaces, and electric vehicle charging stations on campus;
        - Inventory and occupancy of all on-site vehicular parking;
        - Inventory and occupancy of long-term and short-term bicycle parking spaces; and

- Documentation of any changes to the overall transportation demand management (TDM) program from the previous year, including new or innovative policies being implemented but not explicitly required in the TDM plan agreed to during Zoning Commission approval.

This information will be collected using mode split surveys of students and employees, internal WTS data, and manual counts of vehicle and bicycle parking inventory and occupancy. Details regarding these data sources and collection techniques is provided in Exhibit 110I, pp. 6-8 of the Z.C. Case 23-08(1) case record.

24. **Prior to the issuance of the final residential Certificate of Occupancy for the New University Housing Building**, the Applicant shall fund and install a 19-dock Capital Bikeshare Station with 12 bikes at a publicly accessible location to be determined in consultation with DDOT and fund one year of maintenance and operations costs for the Bikeshare station.

25. **Prior to the issuance of the final Certificate of Occupancy for the New University Housing Building**, the Applicant will construct the following pedestrian improvements subject to any required public space and DC Department of Transportation ("DCDOT") approvals:

- A sidewalk along the east side of University Avenue, N.W. between Massachusetts Avenue and Rodman Street with a leadwalk into campus along at least one side of the site driveway;
- Install signage, a crosswalk, and ADA curb ramps on the south leg of University Avenue at the Rodman Street intersection;
- Install signage, a crosswalk, and ADA curb ramps on the east leg of the campus driveway at the University Avenue and Sedgwick Street intersection or construct the crossing as a continuous sidewalk; and
- The Applicant, will undertake an effort to seek AU's approval for the reopening of the gated connection at the southeastern corner of the property that links AU and the Seminary and if AU consents to re-opening the gate Wesley will not obstruct access via the gate except for security reasons. The Seminary will attempt to coordinate with AU on the installation of wayfinding signage on the campus directing students to the gated connection to the AU campus upon receiving AU's approval for the opening of the connection.

26. After occupancy of the New University Housing Building, the Seminary will perform a traffic monitoring survey in accordance with the performance monitoring plan requirements herein and in Ex. 110I annually for the first two years and report the results to DDOT, ANC 3D, ANC 3E and the Community Liaison Committee. If warranted by the traffic survey, the Seminary will implement additional TDM measures in consultation with DDOT, ANC 3D, ANC 3E, and the CLC. Annual traffic monitoring will be extended by DDOT until such time as the TDM and traffic mitigation goals have been met for two consecutive years.

27. Vehicles will be able to enter and leave the Seminary through the Massachusetts Avenue entrance/exit. The Seminary will request DDOT to assess the feasibility, including potential traffic impacts of installing a traffic signal at the Massachusetts Avenue entrance/exit or allow left turn for exiting vehicles on a limited basis. Any studies or changes to access, including installation of traffic signal equipment, will be supplied, designed, funded and installed by the Applicant, not DDOT, and shall commence installation within one year of approval by DDOT.

28. The Applicant agrees to limit use of the University Avenue driveway for entry by emergency and limited service and delivery vehicles (e.g., trash and food service deliveries to refectory) required to access the campus from this location.

29. Use of University Avenue for exiting vehicles will be prohibited, except in emergencies or for limited service or delivery vehicles and appropriate physical obstacles and signage will be implemented.

30. The Applicant will encourage all Wesley students, on-campus residents, staff, faculty, and visitors to park on Campus with quarterly electronic communications and signage.

31. If either ANC 3D or ANC 3E notify the Applicant that Wesley students or on-campus residents are parking on nearby residential streets restricted to those with residential parking permits, the Applicant will undertake a continuing enforcement program until such time as the Applicant reaches agreement with the complaining ANC that the problem has been reasonably mitigated.

32. The Applicant will undertake measures as needed to address additional parking demand including, the possibility of altering class schedules, as outlined in the Transportation Demand Management (TDM) Plan.

33. The New University Housing Building shall include secure interior bike storage and outside racks adjacent to the main building entrance with space to lock up to 50 bikes. Applicant shall also install bike racks in appropriate locations near the entrances to the existing Wesley dorm and each Wesley classroom building.

34. The New University Housing Building will include a designated on-campus ride-sharing pick-up and drop-off area generally located in front of the proposed dormitory, and on-campus rental bike and scooter parking area generally located near the future Capital Bikeshare Station as shown in Exhibit 96.

Construction Management:

35. All construction vehicles shall access the campus through the Massachusetts Avenue entrance. If exceptional conditions mandate use of University Avenue by construction vehicles (e.g., construction crane) to access the construction site, the only access will be from the existing exit to University Avenue with right turn only for exiting vehicles. No new access to the construction site will be created from University Avenue, except for the limited purpose and duration for the razing of the Old President's House and planned restoration and landscaping of that area and installation of Community Playground.

36. The Applicant, as part of Further Processing, will develop with the participation of the community a construction management plan that: a). designates a Seminary Point of Contact for construction activity issues; b). establishes a 24-hour construction contractor point of contact; c). notifies ANCs 3D and 3E and the CLC of a pre-construction community meeting to coordinate construction activities at least 90 days before construction; d). provides for construction worker and construction vehicle parking at locations other than neighborhood streets; e). minimizes on-street truck idling in compliance with all applicable regulations; f). ensures trucks are brushed and loads are covered prior to leaving the construction site; and g). ensures compliance with on-site environmental regulations for maintaining the construction site. The Applicant will be responsible for implementing the Construction Management Plan approved during Further Processing and serve as the primary point of contact for the community.

37. The Applicant will establish a neighborhood construction management committee 90 days prior to construction to discuss ongoing issues during the construction phase of the project and address remediation issues tied to any damage to neighbors' property during construction. Representatives appointed to the committee will include individuals from ANC 3D, ANC 3E, and the CLC.

Environmental Issues:

38. Prior to filing a permit application with the D.C. Department of Buildings (DOB) for ground clearance, excavation, or other construction that would require investigation and/or remedial work at or around the campus by the U.S. Army Corps of Engineers because of its prior use as Camp Leach as part of the American University Experiment Station Formerly Used Defense Site (FUDS), the Seminary shall provide notification to the District Department of Energy and Environment (DOEE), the U.S. Army Corps of Engineers (USACE), and the U.S. Environmental Protection Agency (EPA), Region 3, that Wesley Seminary intends to undertake such activities. The Seminary will report on the outcomes of its interactions with the DOEE, USACE, and EPA on this issue to ANC 3D, ANC 3E, and the Community Liaison Committee and cooperate fully with the DOEE, USACE, and EPA as required, including implementation of any required Campus Safety and Neighborhood Plan during excavation and construction.

39. In conjunction with filing a permit application with the D.C. Department of Buildings (DOB) for ground clearance, excavation, or other construction, the Seminary will submit the final stormwater management plan to the DOEE for review and report the outcome of that review to ANC 3D, ANC 3E, and the CLC.

40. Throughout the term of the Campus Plan, the Applicant shall work directly with residents and the CLC to provide information to ensure that the construction does not have unanticipated stormwater impacts on residents' property and shall address any impacts should they occur. Residents will be consulted on a quarterly basis to ensure that unanticipated stormwater impacts are addressed.

Other Issues:

41. The Seminary shall maintain a CLC that meets at least three times annually and includes neighborhood resident representatives of ANC 3D, ANC 3E, the Spring Valley-Wesley Heights Citizens Association, Neighbors For A Livable Community, Spring Valley Neighborhood Association, and individual residents of Spring Valley living within 200 feet of the Seminary's property line at University Avenue. Other interested residents and neighborhood groups are invited to participate in the CLC's public meetings.

42. The Applicant shall make available (weekday evenings from 6:00 – 11:00 p.m.) for use by community groups without charge one or more meeting rooms on the campus designed to accommodate groups of various sizes including not more than 100 people and equipped to facilitate attendance both in person and by video conferencing, including a screen projector, guest Wi-Fi, but subject to the applicable IT security restrictions. Such a meeting room shall be made available on a priority basis to any community group that requests the use of such room at least 21 days before the proposed meeting date if that room is not previously booked by another community group. If a community group requests a room with less than 21 days' notice or for a meeting on a weekend, the Applicant shall make the room available if it has not been previous booked by either another group or the Applicant. At the time use of a meeting room is reserved, the available HVAC, facilities and IT resources will be confirmed. When not so requested by a community group, any such meeting room may be used by the Applicant for other purposes. Persons attending these meetings will be provided with free parking in the surface parking lot unless the anticipated attendance will likely exceed the capacity of that lot, in which case, attendees will be offered parking in the underground garage. "Community group" is defined as any organized private civic or governmental group with members residing in the neighborhoods represented by ANC 3D and ANC 3E at the time of this order. Applicant reserves the right to exclude political and/or controversial groups in its reasonable discretion in keeping with its religious and educational mission. Unaccompanied minors are not permitted at any time.

43. At least twice annually, after final approval and beginning prior to occupancy of any new building, the Seminary will offer to attend ANC 3D and ANC 3E meetings to review Campus Plan performance issues identified in collaboration with the CLC.

44. The Seminary will install screening for the three exhaust pipes on the 2014 Dorm and monitor and correct any excessive noise exceeding applicable standards in a residential zone.

45. The Seminary will not sell or lease any part of the Spring Valley Campus (excluding any units in the New University Housing Building) to American University for university use during the term of this Campus Plan. Any proposed sale or lease of any part of the Campus (excluding units in the New University Housing Building) to AU will constitute a Modification with Hearing under Subtitle Z, § 704 requiring a public hearing before the Zoning Commission.

46. The Applicant will file any proposed change in any of the conditions of this Campus Plan as a Modification with Hearing requiring a hearing pursuant to Subtitle Z, § 704, unless ANC 3D and ANC 3E both agree that such modification can be filed as a Modification Without Hearing, pursuant to Subtitle Z § 703.

47. The Seminary agrees to continue to make best efforts to engage with American University on issues of potential collaboration which affect the operation of the Seminary's Campus Plan, and which also affect the impact of the application on the neighborhood and shall report to ANC 3E. 3D and the CLC on these engagements, including any substantive changes in the relationship with AU.

48. The Applicant shall be responsible for the construction of the University Avenue sidewalk and ADA-compliant pedestrian ramps recommended in the District Department of Transportation's (DDOT's) report on this application.

49. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning and ANC 3D and ANC 3E.

50. The Applicant shall have Campus Plan design flexibility in the following areas:

    a. Number of Beds in the New University Housing Building. To reduce the number of beds in the New University Housing Building up to minus 10%.

    b. Parking Configuration. To make refinements to the approved parking configuration, including layout, number of parking spaces plus or minus 10%, and/or other elements, and to vary the allocation of Wesley and Landmark parking spaces.

    c. Interior Components. To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, kitchens and toilet rooms, provided that the variations do not change the exterior configuration of the building.

    d. Signage. To vary the font, message, logo, location, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Approved Plans.

VOTE (July 31, 2025): 5-0-0 Robert E. Miller, Gwen Wright, Anthony J. Hood, Joseph S. Imamura, and Tammy Stidham to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Order No.23-08(1) shall become final and effective upon publication in the District of Columbia Register; that is, on June 19, 2026.

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 CLOSED MEETING

TIME AND PLACE: **Thursday, June 11, 2026 @ 3:15 p.m.**
Virtually via WebEx

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

The Zoning Commission, in accordance with § 406 of the District of Columbia Administrative Procedure Act ("Act")(D.C. Official Code § 2-576), hereby provides notice it will hold a closed meeting virtually at the time noted above, in order to receive legal advice from its counsel, per § 405(b)(4). This is regarding the following Z.C. Cases:

- Z.C. Case No. Z.C. Case No. 25-06 (Office of Planning - Text to Regulations Governing Alley Lots)
- Z.C. Case No. 25-09 (Office of Planning - Text & Map Amendments to Create the Cleveland Park Neighborhood Mixed Use Zone)
- Z.C. Case No. 25-15 (Florida & Q Street, LLC – Map Amendment @ Square 3100, Lot 48)

ANTHONY J. HOOD, ROBERT E. MILLER, GWEN MARCUS WRIGHT, TAMMY STIDHAM, 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.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

DISTRICT OF COLUMBIA REGISTER
2026 AGENCY SUBMISSION DEADLINE SCHEDULE

The *District of Columbia Register* is published weekly on Fridays including on public holidays that fall on a Friday. The deadline for submitting notices for publication by District agencies, boards, commissions, and public charter schools is **THURSDAY**, noon of the **PREVIOUS** week. For example, the deadline for the January 16, 2026 *District of Columbia Register* is noon on Thursday January 8, 2026.

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 19, 2026 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the January 23, 2026 *District of Columbia Register* is noon on Wednesday, January 14, 2026.

If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, January 1, 2026 is New Years Day, the deadline for the January 9, 2026 *District of Columbia Register* is noon on Wednesday, December 31, 2025.

Because Thursday, November 26, 2026 is Thanksgiving Day, the deadline for submitting documents for the December 4, 2026 *District of Columbia Register* is noon on Wednesday, November 25, 2026.

Documents that are uploaded after the noon deadline will be published in the next edition of the Register.

The DC Register Submission Deadline Schedule is published at the end of each Register.

The Office of Documents also publishes the Submission Deadline Schedule on the DCRegs Home page at https://dcregs.dc.gov:



Since the deadline changes for a Register to be published during a week that has an official District of Columbia Government holiday, the 2026 holiday schedule is provided here for your convenience.

2026 District of Columbia Government Holiday Schedule	
New Year's Day	Thursday, January 1, 2026
Dr. Martin Luther King, Jr.'s Birthday	Monday, January 19, 2026
Washington's Birthday	Monday, February 16, 2026
DC Emancipation Day	Thursday, April 16, 2026
Memorial Day	Monday, May 25, 2026
Juneteenth National Independence Day	Friday, June 19, 2026
Independence Day (Observed)	Friday, July 3, 2026
Labor Day	Monday, September 7, 2026
Indigenous Peoples' Day	Monday, October 12, 2026
Veterans Day	Wednesday, November 11, 2026
Thanksgiving Day	Thursday, November 26, 2026
Christmas Day	Friday, December 25, 2026

Below is the 2026 District of Columbia Register Submission Deadline schedule.

OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES
DISTRICT OF COLUMBIA REGISTER
2026 AGENCY SUBMISSION DEADLINE SCHEDULE

D.C. Register Issue		Submission Deadline	
Vol. 73/1	January 2, 2026*	Wednesday	December 24, 2025
Vol. 73/2	January 9, 2026	Wednesday	December 31, 2025
Vol. 73/3	January 16, 2026	Thursday	January 8, 2026
Vol. 73/4	January 23, 2026*	Wednesday	January 14, 2026
Vol. 73/5	January 30, 2026	Thursday	January 22, 2026
Vol. 73/6	February 6, 2026	Thursday	January 29, 2026
Vol. 73/7	February 13, 2026	Thursday	February 5, 2026
Vol. 73/8	February 20, 2026*	Wednesday	February 11, 2026
Vol. 73/9	February 27, 2026	Thursday	February 19, 2026
Vol. 73/10	March 6, 2026	Thursday	February 26, 2026
Vol. 73/11	March 13, 2026	Thursday	March 5, 2026
Vol. 73/12	March 20, 2026	Thursday	March 12, 2026
Vol. 73/13	March 27, 2026	Thursday	March 19, 2026
Vol. 73/14	April 3, 2026	Thursday	March 26, 2026
Vol. 73/15	April 10, 2026	Thursday	April 2, 2026
Vol. 73/16	April 17, 2026*	Wednesday	April 8, 2026
Vol. 73/17	April 24, 2026	Wednesday	April 15, 2026
Vol. 73/18	May 1, 2026	Thursday	April 23, 2026
Vol. 73/19	May 8, 2026	Thursday	April 30, 2026
Vol. 73/20	May 15, 2026	Thursday	May 7, 2026
Vol. 73/21	May 22, 2026	Thursday	May 14, 2026
Vol. 73/22	May 29, 2026 *	Wednesday	May 20, 2026
Vol. 73/23	June 5, 2026	Thursday	May 28, 2026
Vol. 73/24	June 12, 2026	Thursday	June 4, 2026
Vol. 73/25	June 19, 2026*	Wednesday	June 10, 2026
Vol. 73/26	June 26, 2026	Thursday	June 18, 2026
Vol. 73/27	July 3, 2026 *	Wednesday	June 24, 2026
Vol. 73/28	July 10, 2026	Thursday	July 2, 2026
Vol. 73/29	July 17, 2026	Thursday	July 9, 2026
Vol. 73/30	July 24, 2026	Thursday	July 16, 2026
Vol. 73/31	July 31, 2026	Thursday	July 23, 2026
Vol. 73/32	August 7, 2026	Thursday	July 30, 2026
Vol. 73/33	August 14, 2026	Thursday	August 6, 2026
Vol. 73/34	August 21, 2026	Thursday	August 13, 2026
Vol. 73/35	August 28, 2026	Thursday	August 20, 2026
Vol. 73/36	September 4, 2026	Thursday	August 27, 2026
Vol. 73/37	September 11, 2026*	Wednesday	September 2, 2026
Vol. 73/38	September 18, 2026	Thursday	September 10, 2026
Vol. 73/39	September 25, 2026	Thursday	September 17, 2026
Vol. 73/40	October 2, 2026	Thursday	September 24, 2026
Vol. 73/41	October 9, 2026	Thursday	October 1, 2026
Vol. 73/42	October 16, 2026*	Wednesday	October 7, 2026
Vol. 73/43	October 23, 2026	Thursday	October 15, 2026
Vol. 73/44	October 30, 2026	Thursday	October 22, 2026
Vol. 73/45	November 6, 2026	Thursday	October 29, 2026
Vol. 73/46	November 13, 2026*	Wednesday	November 4, 2026
Vol. 73/47	November 20, 2026	Thursday	November 12, 2026
Vol. 73/48	November 27, 2026*	Wednesday	November 18, 2026
Vol. 73/49	December 4, 2026	Wednesday	November 25, 2026
Vol. 73/50	December 11, 2026	Thursday	December 3, 2026
Vol. 73/51	December 18, 2026	Thursday	December 10, 2026
Vol. 73/52	December 25, 2026*	Wednesday	December 16, 2026
Vol. 74/1	January 1, 2027*	Wednesday	December 23, 2026

*Weeks with District of Columbia Government public holidays. Last Updated December 5, 2025