VOL. 73 – NO. 31 JULY 31, 2026

District of Columbia REGISTER

HIGHLIGHTS

- Department of Behavioral Health solicits 4 partners to provide opioid overdose prevention, outreach, and engagement services
- Department of Behavioral Health solicits applications from qualified organizations to provide "Peer-Led Recovery Housing"
- Board of Elections schedules a public hearing to review proposed measure "The DC Equal Homeownership Act"
- Department of Energy and Environment solicits public comment on the Draft Fiscal Year 2027 Project Priority Lists for the District of Columbia's Clean Water Construction Grants Program
- Department of Energy and Environment announces funding availability for the Anacostia River Watershed Trash Trap Maintenance Program
- Board of Ethics and Government Accountability publishes an advisory opinion on whether a District government employee may engage in employment with a third-party delivery business
- Department of Small and Local Business Development announces funding availability for the Ward 8 Community Investment Fund Grant Program
- Office of the State Superintendent of Education announces funding availability for the FY2027 Direct Investment in Students Grant Program
- Office of Tax and Revenue updates the rules for real property taxes

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 2-611 *et seq*. (2016 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative· Issuances (1 DCMR §§300, et seq.). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, D.C. Official Code §§2-50l *et seq*. (2016 Repl.).

All documents published in the *District of Columbia Register* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *District of Columbia Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the District government (6) Notices, Opinions, and Orders of District government Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at dcdocuments@dc.gov. For guidelines on how to format and submit documents for publication, please email dcdocuments@dc.gov.

The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

Viewing the *District of Columbia Register*

The Office of Documents and Administrative Issuances publishes the *District of Columbia Register* ONLINE every Friday at www.dcregs.dc.gov. The Office of Documents does not offer paid subscriptions to the *District of Columbia Register*. Copies of the *District of Columbia Register* from October 2, 2009 to present are available at www.dcregs.dc.gov. Copies of the *District of Columbia Register* from April 2003 through July 2010 are available online in the *D.C. Register* Archive on the website for the Office of the Secretary at www.os.dc.gov. Hardcopies of the *Register* from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtoniana Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *District of Columbia Register*. News services are encouraged to publish all or part of the *District of Columbia Register*.

Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *District of Columbia Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents and Administrative Issuances hereby certifies that this issue of the *District of Columbia Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

CONTENTS

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage and Cannabis Administration -
Kaliwa Pink Tiger - ANC 6D - Expansion 010807
Kyojin Sushi - ANC 2E - Expansion 010808
Panda Gourmet Fusions - ANC 5C - New 010809
Saigon Kitchen - ANC 6D - New 010810
Streets Market - ANC 1B - New 010811

Elections, Board of -
Notice of Public Hearing - Receipt and Intent to Review Initiative Measure -
The DC Equal Homeownership Act - September 2, 2026 ..... 010812 - 010816

Energy and Environment, Department of -
Notice of Public Hearing and Solicitation of Public Comment - Draft FY
2027 Clean Water Construction Project Priority Lists - August 31, 2026 010817

FINAL RULEMAKING

Attorney General, Office of the -
Amend 6 DCMR (Personnel),
Subtitle C (Office of the Attorney General Personnel), to add
Ch. 40 (Travel Expenses),
Sections 4000 - 4035, and 4099 (Definitions),
to establish travel expense policies for employees of the
Office of the Attorney General ..... 010818 - 010852

Health, Department of (DC Health) -
Amend 17 DCMR (Business, Occupations, and Professionals),
Ch. 41 (Health Occupations: Administrative Procedures),
Sec. 4105 (Service) and
Sec. 4199 (Definitions),
to update and modernize the acceptable means of service of legal documents
related to health professional licensure and authorization to practice a health
occupation ..... 010853 - 010857

Tax and Revenue, Office of -
Amend 9 DCMR (Taxation and Assessments),
Ch. 3 (Real Property Taxes),
Sec. 306 (Assessed Value), is renamed
Sec. 306 (Assessed Value and Classification),
Ch. 99 (Definitions),
Sec. 9903 (Definitions: Real Property Taxes),
to establish that Class 1A or 1B Property must comprise “dwelling units” ..... 010858 - 010859

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING

Public Service Commission - RM49-2026-01
Amend 15 DCMR (Public Utilities and Cable Television),
Ch. 49 (Public Utility Tariff Filing Regulations),
Sec. 4900 (Applicability) and
Sec. 4901 (Tariff Applications),
to specify when a proposed tariff or tariff amendment may take effect and work papers utilities must submit with their tariff filings; Second Proposed Rulemaking to amend First Proposed Rulemaking published on April 3, 2026 at 73 DCR 005782 ..... 010860 - 010862

EMERGENCY AND PROPOSED RULEMAKING

Elections, DC Board of -
Amend 3 DCMR (Elections and Ethics),
Ch. 10 (Initiative and Referendum),
Sec. 1006 (Petition Challenges) and
Sec. 1009 (Petition Certification),
Ch. 11 (Recall of Elected Officials),
Sec. 1106 (Petition Challenges) and
Sec. 1109 (Petition Certification),
Ch. 14 (Candidate Nominations: Political Party Primaries for Presidential Preference and Convention Delegates),
Sec. 1406 (Petition Challenges),
Ch. 15 (Candidate Nominations: Electors of President and Vice President of the United States),
Sec. 1506 (Petition Challenges),
Ch. 16 (Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner),
Sec. 1606 (Petition Challenges),
Ch. 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons),
Sec. 1706 (Petition Challenges),
to establish regulations consistent with the Petition Administration Clarification Emergency Amendment Act of 2026 with respect to ballot measures and to clarify the Board's requirements for validly filed challenges to signatures on various ballot access petitions; Second Emergency and Proposed Rulemaking to amend First Emergency and Proposed Rulemaking published on May 15, 2026 at 73 DCMR 007610 ..... 010863 - 010890

NOTICES, OPINIONS, AND ORDERS
MAYOR'S ORDERS

2026-096 Designation of Special Event Area — United States Department of Transportation Secretary of Transportation Event .....010891 - 010892

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Alcoholic Beverage and Cannabis Administration -
ABC Board's Calendar for August 5, 2026 ..... 010893 - 010895

Behavioral Health, Department of -
Notice of Funding Availability -
District of Columbia Opioid Response Grant Opportunity -
Overdose Prevention, Outreach and Engagement Initiative .....010896 - 010897
Peer-Led Recovery Housing .....010898 - 010899

Early Childhood Academy Public Charter School -
Notice of Intent to Enter a Sole Source Contract - EmpowerK12 010900

Education, Office of the State Superintendent of -
Higher Education Licensure Commission Meeting - August 6, 2026..... 010901 - 010902

Notice of Funding Availability -
FY27 Direct Investment in Students Grant ..... 010903 - 010905

Education, State Board of -
Educator Excellence Committee Meeting - August 6, 2026 010906

Student Experience and Engagement Committee Meeting - August 12, 2026 010907

Elections, Board of -
Certification of ANC Vacancy in ANC-SMD - 3C06 010908

Energy and Environment, Department of -
Green Building Advisory Council Public Meeting - August 5, 2026 010909

Notice of Funding Availability -
Anacostia River Watershed Trash Trap Maintenance.....010910

Notice of Intent to Issue Air Quality Permits -
#6370-R2 and 6371-R2 Crash Champions, LLC, 4121 13th Street NW .....010911 - 010913

Public Notice - Stormwater, Erosion and Sediment Control, Green Area Ratio, Wetland, and Well Permits Fee Updates.....010914

Ethics and Government Accountability Board of -
Advisory Opinion - Outside Employment with Third Party Delivery Business ..... 010915 - 010919
Notice of Public Meeting - August 6, 2026 .....010920 - 010921

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Friendship Public Charter School -
Notice of Intent to Enter a Sole Source Contract –
Harrisburg University of Science and Technology 010922
Request for Proposals -
Interim Placements in Non-Public School Settings 010923

Health Care Finance, Department of -
Pharmacy and Therapeutics Committee Meeting - September 3, 2026 010924

Health, Department of -
Board of Psychology Meeting - September 25, 2026 (Rescheduled) 010925

Latin American Montessori Bilingual Public Charter School -
Notice of Intent to Enter Sole Source contract with
P.S.H.S Leader Coaching for Human Resources support 010926

Small and Local Business Development, Department of -
Notice of Funding Availability - Ward 8 Community Investment
Fund Grant Program Round 2 - FY 2026 ..... 010927 - 010928

Zoning Adjustment, Board of -
Cases -
21443 Cecilia Penizia - ANC 1E - Order ..... 010929 - 010931
21458 Adisa, LLC - ANC 1E - Order ..... 010932 - 010934
21469 Julie Chon and Cyril Doussau de Bazignan - ANC 2E - Order ..... 010935 - 010937
21472 Janice Bashford and Darryl Maxwell - ANC 4B - Order ..... 010938 - 010940
21479 Cheryl A. O'Neill and Matthew J. Bell - ANC 3F - Order ..... 010941 - 010943

Notice of Closed Meeting - July 28, 2026 010944

Zoning Commission - Case
24-15 901 Monroe Street, LLC - Order ..... 010945 - 011048

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 31, 2026
Protest Petition Deadline:	September 14, 2026
Roll Call Hearing Date:	October 5, 2026
License No.:	ABRA-106681
Licensee:	Kaliwa on the Wharf, LLC
Trade Name:	Kaliwa/Pink Tiger
License Class:	Retailer's Class "C" Restaurant
Address:	751 Wharf Street, S.W.
Contact:	Daniel Koffman: (202) 686-7600, atekle@theveritaslawfirm.com

WARD 6 ANC 6D SMD 6D01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 5, 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.

NATURE OF SUBSTANTIAL CHANGES

Request to add a second Summer Garden. The capacity of the first Summer Garden is 40. Applicant wishes to add a second summer garden (located across Wharf Street, S.W., directly adjacent to the water) with a capacity of 52, bringing the total capacity for the two Summer Gardens to 92.

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

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

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

Sunday through Thursday 10am – 1am, Friday and Saturday 10am – 2am

HOURS OF LIVE ENTERTAINMENT FOR THE EXISTING SUMMER GARDEN

Sunday through Saturday 10am – 10pm

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

Sunday through Thursday 10am – 1am, Friday and Saturday 10am – 2am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 31, 2026
Protest Petition Deadline:	September 14, 2026
Roll Call Hearing Date:	October 5, 2026
License No.:	ABRA-123635
Licensee:	Kyojin Restaurant Group, LLC
Trade Name:	Kyojin Sushi
License Class:	Retailer's Class "C" Restaurant
Address:	3315 Cady's Alley Suite B, N.W.
Contact:	Diana Corzo: (202) 686-7600, dcorzo@theveritaslawfirm.com

WARD 2 ANC 2E SMD 2E05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 5, 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.

NATURE OF SUBSTANTIAL CHANGE

Request to Expand the Total Occupancy Load of the Establishment from 137 to 237.

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

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

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 31, 2026
Protest Petition Deadline:	September 14, 2026
Roll Call Hearing Date:	October 5, 2026
Protest Hearing Date:	November 18, 2026
License No.:	ABRA-136749
Licensee:	T & L Capital Investment, LLC
Trade Name:	Panda Gourmet Fusions
License Class:	Retailer's Class "C" Restaurant
Address:	2700 New York Avenue, N.E.
Contact:	San Tan Tse: (202) 636-3588, pandagourmetfusions@gmail.com

WARD 5 ANC 5C SMD 5C04

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 October 5, 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 **November 18, 2026, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with a Seating Capacity of 99 and Total Occupancy Load of 99. Entertainment Endorsement.

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

Sunday through Saturday 11am – 9:45pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 31, 2026
Protest Petition Deadline:	September 14, 2026
Roll Call Hearing Date:	October 5, 2026
Protest Hearing Date:	November 18, 2026
License No.:	ABRA-136153
Licensee:	54 Noodles Bar 4th St L.L.C.
Trade Name:	Saigon Kitchen
License Class:	Retailer's Class "C" Restaurant
Address:	1101 4th Street, S.W.
Contact:	Matthew Minora: (202) 625-7700, mminora@malliosobrien.com

WARD 6 ANC 6D SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 5, 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 **November 18, 2026 at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with an interior seating capacity of 150 and a Total Occupancy Load of 150. Entertainment Endorsement, Alcohol Carry-out and Delivery Endorsement, and Extended Holiday Hours Endorsement.

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

Sunday through Saturday 11am – 1am

HOURS OF LIVE ENTERTAINMENT

Friday and Saturday 8pm – 1am (no Entertainment Sunday through Thursday)

HOURS OF ALCOHOLIC BEVERAGE CARRY-OUT AND DELIVERY

Sunday through Saturday 11am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 31, 2026
Protest Petition Deadline:	September 14, 2026
Roll Call Hearing Date:	October 5, 2026
Protest Hearing Date:	November 18, 2026
License No.:	ABRA-136846
Licensee:	1301 U Grocery Inc.
Trade Name:	Streets Market
License Class:	Retailer's Class "B" Full-Service Grocery
Address:	1301 U Street, N.W.
Contact:	Abele Tekle: (202) 686-7600, Atekle@theveritaslawfirm.com

WARD 1 ANC 1B SMD 1B08

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 October 5, 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 **November 18, 2026 at 1:30 p.m.**

NATURE OF OPERATION

Licensee is a class "B" Full-Service Grocery Store with a Tasting Permit Endorsement.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 6am – 12am

DC BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public meeting whether the proposed measure, "The DC Equal Homeownership Act," is a proper subject matter for initiative at the Board's regular meeting on **Wednesday, September 2, 2026 at 10:30 a.m.**, at 1015 Half Street SE, Suite 750, Washington DC 20003. The Board will meet remotely. Members of the public can only access the meeting by using the following information:

Join from PC, Mac, iPad, or Android: https://us06web.zoom.us/j/82142870992

Phone one-tap:
+13092053325,,82142870992# US
+13126266799,,82142870992# US (Chicago)

Join via audio:
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 408 638 0968 US (San Jose)
+1 507 473 4847 US
+1 564 217 2000 US
Webinar ID: 821 4287 0992
International numbers available: https://us06web.zoom.us/u/kcHQmeyrn

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

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act ("the District Charter");
- The measure would violate the U.S. Constitution;

- The measure has not been properly filed;
- The verified statement of contributions (the measure committee's statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board's Office of the General Counsel at 202-727-2194 or ogc@dcboe.org and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Friday, August 28, 2026 at 4:00 p.m. Any written testimony or memoranda should be submitted for the record to the Board's Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at ogc@dcboe.org by that date and time as well. All persons testifying shall be permitted a maximum of three minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative, as submitted to the Board by the proposer(s) of the measure, read as follows:

SHORT TITLE

The DC Equal Homeownership Act

SUMMARY STATEMENT

This Act authorizes the use of District-owned land for publicly developed, permanently affordable homeownership units, with implementation subject to appropriations approved by DC Council.

It allows the sale of such units with no required down payment using an affordability formula intended to target monthly payments of approximately $700 in 2026 dollars.

LEGISLATIVE TEXT

LEGISLATIVE TEXT BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DC Equal Homeownership Act".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Public Homeownership Unit" means a for-sale residential housing unit constructed on District-owned land and sold pursuant to this Act.

(2) "Affordability Formula" means a uniform, non-discretionary pricing methodology established by rule and approved by the Council, designed to target, but not guarantee, a monthly housing payment substantially below prevailing market rents and approximately $700 per month in 2026 dollars, inclusive of principal, interest, taxes, and insurance. Nothing in this Act shall be construed to require the District to provide subsidies, financing, or expenditures absent appropriations approved by DC Council.

(3) "Eligible Purchaser" means a District resident meeting eligibility requirements under section

5.

(4) "Priority Consideration" means a regulatory preference that does not guarantee selection, create a right to housing, establish an entitlement, or condition eligibility on political activity.

Sec. 3. Policy regarding District housing resources.

(a) Policy: Subject to federal law, and the Home Rule Act, District-owned land and District housing resources may be prioritized for publicly developed, permanently affordable homeownership rather than private-developer rental housing.

(b) Disposition Preference.

When District-owned land suitable for residential development is disposed of or developed, the District shall give preference to the development of Public Homeownership Units under this Act, subject to appropriations approved by the Council and consistent with existing law.

Sec. 4. Public homeownership program authorization.

(a) Authorization. District-owned land may be used for the development of

Public Homeownership Units consistent with this Act.

(b) Funding. Implementation of activities requiring expenditure shall be subject to appropriations approved by the Council of the District of Columbia.

(c) Pricing/Down Payment. Units may be sold with no required down payment, priced according to the Affordability Formula.

(d) No Fiscal Mandate. Nothing in this act shall be construed to require the District to construct units, provide subsidies, close financing gaps, or incur financial obligations absent appropriations approved by DC Council.

(e) Uniform Application. The Affordability Formula must be applied consistently to similarly situated purchasers.

Sec. 5. Eligibility and priority consideration.

(a) Eligibility: Eligible Purchasers are District residents who:

(1) Are first-time homebuyers

(2) Have completed approved homeownership counseling

(b) Permissible Priority Consideration:

(1) First-time homebuyers who have resided in the District since before January 1, 2000;

(2) Residents who currently live in, or previously lived in, neighborhoods that experienced historic housing discrimination, redlining, or sustained disinvestment, as defined by rule;

(3) Former District residents involuntarily displaced due to rising housing costs or redevelopment;

(4) Residents with demonstrated housing need (cost-burdened, overcrowded, housing-insecure);

(5) Residents who served as essential workers during the COVID-19 public health emergency; and

(6) Any additional categories established by rule consistent with this act.

(c) Political Neutrality: Priority cannot be conditioned on political activity, petition participation, or First Amendment exercise.

(d) No Entitlement: Priority does not create a right to housing or private action. Sec. 6. Implementation and rulemaking.

District agencies may promulgate rules necessary to implement this Act consistent with this Act and applicable law.

Sec. 7. Applicability.

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

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

the certification.

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 8. Effective date. This act shall take effect after a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC HEARING AND SOLICITATION OF PUBLIC COMMENT

Draft FY 2027 Clean Water Construction Project Priority Lists

The Department of Energy and Environment (DOEE) invites the public to comment on the Draft Fiscal Year (FY) 2027 Project Priority Lists (PPLs) for the District of Columbia's Clean Water Construction Grants Program. The PPLs identify and rank projects that are eligible to receive federal funds to construct or improve green and grey infrastructure and wastewater treatment facilities in FY 2027 and in future years.

The Draft PPLs can be downloaded from the link at the bottom of this page. A copy can also be emailed upon request by emailing Andrew Koenig at andrew.koenig@dc.gov or calling 202-819-0812.

Public Hearing: Monday, August 31, 2026

HEARING DATE:	**August 31, 2026**
TIME:	**5:00 PM – 6:00 PM**
JOIN BY VIRTUAL HEARING:	
Meeting number (access code):	2306 128 6080
Meeting password:	public
Meeting website link:	
https://dcnet.webex.com/weblink/register/re8a74b13a23fffe7336d1345384cd4c3	
JOIN BY PHONE:	
+1-202-860-2110 United States Toll (Washington D.C.)	
1-650-479-3208 Call-in toll number (US/Canada)	

Persons present at the hearing who wish to be heard may testify. All presentations shall be limited to five minutes. Presenters are urged to submit written statements. In publishing its final PPLs, DOEE will consider all comments received.

Persons may submit written testimony or comments by email, with a subject line of "PPL Public Hearing 2027," to the attention of Andrew Koenig at andrew.koenig@dc.gov or by mail to the following address. All comments must be received no later than August 31, 2026, at 11:59 p.m. The mailing address is:

Department of Energy and Environment
Attn: A Koenig – PPLs FY27
1200 First St NE, 5th Floor
Washington, DC 20002

Draft Project Lists are here: Draft FY2027 Green, Grey, and Sewage Infrastructure PPLs (pdf).

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF FINAL RULEMAKING

The Attorney General, pursuant to authority granted by Section 108a of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88a) and Sections 404(a-1)(1) and 1301(c) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.04(a-1)(1) & 1-613.01(c)), hereby gives notice of the adoption of rules to add a new Chapter 40 (Travel Expenses) to Subtitle C (Office of the Attorney General Personnel) of Title 6 (Personnel) of the District of Columbia Municipal Regulations (DCMR).

Chapter 40 will establish travel expense policies for employees of the Office of the Attorney General (OAG), which shall supersede existing personnel policy established in Chapter 40 (Travel Expenses) of Subtitle B (Government Personnel) of Title 6 (Personnel) to the extent of any conflict. The rules are numbered to correspond to the rules in Chapter 40 of Title 6-B they are replacing to make identification of the differences between those rules and the new OAG Travel Expenses rules apparent.

A Notice of Proposed Rulemaking was published on October 31, 2025, at 72 DCR 012146. No comments were received. Final action to adopt these rules was taken on July 21, 2026, and these rules will be effective upon publication of this notice in the *District of Columbia Register*.

Subtitle C, OFFICE OF THE ATTORNEY GENERAL PERSONNEL, of Title 6, PERSONNEL, of the DCMR is amended by adding a new Chapter 40 to read as follows:

CHAPTER 40 TRAVEL EXPENSES

4000 PURPOSE AND APPLICABILITY
4001 GENERAL POLICY AND STANDARDS
4002 TRAVEL OFFICERS
4003 TRAVEL EXPENSES AND REIMBURSEMENT, IN GENERAL
4004 TRAVEL APPROVALS
4005 TRANSPORTATION EXPENSES
4006 GROUND TRANSPORTATION
4007 HEAVY RAIL AND INTERCITY BUS
4008 GOVERNMENT AND RENTAL VEHICLES
4009 EMPLOYEE VEHICLES
4010 RESPONSIBILITY FOR TICKETS
4011 AIR TRAVEL
4012 LODGING EXPENSES
4013 LIMITATIONS ON LODGING EXPENSES
4014 MEALS AND INCIDENTAL EXPENSES
4015 MEAL AND INCIDENTAL EXPENSES; PER DIEM RATES
4016 MISCELLANEOUS EXPENSES

4017 AGENCY APPROVAL
4018 ADVANCE PAYMENT OF EXPENSES
4019 REIMBURSEMENT OF EXPENSES
4020 DISPUTES AS TO REIMBURSABLE EXPENSES
4021 RECONCILIATION OF EXPENSES AGAINST AN ADVANCE
4022 CANCELLATION AND CURTAILMENT OF TRAVEL
4023 AGENCY POLICIES AND PROCEDURES
4024 PROGRAM MANAGEMENT
4025 FREQUENT TRAVELER BENEFITS
4026 TRANSPORTATION: AUTHORIZED POINTS OF ORIGINATION AND RETURN
4027 EMERGENCY TRAVEL
4028 TRAVEL EXPENSES FOR EMPLOYEES WITH SPECIAL NEEDS
4029 RESPONSIBILITY FOR ARRANGING FOR TRAVEL AND PURCHASING TRANSPORTATION AND LODGING
4030 INTERNATIONAL TRAVEL
4031 LOCAL TRAVEL
4032 LOCAL TRAVEL: APPROVAL OF LOCAL TRAVEL AND LOCAL 4033 TRAVEL EXPENSES
4033 LOCAL TRAVEL: TRANSPORTATION
4034 LOCAL TRAVEL: REIMBURSEMENT OF LOCAL TRAVEL EXPENSES
4035 LOCAL TRAVEL: GOVERNMENT-OWNED VEHICLE EXPENSES
4099 DEFINITIONS

4000 PURPOSE AND APPLICABILITY

4000.1 This chapter establishes procedures for requesting, approving, and reimbursing travel expenses incurred by OAG employees for authorized District government purposes.

4000.2 The provisions in this chapter apply to all OAG employees of the District government under the Attorney General's personnel authority.

4000.3 OAG's Human Resources Section shall provide all forms referenced in this chapter, issue guidance to OAG employees regarding the implementation of this chapter, and provide training opportunities to OAG employees on the requirements of this chapter.

4000.4 Except as provided in §§ 4031 through 4035 (regarding local travel), this chapter applies to travel beyond fifty (50) miles from the District of Columbia, as measured from the OAG headquarters.

4000.5 When an issue relating to the authorization or reimbursement of a travel expense is not covered by this chapter, OAG employees should be guided by the Federal Travel Regulation, 41 CFR Chapters 300-304, in deciding whether the expense will be authorized or reimbursed.

4001 GENERAL POLICY AND STANDARDS

4001.1 Travel expenses are necessary, in general, to the effective operation of OAG and the District government.

4001.2 For specific employee travel expenses to be reimbursable by OAG, the expenses must be for:

(a) Travel deemed necessary for OAG and/or District government business, including travel for meetings and conferences;

(b) Travel deemed necessary for human capital development beneficial to OAG and the District government, including travel for employee training and seminars; and

(c) Emergency travel that interrupts travel approved for a purpose described in paragraphs (a) or (b) of this subsection.

4001.3 When incurring travel expenses, OAG employees shall be guided by principles of accountability, transparency, efficiency, and economy.

4001.4 In being guided by the principles of efficiency and economy, the following general standards shall apply:

(a) An employee traveling for OAG and/or District government purposes shall exercise the same care in incurring travel expenses that a prudent person of modest means would exercise if traveling on personal business. Expenses that would not be incurred by a prudent person of modest means shall not be authorized or reimbursed.

(b) Excessive costs (such as the use of unnecessary routes, extended stays, late fees, higher-level accommodations, and other expenses that are unnecessary or unjustified in the performance of official business) shall not be authorized and shall not be reimbursed.

(c) OAG shall limit the number of travelers (for example, participants at a conference) to the minimum necessary to accomplish the purpose of the travel.

4001.5 An employee must receive written authorization from their Division head, the Chief Deputy Attorney General, the Chief Operating Officer, or the Attorney General or their designee, as applicable under § 4017.2, before incurring any travel expense, unless circumstances beyond the control of the agency or employee make pre-authorization impractical.

4001.6 An employee shall be responsible for payment of all expenses over the reimbursement limits established in this chapter, all expenses not authorized by OAG, and all expenses that are otherwise not consistent with the provisions of this chapter or District or federal law.

4002 TRAVEL OFFICERS

4002.1 Division heads shall designate an employee to serve as the Division's travel officer.

4002.2 Travel officers are responsible for verifying that employee travel and training expenses are reasonable, necessary, consistent with the provisions of this chapter, and in compliance with the policies outlined in § 4001. This includes:

(a) Reviewing the travel requests and supporting documents for accuracy and completeness; and

(b) Ensuring compliance with applicable rules and regulations.

4002.3 All travel requests and expenses must be approved by the Division head.

4002.4 The Division heads and travel officer shall be responsible for:

(a) Making determinations under the provisions of this chapter (in consultation, where appropriate, with the Chief Deputy Attorney General, Chief Operating Officer, Fiscal Officer, or their designees as necessary);

(b) Receiving, reviewing, certifying, and processing requests for travel authorizations;

(c) Receiving, reviewing, certifying, and processing requests for advances;

(d) Receiving, reviewing, certifying, and processing requests for reimbursements of travel expenses;

(e) Carrying out other functions specified in this chapter or as assigned; and

(f) Taking such actions as are necessary to ensure that OAG is in compliance with this chapter.

4003 TRAVEL EXPENSES AND REIMBURSEMENT, IN GENERAL

4003.1 For the purposes of this chapter, travel expenses include:

(a) Transportation expenses;

(b) Lodging expenses;

(c) Meal and incidental expenses; and

(d) Miscellaneous expenses.

4003.2 Travel expenses must be reasonable and necessary in order to be paid for or reimbursed by OAG. As used throughout this chapter, an expense is reasonable when it is the least expensive option, taking into consideration government accountability, efficiency, and economy, as well as employee safety.

4003.3 Subject to the availability of appropriated funds, OAG shall reimburse government travel expenses when approved in accordance with this chapter.

4003.4 No individual may approve or reimburse travel expenses that could reasonably be perceived to violate the public trust.

4003.5 If, for personal convenience, an employee travels by an indirect route or interrupts travel by a direct route, the employee shall be responsible for costs that exceed the approved cost of travel by a direct route on an uninterrupted basis.

4003.6 If, for personal convenience, an employee travels to the destination earlier than the date and time authorized for official travel or departs the travel destination later than the date and time authorized for official travel (such as by extending the employee's stay at the travel destination for the purposes of a personal vacation), the employee shall be responsible for costs that exceed the approved cost of travel for the dates and times authorized for official travel.

4004 TRAVEL APPROVALS

4004.1 All OAG employee travel must be approved in writing. Approval of training does not itself constitute approval of travel associated with the training.

4004.2 Travel approval requests shall be submitted, reviewed, and approved using a form approved by the Attorney General or their designee. The Attorney General or their designee may approve a travel request in another manner where there is a good reason that the approved form cannot be used.

4004.3 Each travel approval request shall include the following information:

(a) The employee's name, title, and employee identification number;

(b) The employee's OAG Division and Section name;

(c) The purpose of the travel;

(d) The travel origin and destination;

(e) The dates of departure and return; and

(f) An estimate of each travel-related expense.

4004.4 In addition to the information provided pursuant to § 4004.3, each travel approval request shall be accompanied by:

(a) Documentation detailing the cost of the transportation (*i.e.*, a printout of the ticket of intended purchase or of a price comparison website showing the cost of the ticket);

(b) Documentation showing that the cost of transportation is the lowest rate available (*i.e.*, a printout from a price comparison website);

(c) Documentation detailing the cost of any lodging (*i.e.*, a printout of the lodging price or of a price comparison website showing the cost of lodging);

(d) Documentation showing that the cost of lodging is the lowest rate available (*i.e.*, a printout from a price comparison website);

(e) Documentation detailing the per diem lodging rate for the destination, if applicable (*i.e.*, a printout from the General Services Administration (GSA) website); and

(f) Documentation detailing the per diem meal and incidental expense rate for the travel destination (*i.e.*, a printout from the GSA website).

4004.5 If a travel authorization request is for a conference, training, or other event, the request shall include, in addition to the information required by §§ 4004.3 and 4004.4, the following:

(a) A copy of the brochure, flyer, letter of invitation, or announcement for the event;

(b) The agenda for the event, if applicable; and

(c) The registration pricing information (including early bird deadlines).

4004.6 If transportation costs exceed basic coach-class service (or its equivalent); lodging costs exceed the lowest cost available; or costs otherwise deviate from the provisions of this chapter, a written justification shall accompany the travel authorization request.

4004.7 Travel approvals shall be processed as indicated in § 4017.

4005 TRANSPORTATION EXPENSES

4005.1 OAG shall pay for or reimburse transportation expenses incurred for approved employee travel to the extent authorized by OAG and consistent with this chapter.

4005.2 Allowable transportation expenses include:

(a) Transportation from the employee's authorized point of origination (see § 4026) to an airport, train station, bus depot, or other authorized point of departure (such as a car rental location);

(b) Airfare, train fare, or other necessary transportation expenses (such as expenses of a rental car) from the travel departure city to the travel destination city;

(c) Transportation from the travel destination airport, train station, or bus depot to the employee's travel lodging;

(d) Transportation while at the travel destination (for example, a shuttle bus or taxi ride from the employee's lodging to a meeting location);

(e) Return transportation from the employee's lodging to the destination airport, train station, or bus depot;

(f) Return airfare, train fare, or other necessary transportation expenses from the destination city to the return city (generally the travel departure city); and

(g) Transportation from the return city airport, train station, or bus depot or other authorized point of return (such a car rental location) to the employee's home, office, or other authorized point of return (see § 4026).

4005.3 If an employee does not travel by the approved method or class of transportation, any additional expenses incurred which exceed the cost of the authorized method or class of transportation shall be borne by the employee.

4006 GROUND TRANSPORTATION

4006.1 (a) Ground transportation subject to reimbursement includes heavy rail (such as Amtrak, MARC, and Virginia Railway Express) and intercity bus service (see § 4007), as well as public transit systems (including subway, bus, and light rail), taxis, ride-hailing services (such as electronically hailed personal vehicles), shared-ride services (such as shared van service to or from an airport, or bikeshare), shuttles, and other similar means of transportation.

(b) For the purposes of this section, ground transportation does not include transportation by government or rental vehicles, which is covered by §

4008, or transportation by personal vehicles, which is covered by § 4009.

4006.1 OAG may authorize the reimbursement of the costs of ground transportation for the following travel:

(a) From the employee's authorized point of origination to a common carrier (for example, Metrorail from the employee's office to National Airport);

(b) From an airport, train station, or bus depot to the employee's place of lodging or place of official business (for example, from the destination airport to the employee's destination hotel);

(c) To, from, and between the employee's place of lodging and official business;

(d) Between places of official business while traveling;

(e) To obtain meals at nearby locations when the nature and location of the official business or lodging necessitate such travel and the necessity is explained on the approved expense reimbursement form;

(f) From the employee's place of lodging or place of official business to the airport, train station, or bus depot (for example, from the convention center at the destination location to the destination airport); and

(g) From the airport, train station, or bus depot to the employee's authorized point of return (for example, Metrorail from National Airport to the employee's office).

4006.2 An employee shall use courtesy transportation services, such as those furnished by places of lodging, to the maximum extent possible and as a first source of transportation between a place of lodging and common carrier terminals, places of official business, and meal locations.

4006.3 Whenever courtesy transportation services are not readily available, employees shall use the mode of ground transportation that is the least expensive mode of transportation, taking into consideration employee safety, cost, and efficiency.

4006.4 Tips more than twenty percent (20%) for a taxi, shuttle, ride hailing service, or similar means of transportation shall not be reimbursed. Tips exceeding two dollars ($2) per courtesy shuttle shall not be reimbursed.

4007 HEAVY RAIL AND INTERCITY BUS

4007.1 If heavy rail or intercity bus service is approved by OAG as a mode of employee travel, OAG shall pay for, and an employee shall only be reimbursed for, the cost of the lowest-price coach class heavy rail (for example, Amtrak) or intercity bus

service that reasonably meets the travel needs of the employee, unless another class of service is authorized under § 4007.3.

4007.2 To determine and obtain the lowest-price coach class fare that reasonably meets the travel needs of the employee, the employee shall:

(a) Compare prices online at the heavy rail or bus carrier website; and

(b) Arrange for the purchase of transportation as far as possible in advance in order to ensure that the lowest prices are available.

4007.3 OAG may approve a class of service other than basic, coach-class service if:

(a) No basic, coach-class service is reasonably available and the travel cannot be rescheduled in a manner that is advantageous to the government;

(b) Use of other than basic, coach-class service is necessary to accommodate a medical disability or other special need;

(c) Regularly scheduled heavy rail or bus service between the origin and destination points only provide classes of service that are not basic, coach-class service; or

(d) The use of other than basic, coach-class service results in an overall cost savings to the government, for example by avoiding additional travel expenses, overtime, or lost productive time while awaiting or using basic, coach-class service. Mere preference or convenience is not an acceptable factor for an agency to consider.

4007.4 An employee may upgrade to other than basic, coach-class service, or to preferred seating or service in coach-class accommodations, at the employee's personal expense. The employee shall be responsible for the payment of the cost of any upgrades.

4008 GOVERNMENT AND RENTAL VEHICLES

4008.1 A government or rental vehicle may be authorized as a means of transportation to the travel destination and as a means of transportation while at the destination.

4008.2 Whenever practical, a government vehicle shall be used for ground travel to and from travel destinations within one hundred (100) miles of the District of Columbia, as measured from the OAG headquarters.

4008.3 If a government or rental vehicle is authorized as a mode of travel, the vehicle may be used at the destination only for the following purposes:

(a) To travel between places of official business;

(b) To travel between a place of official business and a place of lodging; and

(c) To travel between either a place of official business or a place of lodging and a restaurant, drug store, place of medical care, place of worship, or similar place necessary for the sustenance, comfort, or health of the employee ("necessary place") to foster the continued efficient performance of government business, provided the employee shall minimize such use by traveling to the nearest necessary place and by combining trips to multiple necessary places.

4008.4 Except for collision damage waivers, personal accident insurance, or theft insurance for travel within the United States, OAG shall reimburse authorized and reasonable expenses associated with the use of government and rental vehicles, including the costs of fuel, parking fees, and tolls.

(a) When a government vehicle is used, to the extent practicable, fuel shall be obtained in accordance with rules and procedures established by the Department of Public Works.

(b) When authorized, the actual cost of fuel, parking, and toll expenses shall be reimbursed.

4008.5 An employee shall rent, and OAG shall only reimburse the expenses of, the least expensive compact car available, unless a waiver for another class of vehicle is approved by OAG. In general, a waiver should only be approved when:

(a) Use of a class of vehicle other than a compact car is necessary to accommodate a special need;

(b) The cost of a class of vehicle other than a compact car is less than or equal to the cost of the least expensive compact car;

(c) Additional room is required to accommodate multiple employees authorized to travel together in the same rental vehicle;

(d) An employee must carry a large amount of OAG or District government material, and a compact rental vehicle does not contain sufficient space for the material; or

(e) When necessary for safety reasons, such as during severe weather.

4008.6 An employee shall refuel a rental vehicle before returning the rental vehicle to the drop-off location. An employee shall not be reimbursed for purchasing a pre-paid refueling option for a rental car or for rental car vendor refueling charges; except, that if it is not practical to refuel completely prior to returning the rental vehicle

because of safety issues or the location of the closest fueling station, the employee may be reimbursed for rental car vendor refueling charges.

4008.7 An employee shall be responsible for any additional cost resulting from unauthorized use of a government or rental vehicle and may be subject to administrative and criminal liability for misuse of government property.

4009 EMPLOYEE VEHICLES

4009.1 An employee may use his or her personal vehicle for official government business only when authorized by OAG.

4009.2 OAG shall approve the use of an employee's personal vehicle only when use of a common carrier, government vehicle, or rental vehicle is not reasonable under the circumstances. Use of personal vehicles shall be in accordance with OAG's policy regarding the use of personal vehicles, including Mayor's Order 2009-210, until such time as the Attorney General may establish policies and procedures by office order.

4009.3 Reimbursement for use of a personal vehicle shall be determined by multiplying the distance traveled, by the applicable mileage rate (see § 4009.5).

4009.4 The following standards shall apply to the calculation of mileage associated with the use of personal vehicles:

(a) Mileage shall be calculated based on the distance between the authorized point of origination and the authorized destination, the distances traveled while within the destination jurisdiction, and the distance between the authorized destination and the authorized point of return.

(b) The distances shall be determined as shown in an online mapping service or the actual miles driven as determined from odometer readings.

(c) When travel originates from a location other than the authorized point of origination or terminates at a location other than the authorized point of return, the mileage claimed shall be limited to the distance between the destination and the authorized point of return.

4009.5 The mileage rate shall be the rate published in the most recent Federal Travel Regulation bulletin establishing such rate or the rate displayed on the General Service Administration's website (http://www.gsa.gov/mileage).

4009.6 When a personal vehicle is the authorized method of transportation, reimbursable expenses in addition to mileage shall include parking fees and bridge, road, ferry, and tunnel fees. Non-reimbursable expenses include charges for repairs, depreciation, replacements, grease, oil, antifreeze, towing, fuel, insurance, and state

and federal taxes. Parking and tolls shall be reimbursed at the actual rate and shall be accompanied by a receipt, regardless of amount.

4009.7 An employee's use of a personal vehicle may also be approved for transportation between his or her authorized origination point and an airport, train station, or bus depot from which the employee will depart for and arrive to if another means of transportation is not reasonably available.

4009.8 If an employee uses a personal vehicle for transportation to or from an airport, train station, or bus depot, when another means of transportation was authorized, the employee may be reimbursed for the expenses associated with the use of his or her personal vehicle pursuant to the standards, and at the rates, described in this section, except that the agency may reimburse such expenses (including mileage and parking expenses) only up to an amount equal to the estimated cost of the authorized mode of transportation.

4010 RESPONSIBILITY FOR TICKETS

4010.1 An employee shall be responsible for paying tickets for any moving or non-moving infractions, such as speeding tickets and parking tickets.

4011 AIR TRAVEL

4011.1 (a) If air travel is approved by OAG as a mode of employee travel, OAG shall only pay for, and an employee shall only be reimbursed for, the cost of the lowest-price basic coach class airfare that reasonably meets the travel needs of the employee, unless another class of service is authorized under § 4011.3.

(b) In determining whether a ticket reasonably meets the travel needs of the employee, OAG may consider the reduced time of travel and added convenience of non-stop transportation; however, it will generally be considered reasonable for an employee to travel with one (1) stop with a layover of two (2) hours or less. Mere preference or convenience is not an acceptable factor for OAG to take into account.

4011.1 To determine and obtain the lowest-price coach class fare that reasonably meets the travel needs of the employee, the employee shall:

(a) Use at least one (1) major airline pricing comparison website; and

(b) Arrange for the purchase of transportation as far as practical in advance in order to ensure that the lowest prices are available;

4011.2 OAG may approve other than basic, coach-class service if:

(a) No basic, coach-class service is reasonably available and the travel cannot be rescheduled in a manner that is advantageous to the government. "Reasonably available" means available on an airplane that is scheduled to arrive within twenty-four (24) hours of the schedule start time of the government business at the travel destination, or scheduled to depart within twenty-four (24) hours after the end of the government business at the travel destination;

(b) Use of other than basic, coach-class service is necessary to accommodate a disability or other special need;

(c) Regularly scheduled flights between the origin and destination points provide only other than basic, coach-class accommodations; or

(d) The use of other than basic, coach-class service results in an overall cost savings to the government (for example, by avoiding additional travel expenses, overtime, or lost productive time while awaiting basic, coach-class service).

4011.3 An employee may upgrade to other than basic, coach-class service, or to preferred seating or service in coach-class accommodations, at the employee's personal expense. The employee shall be responsible for the payment of the cost of any upgrades.

4011.4 OAG may use its purchase card only to purchase employee air travel at the rates authorized by this section. If the employee is purchasing a more expensive air travel ticket, the employee must purchase the ticket with his or her own funds, and thereafter request reimbursement of an amount equal to the price of the air travel ticket authorized by this section and approved by the agency.

4011.5 If OAG determines that a lower price for air travel would have been available if the employee had arranged for the purchase of his or her air travel at an earlier point in time or used a comparative pricing website, OAG may refuse to approve payment or reimbursement in excess of the lower price, but only if the lower price was not available due solely to the employee's delay.

4012 LODGING EXPENSES

4012.1 OAG shall provide reimbursement for lodging expenses when an employee is traveling for government-related purposes for more than twelve (12) hours, if the lodging expenses are authorized by OAG and are consistent with the requirements of this chapter.

4012.2 Reimbursement for the costs of lodging shall be made on the basis of actual and authorized expenses. An employee shall not be reimbursed for the costs of lodging on a per diem basis.

4012.3 The number of reimbursable lodging nights shall be determined by the conference, meeting, or training schedule, or other legitimate travel purposes, and the employee's ability to depart or arrive home at a reasonable hour. The employee shall arrange his or her travel schedule so as to minimize the number of lodging nights needed.

4012.4 An employee shall be reimbursed for lodging incurred on weekends and other non-workdays if the employee's travel status requires his or her stay to include a weekend day or non-workday and the agency determines that the weekend or other non-workday travel status is the most cost-effective situation (that is, remaining in a travel status and paying expenses is more cost-effective than having the employee return to his or her residence) or is otherwise in the best interest of the government.

4012.5 Lodging taxes paid by an employee are reimbursable as a miscellaneous travel expense. The amount of lodging taxes that are reimbursable are limited to the taxes paid on reimbursable lodging costs. For example, if OAG authorizes an employee a maximum lodging rate of fifty dollars ($50) per night, and the employee elects to stay at a hotel that costs one hundred dollars ($100) per night, the employee may only claim and be reimbursed for the amount of taxes paid on fifty dollars ($50), which is the maximum authorized, reimbursable lodging amount.

4012.6 Employees shall request exemption from any hotel taxes, based upon their government identification and their travel authorization form. An employee shall not be reimbursed for lodging taxes paid if the jurisdiction in which the lodging is located provides a tax exemption for purchases by the District of Columbia government or its employees. Employees shall be responsible for filing the appropriate paperwork, if any, to obtain the tax exemption.

4013 LIMITATIONS ON LODGING EXPENSES

4013.1 OAG will generally provide reimbursement only for the lowest available lodging rate at the travel destination.

(a) To determine and obtain the lowest available lodging rate, the employee shall:

(1) Use at least one (1) major hotel pricing comparison website to determine the lodging rates at the travel destination; and

(2) Arrange for the purchase of lodging as far as practical in advance in order to ensure that the lowest prices are available.

(b) To determine whether a lodging rate is the lowest available, OAG may take into account factors such as:

(1) Additional expenses that are likely to be incurred for transportation between the place of lodging that has the lowest available lodging

rate and the airport, train station, or bus depot, places of business, and other authorized places; and

(2) Inclusions in the lodging rate, such as parking or meals, which will offset other reimbursable travel costs.

(c) In determining the lowest available lodging rate, the employee shall request the government lodging rate, if lower than the standard guest rate or conference rate.

(d) If the lowest available hotel lodging rate exceeds the per diem lodging rate established by the GSA or the Department of State (DoS) for the destination, the employee must receive approval from OAG, prior to travel, to book at the higher rate. A request for approval must be supported by rate quotes showing the cost of rooms exceeding the GSA or DoS per diem lodging rate.

(e) An employee may request that the Chief Deputy Attorney General, or designee, waive the lowest available hotel lodging rate requirement. Such a request may be approved if:

(1) The time to travel back and forth from the location of lodging available at or below the per diem rate to the airport, train station, bus depot, places of business, and other authorized places is excessive relative to the added cost of staying at or near the place of business;

(2) Lodging is procured at a prearranged place such as a hotel where a meeting, conference, or training session is held ("on-site lodging"), the on-site lodging is no more than one hundred twenty-five percent (125%) of the lowest available lodging rate, and the presence of the employee at the on-site lodging is important to the employee obtaining the full benefits of the meeting, conference, or training;

(3) The waiver is necessary to ensure that the lodging is of an acceptable quality; or

(4) The waiver is necessary to ensure the personal safety of the employee.

(f) Mere preference or convenience is not an acceptable factor for OAG to take into account when determining whether a lodging rate greater than the lowest available lodging rate may be approved or reimbursed.

(g) The lodging rate approved pursuant to a waiver must be the lowest available hotel lodging rate taking into consideration the circumstances under which the waiver is being approved.

(h) Waivers are at the discretion of the Chief Deputy Attorney General or designee, provided that in no case shall the approved rate exceed one hundred fifty percent (150%) of the GSA per diem rate without the approval of the Attorney General.

4013.2 An employee shall be reimbursed the single occupancy rate actually paid for the lodging at the approved rate. If the employee shares a room with another person, the employee's reimbursement is limited to one-half (½) of the double occupancy rate if the person sharing the room is another government employee on official travel. If the person sharing the room is not a government employee on official travel, the employee's reimbursement shall be limited to the single occupancy rate.

4013.3 If the employee stays with a friend or relative, with or without charge, the employee may be paid a flat "token" amount or be reimbursed for additional costs the host incurs in accommodating the employee only if the employee is able to substantiate the costs and OAG determines the costs to be reasonable. The employee shall not be reimbursed the cost of comparable conventional lodging in the area.

4013.4 An employee may upgrade his or her approved lodging at the employee's personal expense. The employee shall be responsible for the payment of the cost of any upgrades.

4013.5 OAG may use its purchase card only to purchase employee lodging at the rates authorized by this section. If the employee is purchasing more expensive lodging, the employee must purchase the lodging with his or her own funds and thereafter request reimbursement of an amount equal to the price of the lodging authorized by this section and approved by OAG.

4013.6 If OAG determines that a lower price for lodging would have been available if the employee had arranged for the purchase of his or her lodging at an earlier point in time or used a comparative pricing website, the OAG may refuse to approve payment or reimbursement in excess of the lower price.

4014 MEALS AND INCIDENTAL EXPENSES

4014.1 OAG will provide reimbursement for authorized meal and incidental expenses when an employee is on approved travel for government-related purposes for more than twelve (12) hours.

4014.2 (a) Meal and incidental expenses may be reimbursed by either or both of the following methods:

(1) Per diem method; and/or

(2) Actual expense method.

4014.3 An employee shall be reimbursed for meals and incidental expenses incurred on non-workdays, including weekends, if lodging for the employee at the travel location was authorized for such days.

4014.4 OAG should not authorize reimbursement of meals and incidental expenses by the actual expense method unless:

(a) Actual expenses are less than the per diem amount;

(b) Meals are procured at a prearranged place, such as a hotel where a meeting, conference, or training session is held, and it is not feasible for the employee to purchase meals at an alternate location, and the cost of the meals together with allowable incidental expenses exceeds the per diem amount; or

(c) Meal expenses within prescribed allowances cannot be reasonably obtained.

4014.5 The maximum amount that an employee may be reimbursed under the actual expense method is limited to one hundred fifty percent (150%) of the applicable maximum meal and incidental expense per diem rate, unless a higher amount is approved by the Attorney General, upon the recommendation of the Chief Deputy and Chief Operating Officer.

4014.6 To receive reimbursement at actual expense, an employee must itemize all expenses and provide a receipt for each expense, including meals, snacks, and incidental expenses, except when a receipt is not normally provided for the expense.

4014.7 When reimbursement for meals and incidental expenses is made by the actual expense method, the following provisions shall apply:

(a) Costs for each meal shall be reimbursable for:

(1) One (1) non-alcoholic beverage;

(2) One (1) appetizer;

(3) One (1) main course;

(4) The tax on the items listed in sub-paragraphs (1) through (3) of this paragraph; and

(5) A tip, subject to paragraph (c) of this subsection.

(b) The cost of alcoholic beverages, desserts, and other meal costs not listed in paragraph (a) of this subsection shall not be reimbursable.

(c) Tips shall be reimbursable for no more twenty percent (20%) of the total reimbursable meal costs, including tax.

4014.8 When reimbursement for meal and incidental expenses is made by the actual expense method, allowable incidental expenses are fees and tips given to porters, baggage carriers, and hotel staff.

4015 MEAL AND INCIDENTAL EXPENSES: PER DIEM RATES

4015.1 When meal and incidental expenses are authorized to be reimbursed on a per diem basis:

(a) For destinations within the United States, the per diem meals and incidental expense rates that an employee may be paid shall be the rate established by the GSA.

(b) For destinations outside the United States, the per diem meal and incidental expense rate that an employee may be paid shall be the rate established by the DoS.

4015.2 If an employee's meal and incidental expenses are reimbursed on a per diem basis, the amount of the per diem rate to which an employee shall be entitled shall be calculated as follows:

(a) When an employee is on government travel for more than twelve (12) hours, but less than twenty-four (24) hours, the meal and incidental expense allowance shall be seventy-five percent (75%) of the applicable daily meal and incidental expense rate.

(b) When travel is for twenty-four (24) hours or more, the daily meal and incidental expense allowance shall be as follows:

Day of Travel	Meals and Incidental Expense Allowance
Day of departure	Seventy-five percent (75%) of the applicable meal and incidental expense rate
Full days of travel	One hundred percent (100%) of the applicable meal and incidental expense rate
Last day of travel	Seventy-five percent (75%) of the applicable meal and incidental expense rate

4015.3 (a) If an employee's meal and incidental expenses are reimbursed on a per diem basis and a meal is furnished by the government or included in a registration

fee or as part of another event or activity that the employee is attending, an amount shall be deducted from the per diem rate as follows:

(1) For a furnished dinner: fifty percent (50%);

(2) For a furnished lunch: twenty-four percent (24%); and

(3) For a furnished breakfast: sixteen percent (16%).

(b) OAG may, at its discretion, allow an employee to claim the full daily meal and incidental expense rate even if a meal is furnished by the government or included in a registration fee or as part of another event or activity that the employee is attending, if:

(1) (A) The employee is unable to consume the furnished meal because of a medical requirement, religious belief, or dietary restriction;

(B) The employee made a reasonable effort to make an alternative meal arrangement, but was unable to do so; and

(C) The employee purchased a substitute meal to satisfy his or medical requirement, religious belief, or dietary restriction; or

(2) The employee was unable to take part in the meal furnished by the government or included in a registration fee or as part of another event or activity that the employee is attending because the employee was conducting official business.

4016 MISCELLANEOUS EXPENSES

4016.1 OAG shall provide reimbursement for miscellaneous expenses related to approved government travel when an employee is on government travel for more than twelve (12) hours, subject to the limitations set forth in this section and chapter.

4016.2 The following expenses shall be reimbursable as miscellaneous expenses, to the extent necessary for the conduct of official business and approved by OAG:

(a) Baggage expenses authorized by 41 CFR § 301-12.2, including fees pertaining to the first checked bag; fees relating to the second and subsequent bags may be reimbursed only when the agency determines those expenses are reasonable and necessary;

(b) The use of computers, internet, printers, fax machines, and scanners, to the extent not provided by the government to the employee;

(c) Telephone calls for business purposes, when an employee has not been issued a mobile phone, or when mobile service is not available in the area. Telephone calls shall be itemized showing who was called, the purpose, date, length, and cost of the call;

(d) Faxes, which shall be itemized showing to whom the fax was sent, a description of the faxed document, and the purpose, date, number of pages, and cost of each fax;

(e) Lodging taxes on the actual amount of the lodging cost or the maximum lodging amount authorized by the agency, whichever is less; provided, no lodging taxes shall be reimbursed if the employee's lodging would have been exempt from taxes if the employee had filed appropriate paperwork or taken appropriate actions to obtain the tax exemption; and

(f) Laundry and cleaning of clothing expenses when the employee is authorized for four (4) or more nights of lodging.

4016.3 OAG shall not provide reimbursement for personal phone calls, entertainment, alcohol, or other personal expenses.

4016.4 Any additional items reimbursable under 41 CFR § 301-12.1 shall be reimbursable as miscellaneous expenses, to the extent approved by OAG.

4017 AGENCY APPROVAL

4017.1 Travel approvals shall be processed as follows:

(a) The employee requesting travel authorization shall submit the approval form to the employee's immediate supervisor;

(b) The supervisor shall review and certify whether the requested travel benefits the agency;

(c) The supervisor shall submit the approval form to the travel officer and Division head;

(d) The travel officer and Division head shall certify whether the request complies with this chapter, and that the request is complete and accurate;

(e) The travel officer shall secure the signature of OAG's Fiscal Officer, certifying that funds are available to fund the request;

(f) The Division head, or designee, shall either approve or deny the travel approval request; and

(g) The travel officer shall notify the employee and the supervisor of the decision on the request.

4017.2 Each Division head, or designee, shall be the authorizing official for travel by an employee of their Division, except:

(a) The Chief Operating Officer or Chief Deputy Attorney General shall be the authorizing official for Division heads and Senior Counsels;

(b) The Chief Deputy Attorney General shall be the authorizing official for the Chief Operating Officer;

(c) The Attorney General shall be the authorizing official for the Chief Deputy Attorney General.

4017.3 Travel must be authorized before the travel begins, unless extenuating circumstances acceptable to the authorizing official make it infeasible for the travel authorization to be issued before the travel begins. The extenuating circumstances shall be described in the authorization.

4018 ADVANCE PAYMENT OF EXPENSES

4018.1 Whenever possible, OAG shall pay for travel expenses with OAG's purchase card or through a requisition.

4018.2 When the purchase of travel expenses cannot reasonably be made using OAG's purchase card or a requisition, an employee may be provided District government funds in advance of travel to pay for the estimated expenses.

(a) Advances shall be requested along with the corresponding request for travel approval.

(b) An employee may receive an advance of one hundred percent (100%) of the estimated travel expenses that cannot reasonably be secured with OAG's purchase card or through a requisition.

(c) Advances shall be disbursed to an employee no sooner than ten (10) calendar days before the date of travel, unless an earlier disbursement is necessary to secure lower travel rates.

(d) OAG shall not advance funds to any employee who has an outstanding advance or portion of an advance due to the government.

4019 REIMBURSEMENT OF EXPENSES

4019.1 An employee shall be reimbursed for approved and eligible travel expenses.

(a) Employees shall seek reimbursement for such expenses using a travel expense reimbursement form issued by OAG.

(b) Completed forms, along with appropriate documentation, shall be submitted to the travel officer within ten (10) business days after returning from travel.

(c) OAG shall provide an employee any authorized reimbursements within thirty (30) calendar days after receiving a properly completed reimbursement claim form.

4019.2 Reimbursement claim forms shall include:

(a) The approved travel approval form, including written waivers, variances, or other special authorizations;

(b) An itemized list of each expense (including the date, purpose, and amount of the expense) for which the employee requests reimbursement; except, that meal and incidental expenses authorized on a per diem reimbursement basis shall not be itemized;

(c) A receipt for each expense requested to be reimbursed, except for expenses for which receipts are not normally provided;

(d) For expenses related to the use of a personal vehicle, documentation as to the date, origin, destination, addresses, and starting and ending odometer readings for each trip, which shall be provided on a form issued by OAG.

(e) Any additional information OAG may specifically require; and

(f) A certification that the information provided on the form is true and correct to the best of the employee's knowledge and belief, subject to criminal penalties, including making false statements under the District of Columbia Theft and White Collar Crimes Act of 1982, effective June 11, 2013 (D.C. Law 4-164; D.C. Official Code § 22-2405), and to disciplinary action under the District's personnel regulations.

4019.3 Receipts must include sufficient information to evidence each expense and to verify those expenses.

(a) For air, train, rental car, and similar transportation expenses, receipts must show:

(1) The employee's name;

(2) The name and phone number of the transportation company;

(3) For any flights, train travel, or similar carrier services, the route number, the class of service, the passenger record number, the date and time of the transportation and the starting and ending points of the transportation;

(4) For rental cars, the date, time, and location of the pickup and drop-off of the car, the type of car rented, and the rental confirmation number; and

(5) The total cost of the transportation, listing separately the pre-tax amount and the amount of any tax.

(b) For lodging, receipts must show:

(1) The employee's name;

(2) The name, address, and phone number of the lodging;

(3) The check-in and check-out dates for the lodging;

(4) The room type and daily rate for the lodging;

(5) A description of any additional benefits included in the daily lodging charge (such as meals, parking, or internet access), if any;

(6) The tax rate and amount, if reimbursement of taxes is requested;

(7) An itemized list of additional charges, such as charges for telephone or internet service, if the reimbursement of these charges is requested; and

(8) The total cost of the lodging expenses.

(c) For meals, receipts must show:

(1) The employee's name;

(2) The name and address of the restaurant;

(3) The date and time of the meal;

(4) An itemized list of each cost of the meal (that is, listing each beverage and meal item, and their costs, separately);

(5) The number of persons whose meals appear on the receipt, if more than one person is on the same receipt, with the specific costs for

which reimbursement are sought clearly identified; provided, an employee shall obtain a separate receipt for his or her meal where feasible; and

(6) The total amount of the bill, listing separately the pre-tax amount, the amount of tax, and the amount of tip.

4019.4 Whenever a receipt is required by this section, and the required information is not provided on the receipt, the employee shall provide the missing information.

4019.5 The completed travel expense reimbursement form shall be signed by the employee, with a certification that the information provided in the form is true and correct to the best of the employee's knowledge and belief.

4019.6 If an employee presents false information on a reimbursement claim form, the employee shall be subject to prosecution for criminal violations, including fraud under D.C. Official Code § 22-3221, and to disciplinary action under OAG's personnel regulations.

4019.7 The employee shall submit the completed travel expense reimbursement form to the travel officer.

4019.8 The travel officer shall submit reimbursement requests in the District's Integrated Financial System within 48 hours of receipt.

4019.9 An employee shall be responsible for excess costs resulting from circuitous routes and delays caused by the employee and for expenses that are unauthorized or unnecessary or unjustified in the performance of official business.

4019.10 The travel officer must ensure that:

(a) The claim is properly prepared in accordance with the applicable regulations and agency procedures;

(b) The types of expenses claimed are authorized and allowable expenses;

(c) The amounts claimed are accurate; and

(d) The required receipts, statements, justifications, and authorizations (or electronic images of such documents) are included.

4019.11 Following review, the travel officer shall determine whether reimbursable travel expenses meet the requirements necessary for reimbursement under this chapter.

4019.12 [RESERVED]

4020 DISPUTES AS TO REIMBURSABLE EXPENSES

4020.1 OAG may disallow payment of an expense included on a travel expense reimbursement form if:

(a) The employee does not provide proper itemization of an expense;

(b) The employee does not provide a receipt or other documentation required to support the expense;

(c) The expense is not authorized under this chapter; or

(d) Reimbursement is otherwise inconsistent with this chapter, agency policies adopted in accordance with this chapter, or District law.

4020.2 When a claimed expense is denied, OAG shall provide notice to the employee and reimburse the employee's claim for any remaining and allowable expenses. For each claimed expense that is denied, the notice shall explain the reason for the denial.

4020.3 To request reconsideration of a denied expense, an employee shall:

(a) File a new travel expense reimbursement form for the disallowed item(s);

(b) Provide full itemization of the disallowed item(s);

(c) Provide receipts or other documentation for each disallowed item that requires a receipt or other documentation, except that the employee shall not be required to provide a receipt or other documentation if the receipt or other documentation was filed with a prior travel expense reimbursement form (in which case the employee shall indicate on the form that the receipt or other documentation was previously filed with the agency);

(d) Provide a copy of the notice of disallowance; and

(e) State the proper authority for the claim if challenging OAG's application of a law or regulation.

4020.4 An employee may appeal a denied reimbursement expense by filing a grievance pursuant to § 1628 of subtitle B of this title. When filing a grievance pursuant to this section:

(a) The Division head shall serve as the first level grievance official consistent with §§ 1629 and 1630 of subtitle B of this title;

(b) If the employee disagrees with the decision of the Division head, the grievance shall proceed to the third level for review by the Chief Operating Officer, or designee, pursuant to § 1632 of subtitle B of this title; and

(c) If a dispute remains following the third level review, the grievance shall proceed to the final review level, pursuant to § 1633 of subtitle B of this title.

4021 RECONCILIATION OF EXPENSES AGAINST AN ADVANCE

4021.1 If an employee received a travel advance, the employee must file a travel expense reimbursement form even if the employee is not seeking reimbursement above the advance amount, in order to reconcile actual expenditures against the advance.

4021.2 If the amount advanced is less than the amount of the total actual and authorized expenses for which reimbursement is claimed, the employee shall be reimbursed the net difference.

4021.3 If the advance exceeds the total actual and authorized expenses for which reimbursement is claimed, the employee must refund the excess by check, made payable to D.C. Treasurer.

4021.4 If an employee provides a refund to the District using a check, and the check is dishonored by the issuing financial institution, the employee shall be liable to the OAG and/or the District for any resulting fees authorized by Section 1044(b) of the Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.03).

4021.5 Except when there is good cause, an advance shall be revoked and the employee shall be required to reimburse OAG for the full advance, if the employee does not file a claim for reimbursement within ten (10) business days after travel is completed.

4021.6 If funds are advanced to an employee and the employee does not travel, fails to submit a properly completed travel expense reimbursement form by the required date and thereafter fails to reimburse the agency for the full advance, or fails to reimburse the District for any advance in excess of actual and authorized expenses as required by § 4021.5, OAG shall take steps to collect the debt, including an offset against the employee's salary, a retirement credit, or other amount owed to the employee or any other legal method of recovery.

4022 CANCELLATION AND CURTAILMENT OF TRAVEL

4022.1 If authorized travel is cancelled:

(a) The employee shall immediately notify the travel officer of this fact and submit a refund of any monies advanced in connection with the authorized

travel. Advances that are not refunded within three (3) business days shall be recovered by OAG in the manner described in § 4021.6.

(b) The individual who made the travel reservations shall immediately cancel any reservations for transportation, lodging, training, seminars, meetings, and/or conferences previously made and seek full refunds of any expenses and advances already incurred or, if refunds are not available, take other reasonable steps to minimize the costs incurred.

4022.2 If authorized travel is cancelled based on an employee's personal convenience, the employee shall be responsible for any expenses incurred.

4022.3 If authorized travel is cancelled for official purposes, or for a reason beyond the employee's control that is acceptable to OAG, the agency shall be responsible for any expenses incurred that are not refundable. If the employee paid for the travel expenses with his or her own funds, the agency may reimburse the employee for those expenses that are not refundable.

4023 AGENCY POLICIES AND PROCEDURES

4023.1 OAG may implement additional, specific travel approval procedures by Office Order to supplement this chapter, as long as the procedures are not inconsistent with these regulations.

4023.2 OAG supplemental travel rules shall not authorize the payment or reimbursement of any expenses not authorized by this chapter.

4024 PROGRAM MANAGEMENT

4024.1 OAG's Human Resources Unit, after coordination with OAG's Finance Officer, shall be responsible for implementing the rules and requirements of this chapter, including:

(a) Promulgating forms, instructions, and guidance documents and posting such forms, instructions, and guidance documents on OAG's intranet;

(b) Assisting Divisions in the implementation of the requirements of this chapter (for example, providing training to travel officers);

(c) Auditing OAG-wide compliance with the requirements of this chapter; and

(d) Recommending to the Attorney General additional travel policies and amendments to the requirements of this chapter.

4024.2 The Attorney General may issue variances to rules under this chapter in accordance with § 104 of Subtitle B of this title, until such time as that section may be replaced or repealed as provided in § 101.2 of this subtitle.

4025 FREQUENT TRAVELER BENEFITS

4025.1 An employee may use frequent traveler benefits earned on official travel for the employee's personal use. However, an employee shall not select a travel provider based on whether it provides frequent traveler benefits.

4026 TRANSPORTATION: AUTHORIZED POINTS OF ORIGINATION AND RETURN

4026.1 The authorized points of origination and return for an employee's travel shall be the employee's place of work, unless the authorizing official approves another point of origination or return based on a determination that travel from or to such other point is more advantageous to OAG and the District government.

4027 EMERGENCY TRAVEL

4027.1 Emergency travel is travel that interrupts authorized travel as a result of:

(a) An employee becoming incapacitated by illness or injury not due to the employee's own misconduct;

(b) The death or serious illness of a member of an employee's family; or

(c) A catastrophic occurrence or impending disaster, such as fire or flood, which directly implicates the employee's real property.

4027.2 Employees shall be reimbursed for expenses associated with emergency travel to the extent approved by the agency and allowable under federal government travel regulations.

4028 TRAVEL EXPENSES FOR EMPLOYEES WITH SPECIAL NEEDS

4028.1 To be reimbursed, additional travel expenses for employees with special needs must be approved by OAG.

4028.2 Expenses that may be approved by OAG include:

(a) Services of an attendant to accommodate a special need, when necessary to make the trip possible;

(b) Transportation, lodging, and meals and incidental expenses incurred by an attendant;

(c) Other than basic coach-class accommodations to accommodate a special need;

(d) Specialized services provided by a common carrier to accommodate a special need;

(e) Specialized transportation to, from, and at the travel destination;

(f) Costs for handling baggage when those costs are a direct result of a special need;

(g) Renting and/or transporting a wheelchair; and

(h) Any other expense deemed necessary by OAG to accommodate an employee with a special need.

4029 RESPONSIBILITY FOR ARRANGING FOR TRAVEL AND PURCHASING TRANSPORTATION AND LODGING

4029.1 An employee shall be responsible for identifying the employee's own transportation and for identifying reservations for the employee's own lodging, unless OAG has designated its travel officer or another employee to make such purchases and reservations. OAG shall be responsible for paying for, or reimbursing the costs of, the transportation and lodging.

4030 INTERNATIONAL TRAVEL

4030.1 In addition to the other requirements of this chapter, travel to a destination outside the United States shall be subject to approval by the Attorney General or designee.

4030.2 Employees must first submit a request for international travel, on a form prescribed by the Attorney General, in accordance with policies and procedures the Attorney General may establish by office order, for the Attorney General's or designee's review at least forty-five (45) business days before the proposed travel.

4030.3 No employee may commit OAG or District funds for nonrefundable expenses before receiving the approval of the Attorney General or designee.

4030.4 A proposed gift or donation of travel or travel expenses from a foreign government must be approved by the Attorney General or designee and shall be made directly to OAG, not to an individual employee. In addition, the policies and procedures set forth in Mayor's Memorandum 2015-001, dated August 21, 2015, and Mayor's Memorandum 2017-001, dated May 2, 2017, shall be followed, until such time as the Attorney General may establish policies and procedures by office order.

4030.5 An employee may consult with the Office of the Secretary in advance of international travel for advice on customs particular to the country to be visited.

4030.6 If an employee receives a gift from a foreign government or organization during international travel, the employee must submit the gift to OAG's Ethics and Compliance Counsel within three (3) days after the employee returns from travel, with an attached notation of who presented the gift and the date it was presented. In addition, the policies and procedures set forth in Mayor's Memorandum 2015-001, dated August 21, 2015, and Mayor's Memorandum 2017-001, dated May 2, 2017, shall be followed, until such time as the Attorney General may establish policies and procedures by office order.

4030.7 If OAG is paying for an employee's international travel, the employee shall adhere to the applicable international per diem rates established by DoS. Reimbursement of expenses shall be issued in accordance with § 4003.

4030.8 Pursuant to the Fly America Act, 49 USC § 40118, when air travel is financed by federal funds, employees must use a U.S. flag air carrier, except as provided in 41 CFR §§ 301-10.135, 301-10.136, and 301-10.137.

4030.9 If federal grant funds are to be used to engage in foreign travel (other than to Canada or Mexico), the traveler must receive prior approval from the grantor agency, as set forth in Office of Management and Budget Circular A-87, Attachment B, Section 43.e.

4031 LOCAL TRAVEL

4031.1 OAG may provide reimbursement for government-related local travel. As used in this section, local travel means government-related travel within fifty (50) miles of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

4031.2 OAG shall purchase one (1) or more Metro SmartTrip cards for use by employees who engage in local travel. Authorizations, disbursement records, and documentation for the cards shall be maintained according to accounting requirements established by the Chief Financial Officer (CFO).

4031.3 Meals shall not be reimbursed for local travel, including local travel to attend a training, seminar, meeting, or conference, except as provided in § 0(b).

4031.4 (a) Lodging shall not be reimbursed for local travel.

(b) Notwithstanding paragraph (a) of this subsection, the Attorney General or designee may authorize the reimbursement of lodging expenses for local travel based on a disability or other medical condition of the traveling employee. In such a circumstance, the Attorney General or designee may approve the reimbursement of the expenses of meals purchased by the employee at the travel destination if such meal expenses are associated with the extended stay at the destination. (For example, if overnight lodging is

authorized for a two (2)-day conference, reimbursement of the costs of dinner on the first day and breakfast on the second day may be authorized.)

4032 LOCAL TRAVEL: APPROVAL OF LOCAL TRAVEL AND LOCAL TRAVEL EXPENSES

4032.1 Local travel expenses shall be approved by OAG's authorizing official or his or her designee.

4032.2 OAG's authorizing official may delegate to supervisory personnel in OAG the authority to approve their supervised employees' local travel if the local travel includes only subway, bus, taxi, or ride-hailing expenses or involves only the use of a government vehicle.

4032.3 Employee requests and OAG approvals for local travel need not be in writing, if the Attorney General or designee authorizes oral requests and approvals.

4032.4 An employee shall obtain approval in advance of the local travel and in advance of incurring any local travel expenses unless the authorizing official determines there is good cause for obtaining approval after the local travel.

4032.5 In order to receive written authorization to engage in local travel and incur local travel expenses, an employee shall prepare and submit to the authorizing official or OAG's travel officer a local travel authorization form specified for the means of local travel requested.

4032.6 The employee shall request authorization for local travel at least five (5) calendar days before any local travel expenses are expected to be incurred; except, if the employee only becomes aware of the need to incur local travel expenses within five (5) calendar days before any local travel expenses are expected to be incurred, the employee shall submit the form as promptly as possible after the employee becomes aware of the need to incur local travel expenses.

4032.7 An authorizing official or his or her designee (or supervisory personnel with delegated authority under § 4032.2) may authorize local travel only if the authorizing official determines that the travel and associated expenses are consistent with the principles set forth in § 4000.

4033 LOCAL TRAVEL: TRANSPORTATION

4033.1 OAG may pay for or reimburse the transportation expenses of local travel.

4033.2 In authorizing local travel transportation expenses, OAG shall require that the employee travel by bus or subway, unless:

(a) The travel origination or destination point is not reasonably accessible by bus or subway, in which case travel by automobile may be authorized;

(b) Travel time by bus or subway is significantly greater than transportation by automobile and the agency determines that transportation by automobile is advantageous to the District government;

(c) Travel by government vehicle is available and the expected cost of parking is equal to or less than the expected cost of travel by bus or subway; or

(d) The employee wishes to travel by personal vehicle, no government vehicle is available, and the use of a personal vehicle is allowable under the District's policy regarding the use of personal vehicles, including Office Order.

4033.3 If transportation by automobile is authorized under § 4033.2(a) or (b):

(a) OAG should authorize transportation by a government vehicle, unless a government vehicle is not available, in which case the agency may authorize transportation by taxi or ride-hailing service; provided, OAG may authorize transportation by a personal vehicle when a government vehicle is not available and the use of a personal vehicle is allowable under the District's policy regarding the use of personal vehicles; provided, the expenses reimbursed for the use of a personal vehicle (including parking) in such a circumstance shall not be greater than the expense that would have been reimbursable if the employee had traveled by taxi; and

(b) The employee must take reasonable steps to minimize the costs of parking. Government vehicles parked in metered spaces are not required to pay meter fees. Parking expenses associated with the use of personal vehicles are generally minimized by the use of on-street parking. Therefore, an employee generally must take reasonable steps to determine that on-street parking is not available before parking in a commercial parking facility. Moreover, in selecting a commercial parking facility, an employee must use reasonable efforts to minimize the costs of such parking.

4034 LOCAL TRAVEL: REIMBURSEMENT OF LOCAL TRAVEL EXPENSES

4034.1 In order to be reimbursed for local travel expenses, an employee shall submit a completed local travel expense reimbursement form to OAG's travel officer no later than ten (10) business days after the travel expenses were incurred.

4032.2 (a) A request for reimbursement of a taxi, ride-hailing service, or parking expense shall be accompanied by a receipt.

(b) A receipt for a taxi or ride-hailing service shall include:

(1) The date and time of travel;

(2) The starting and ending points of travel;

(3) The dollar amount of the fare and tip, listed separately;

(4) The name of the taxi company; and

(5) A description or designation of the purpose of the travel.

(c) A receipt for parking shall include:

(1) The date of travel;

(2) The starting and ending times of parking;

(3) The dollar amount of parking expenses incurred;

(4) The name of the parking facility, if applicable;

(5) The address of the parking facility; and

(6) A description or designation of the purpose of the travel.

4034.3 (a) A request for reimbursement of personal vehicle mileage shall be accompanied by a document that lists the travel origination and destination point for each leg of travel and the mileage of each leg of travel. To support the calculation of the mileage, either the document shall be accompanied by a printout from an online mapping service showing the mileage for each leg of travel or the starting and ending odometer readings for each leg of travel shall be printed on the document.

(b) Reimbursement for use of a personal vehicle shall pay for mileage at the mileage rate set by the Federal government for its employees (see www.gsa.gov for current rates).

(c) Reimbursement for use of a personal vehicle shall include parking expenses that are consistent with § 4033.3(b).

4034.2 Authorized bus, subway, and taxi expenses shall be reimbursed at the actual rate of fare or fee.

4034.3 Tips for taxi or ride-hailing services shall also be reimbursed; provided, however, that tips in excess of twenty percent (20%) shall not be reimbursed.

4034.4 Authorized parking expenses shall be reimbursed at the actual amount of expenses; provided, if transportation by automobile is authorized under § 4033.2(c) or (d), reimbursement for parking expenses shall be limited to the actual parking expenses or the cost of travel by bus or subway (had the local travel occurred by bus or subway), whichever is less.

4035 LOCAL TRAVEL: GOVERNMENT-OWNED VEHICLE EXPENSES

4035.1 Authorized users of District government vehicles shall obtain necessary gas, oil, maintenance, and repairs from a District government facility and will only be reimbursed for out-of-pocket expenses (gas, oil, repairs, and other vehicle expenses) when it is impractical to obtain such service at the District's facilities.

4099 DEFINITIONS

4099.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

Agency – the Office of the Attorney General for the District of Columbia,

Incidental expenses – fees and tips given to porters, baggage carriers, bellhops, hotel maids and others**.** Incidental expenses do not include the cost of alcoholic beverages, tobacco, movie rentals, entertainment, or other expenses of a personal nature that are not related to the official business of the OAG and/or District.

Local travel – travel to a location that is less than fifty (50) miles from the John A. Wilson Building.

Lodging – a hotel, motel, inn, guest house, or other establishment that provides lodging to transient guests for overnight sleeping facilities.

Meal expenses – expenses for breakfast, lunch, dinner, and related tips and taxes. Alcoholic beverages and all entertainment expenses are specifically excluded from meal expenses.

Mileage rate – the reimbursable rate for the authorized use of an employee's personal vehicle for travel for official government business as determined by the General Services Administration (see www.gsa.gov for current rates).

OAG – the Office of the Attorney General for the District of Columbia

OAG headquarters – the Office of the Attorney General for the District of Columbia headquarters, located at 400 6th Street, N.W., or any successor location.

Per diem allowance – a set daily payment provided to an employee, instead of actual expenses, for reimbursement for meals and related incidental expenses. A per diem allowance is separate from lodging expenses, transportation expenses, and miscellaneous expenses.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health ("DOH"), pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (Act), 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 adoption of the following amendments to Chapter 41 (Health Occupations: Administrative Procedures) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations ("DCMR").

This rulemaking updates and modernizes the acceptable means of service of legal documents related to health professional licensure and authorization to practice a health occupation. These rules have not been updated since 1987 and therefore do not include effective modern means of communication such as the U.S. Postal Service's Priority Mail service, email, or express common carriers. The lack of modernization has been a barrier to effective and efficient regulation of health professions.

An emergency and proposed rulemaking was previously adopted by the DOH Director on June 26, 2025, and became effective immediately. The Notice of Emergency and Proposed Rulemaking was published in the *District of Columbia Register* on July 4, 2025, at 72 DCR 007602. The emergency rulemaking expired October 24, 2025. The rulemaking erroneously omitted portions of the rulemaking as approved, and therefore a second proposed rulemaking was necessary.

A Second Notice of Proposed Rulemaking was published in the *District of Columbia Register* on April 24, 2026, at 73 DCR 006278 and included the previously approved provisions that were erroneously omitted in the rulemaking published at 72 DCR 007602, including what constitutes adequate proof of service for an email and when service by email will be deemed to have been made; a clarification that service can be made by First Class Mail if it is certified, registered, or if return receipt is requested; and a requirement for a delivery signature for service by commercial carrier. No public comments were received and no changes have been made to the text of the rules as proposed in the Second Notice of Proposed Rulemaking.

The DOH Director adopted these rules as final on July 20, 2026. The final rules shall become effective on the date of publication of this notice in the *District of Columbia Register*.

Chapter 41, HEALTH OCCUPATIONS: ADMINISTRATIVE PROCEDURES, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4105, SERVICE, is amended to read as follows:

4105 SERVICE

4105.1 A notice, order, decision, or pleading ("paper") required by this chapter to be served upon a party shall be served upon the party or upon the representative designated

by the party or by law to receive service of papers. If a party has appeared through counsel, service may be made upon the counsel of record.

4105.2 Service of a paper described in § 4105.1 shall be made by one of the following methods:

(a) By personal delivery on the party, representative, or counsel wherever the party, representative, or counsel may be;

(b) If the address of record of the party or the address of a representative or counsel is a place of business, by leaving it at such place of business with a person in charge or an employee of the business with suitable discretion and responsibility;

(c) If the address of record of the party or the address of a representative or counsel is a residence, by leaving it at such residence with a person of suitable discretion sixteen (16) years of age or older residing there;

(d) By Priority Mail, Priority Mail Express, or First Class Mail through the United States Postal Service (USPS) to the address of record of the party or the address of a representative or counsel; provided, that First Class Mail must be sent as Certified Mail or Registered Mail or with a return receipt requested;

(e) By a commercial carrier for delivery within three (3) calendar days to the address of record of the party or the address of a representative or counsel with the cost of delivery prepaid and delivery signature required;

(f) By a commercial carrier for delivery within three (3) calendar days to the address of record of the party or the address of a representative or counsel with the cost of delivery prepaid and without a delivery signature required if delivery pursuant to paragraph (e) of this subsection was previously attempted but was unsuccessful due to the inability of the commercial carrier to obtain a delivery signature;

(g) By email to the email address of record of the party or the address of a representative or counsel if service by email is authorized by § 4105.5; provided, that a summary action under § 4118 may not be served by email; or

(h) In conformity with an order of a board issued in any hearing.

4105.3 Proof of service made pursuant to § 4105.2 may be shown by one of the following methods:

(a) Written acknowledgment by the party, representative, or counsel on whom service was made stating the name and address or location of the person on whom service was made and the manner and date of service if service is made in accordance with § 4105.2(a);

(b) Written acknowledgment by the person in charge, employee, or person of suitable discretion sixteen (16) years of age or older with whom the paper was left stating the name and address of the person with whom the paper was left and the manner and date of service if service is made in accordance with § 4105.2(b) or (c);

(c) A certificate of service executed by the individual serving the paper that states the name of the party, representative, or counsel served, the address or location at which service was made, and the manner and date of service, if service was made pursuant to § 4105.2(a), (b), or (c);

(d) A return receipt, delivery confirmation, or tracking information indicating delivery provided by USPS if service is made by one of the means listed in § 4105.2(d);

(e) A USPS notice that an item has been returned unclaimed, if delivery was attempted by one of the means listed in § 4105.2(d); provided, that if a forwarding address for the party, representative, or counsel is provided by USPS with the notice, proof of service shall not have been deemed to have been shown;

(f) A delivery signature confirmation provided by a commercial carrier if service is made in accordance with § 4105.2(e);

(g) A delivery confirmation from the commercial carrier, if service is made in accordance with § 4105.2(f);

(h) Email system record showing delivery tracking or read receipt indicating that the email has been delivered or read or a response from the recipient if service is made by email in accordance with § 4105.2(g); provided, that service by email shall be deemed not to have been made if the email system receives a reply that the email could not be delivered; and

(i) Proof appropriate to the means of service, if service is made in conformity with an order of a board issued in any hearing pursuant to § 4105.2(h).

4105.4 The time or date of service made pursuant to § 4105.2 shall be deemed to be as follows:

(a) If service is by personal delivery in accordance with § 4105.2(a), service shall be deemed to have been made at the time when delivery is made to the party or other person served.

(b) If service is made in accordance with § 4105.2(b) or (c), service shall be deemed to have been made at the time the paper is left with the person in charge, employee, or person of suitable discretion sixteen (16) years of age or older;

(c) If service is made in accordance with § 4105.2(d), service shall be deemed to have been made on the date of delivery shown on the return receipt, delivery confirmation, or tracking information, or on the date the mail was returned unclaimed;

(d) If service is made by a commercial carrier in accordance with § 4105.2(e), service shall be deemed to have been made on the date shown on the delivery signature confirmation;

(e) If service is made by a commercial carrier in accordance with § 4105.2(f), service shall be deemed to have been made on the date shown on the delivery confirmation;

(f) If service is made by email in accordance with § 4105.2(h), service shall be deemed to have been made on the date shown by delivery tracking or read receipt that the email has been delivered or read or on the date the recipient responded to the email; and

(g) If service is made in conformity with an order of a board issued in any hearing as provided in § 4105.2(h), service shall be deemed to have been made at the date or time indicated in this section for the type of service through which service was made. If the board orders a different type of service, in accordance with the order, the date and time shall be consistent with the type of service ordered.

4105.5 The following requirements apply to service by email:

(a) Email service may be made on an attorney representing a party at the attorney's business email address without the need for the party's consent to such service by email;

(b) If a party is not represented by counsel, the party may consent to service by email at the email address of record or email address provided by the party; provided, that a party may subsequently withdraw their consent. Both consent and withdrawal of that consent shall be in writing.

4105.6 A party's actual receipt of a paper shall bar any claim by the party of defective service except for a claim of late service.

SECTION 4199, DEFINITIONS, is amended as follows:

Section 4199.1 is amended by adding the definition of "Address of record," before "Administrative Law Judge (ALJ)" to read as follows:

Address of record – a physical residential or business address provided for the record of licensure, registration, or certification pursuant to § 505(c) of the Act, D.C. Official Code § 3-1205.05(c); except, that in the case of email service, the address of record is the last email address provided by an applicant for license, registration, or certification, or by a licensed health professional.

OFFICE OF TAX AND REVENUE

NOTICE OF FINAL RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-874 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of this final action to amend Chapters 3 (Real Property Taxes) and 99 (Definitions) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The amendment to Section 306 establishes that Class 1A or 1B Property must comprise "dwelling units". The amendments to Section 9903 provide definitions for real property tax purposes, including the definition of "dwelling unit" for purposes of determining Class 1A or 1B Property.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on June 5, 2026, at 73 DCR 008326. No comments were received concerning the proposed rulemaking. This final rulemaking is identical to the published text of the proposed rulemaking. This rule was adopted as final on July 22, 2026, and will become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 306, ASSESSED VALUE, is amended as follows:

In the title to the section, strike the phrase "ASSESSED VALUE" and insert the phrase "ASSESSED VALUE AND CLASSIFICATION" in its place.

A new Subsection 306.4 is added to read as follows:

306.4 Class 1A or Class 1B Property shall be used for dwelling purposes. Class 1A Property shall comprise 3 or more dwelling units. Class 1B Property shall comprise no more than 2 dwelling units.

Chapter 99, DEFINITIONS, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 9903, DEFINITIONS: REAL PROPERTY TAXES, is amended to read as follows:

9903.1 The definitions in this section shall apply to the provisions of Chapters 3 of this Title.

9903.2 The phrase "dwelling unit" shall comprise one (1) or more habitable rooms comprising a complete, independent living facility for one (1) or more persons within a single household, and including within those rooms permanent provisions for living, sleeping, eating, cooking, and sanitation.

The term "cooking" shall comprise a cooking facility for the preparation and eating of meals. Such cooking facility shall include a permanently attached stove appliance that is a:

(a) thermal oven; or

(b) cooktop appliance with two (2) or more burners.

The power supply to the stove appliance shall be served by an electrical connection with minimum of 220-240 volts or a natural gas line. Notwithstanding the foregoing, the stove appliance shall not include a microwave or free-standing or "plug and go" countertop appliance.

9903.3 "Improvement" means a building or other relatively permanent structure located on or attached to land. The term improvement does not include fences, residential storage sheds or other similar structures, or brick or stone walls.

9903.4 Mixed Use Form - the phrase "mixed use form" refers to the form to be completed by an affected taxpayer setting forth the area in square feet, of each class of real property described herein and the total area in square feet, of all such classes and any other related or miscellaneous information sought by the Office.

9903.5 Mixed Use Property - the term mixed use property refers to the uses of real property in the District of Columbia which fall into more than one of the classes of real property defined in D.C. Code 47-813 and this section.

9903.6 "Reporting Period" means the affected taxpayer's most recently completed calendar year, whichever is applicable, at the time of submission of the form; provided that in the case of the mixed use determination, the DCFO may also request and consider information pertaining to the latest established uses.

9903.7 "Unimproved" means without improvements.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING

RM49-2026-01, PUBLIC UTILITY TARIFF FILING REQUIREMENTS AND REGULATIONS,

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code Sections 2-505 (2016 Repl.) and 34-802 (2019 Repl.) gives notice of a second proposed rulemaking to adopt amendments to Section 4901 (Tariff Applications) of Chapter 49 (Public Utility Tariff Filing Regulations) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR). This second proposed rulemaking is intended to further clarify the proposed rule changes. All persons interested in commenting on this Notice of Second Proposed Rulemaking (NOPR or Notice) shall submit written comments no later than thirty (30) days after publication of this Second Notice in the *District of Columbia Register*.

2. The initial changes to Chapter 49 included language specifying when a proposed tariff or tariff amendment may take effect as provided in new Subsection 4901.2(b)(1) and (2). In addition, the proposed revised Subsection 4901.2(f) was meant to provide increased specificity on work papers utilities must submit with their tariff filings. On April 3, 2026, the Commission published a NOPR in the *District of Columbia Register* proposing these amendments.[1]

3. The Potomac Electric Power Company (Pepco or Company) filed comments in response to the NOPR.[2] Pepco proposes additional language to "Applicability" in Section 4900.1 and to the previously proposed amendments to provide for an explicit exception to tariff filings that are required by law, citing as examples the Sustainable Energy Trust Fund and the Mayor's Energy Surcharge Fund (both of which go into effect by law on October 1 each year), and laws that require rates to go into effect on the date the rate is filed, such as the District of Columbia's Power Line Undergrounding Initiative (DC PLUG) Underground Rider and Underground Project Charge.[3] Pepco also requests clarification as to the process for providing supporting documentation that includes electronic links in the tariff filing and clarity on whether the processes used by the Company meet the requirements proposed in Chapter 49 given data limitations and cost, and for the period of time these links need to be accessible.[4]

4. The Commission includes Pepco's proposals for consideration in this notice and solicits comments on the adoption of further modifications as outlined below. Accordingly, the

---

1 73 *DC Reg*. 005782 - 005783 (April 3, 2026).

2 *RM49-2026-01*, *In the Matter of Public Utility Tariff Filing Regulations*, Potomac Electric Power Company's Comments (*RM49-2026-01)*, filed May 4, 2026 (Pepco's Comments).

3 Pepco's Comments at 1-2.

4 Pepco's Comments at 2.

newly proposed revisions to Sections 4900.1 and 4901.2 are shown by **bold underline** and the deletions by ~~strikethrough~~.

Chapter 49, PUBLIC UTILITY TARIFF FILING REGULATIONS, is amended as follows:

Section 4900, APPLICABILITY, is amended as follows:

4900.1 Application. **Except as provided by law,** ~~This~~ **this** chapter provides rules governing public utility tariff applications and filings in the District of Columbia. This chapter shall not apply to the tariff filings of non-utility energy suppliers and competitive local exchange carriers.

…

Section 4901, TARIFF APPLICATIONS, is amended as follows:

…

4901.2 A public utility submitting an application for approval of a new tariff or tariff amendment, except that which is a compliance tariff, must also submit a proposed draft notice of proposed tariff and a proposed draft notice of final tariff for the proposed tariff or tariff amendment. The notice shall include the following details:

…

(b) The effective date of the proposed tariff or tariff amendment;

(1) Except as provided by law, the effective date of the proposed tariff or tariff amendment shall not be fewer than thirty (30) days from the date of the proposed tariff or tariff amendment filing;

(2) Except as provided by law, if final Commission action on a proposed tariff or tariff amendment occurs subsequent to the effective date of the proposed tariff or tariff amendment, the proposed tariff or tariff amendment shall not take effect until the date of publication of a notice of final tariff in the *District of Columbia Register*.

…

(f) ~~Any~~ **All** relevant supporting documentation and work papers. **The supporting documentation shall include a link in the tariff filing to supporting workbooks, with formulas intact in their native file format that is directly accessible without registration or other preconditions.**

The link to work papers and supporting documentation shall be accessible until such time the Commission has taken final action on a proposed tariff or tariff amendment with the publication of a notice of final tariff.

5. Any person interested in commenting on the subject matter of this proposed rulemaking may submit written comments, no later than thirty (30) days after publication of this Notice in the *District of Columbia Register*, addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C., 20005, and sent electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed amended rules may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open the "eDocket" tab, click on "Search Current Dockets," and input "RM49" as the case number. Copies may also be purchased at cost by contacting the Commission Secretary at the address provided above. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov. After the comment period has expired, the Commission will take final action on this rulemaking.

A TRUE COPY: **BY DIRECTION OF THE COMMISSION:**

CHIEF CLERK: **BRINDA WESTBROOK-SEDGWICK**
COMMISSION SECRETARY

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of emergency and proposed rulemaking action, which supersedes the Notice of Emergency and Proposed Rulemaking published at 73 DCR 007610 (May 15, 2026), to adopt amendments to Chapters 10, "Initiative and Referendum," 11, "Recall of Elected Officials," 14, "Candidate Nominations: Political Party Primaries For Presidential Preference and Convention Delegates," 15, "Candidate Nominations: Electors of President And Vice President of The United States," Chapter 16, "Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner," Chapter 17, "Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons" of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to establish regulations consistent with the Petition Administration Clarification Emergency Amendment Act of 2026 (D.C. Act A26-0256) with respect to ballot measures and to clarify the Board's requirements for validly filed challenges to signatures on various ballot access petitions in light of guidance received from the DC Court of Appeals by way of opinions rendered in appeals from Board orders resolving challenges to nominating petitions in connection with the 2026 Primary and Special Elections.

Emergency action is necessary to ensure the orderly and uniform administration of the imminent 2026 General Election petition challenge proceedings, to provide clear procedural standards governing ballot access adjudications before those proceedings commence, and to avoid uncertainty, inconsistent challenge practices, and disruption to the administration of the electoral process during statutory challenge periods.

The Board adopted the initial version of this Emergency and Proposed Rulemaking at its regular meeting on Wednesday, May 6, 2026. The rulemaking was published in the *District of Columbia Register* on May 15, 2026 at 73 DCMR 007610. The Board timely received a comment from a member of the public that prompted a revision that the Board saw fit to adopt. Accordingly, the Board adopted this Second Emergency and Proposed Rulemaking at its regular meeting on Friday, July 17, 2026. The emergency rules shall remain in effect until Monday, November 16, 2026 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *District of Columbia Register*.

The Board hereby gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register.*

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

Subsection 1006.1 of Section 1006, PETITION CHALLENGES, is amended as follows:

1006.1 The Executive Director or his or her designee shall post initiative or referendum petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds (except as to the merits of the measure) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for ballot measure petition challenges ("Ballot Measure Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to an initiative or referendum petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1006.2 of Section 1006, PETITION CHALLENGES, is amended as follows:

1006.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Ballot Measure Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Ballot Measure Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the signature validity rule of this chapter being invoked;

(C) If established, would render the proposed measure ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct,

or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge shall be limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Ballot Measure Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a ballot measure petition as facially sufficient shall stand

unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect that is not based on the merits of the legislative change sought. A challenge to a ballot measure petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Section 1009, PETITION CERTIFICATION, is amended to read as follows:

1009 PETITION CERTIFICATION

1009.1 Within thirty (30) calendar days after the acceptance of an initiative or referendum petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1009.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

(a) Verify the registration of each petition signer; and

(b) Determine the number of signatures of verified registrants.

1009.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1009.4 A signature will not be counted and included in the random sample universe if:

(a) The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;

(b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before the petition was submitted, the signature shall be included in the random sample universe;

(c) The signature is a duplicate of a valid signature;

(d) The signature is not dated;

(e) The petition does not include the printed or typed address of the signer;

(f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;

(g) The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;

(h) The circulator of the petition failed to complete or correctly enter all required information in the circulator's affidavit;

(i) [REPEALED];

(j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient;

(k) The signature was obtained outside of the presence of the circulator;

(l) Correction fluid or tape was used on information provided by the circulator in the circulator affidavit;

(m) Correction fluid or tape was used on information provided by the signer, including their name, address, signature, date of signing, or ward; or

(n) Information about the signer was written, altered, corrected, clarified, or obscured on the petition by a person other than the signer, and the signer did not request such assistance before affixing their signature.

1009.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1009.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient.

1009.7 If the number of signatures in the random sample universe meets or exceeds the established minimum ward and District-wide requirements, the Board shall supply

the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, broken down by ward. The Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

(a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or

(b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

1009.8 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.

1009.9 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:

(a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;

(b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or

(c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.

1009.10 If the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to

make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.

1009.11 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.

1009.12 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

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

Subsection 1106.1 of Section 1106, PETITION CHALLENGES, is amended to read as follows:

1106.1 The Executive Director or his or her designee shall post recall petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds (except as to the merits of the recall) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for ballot measure petition challenges ("Ballot Measure Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a recall petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1106.2 of Section 1106, PETITION CHALLENGES, is amended to read as follows:

1106.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Ballot Measure Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Ballot Measure Petition Challenge form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the signature validity rule of this chapter being invoked;

(C) If established, would render the recall measure ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Ballot Measure

Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect that is not based on the merits of the reasons for or against the recall. A challenge to a recall petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Section 1109, PETITION CERTIFICATION, is amended to read as follows:

1109 PETITION CERTIFICATION

1109.1 Within thirty (30) calendar days after the acceptance of a recall petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1109.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

(a) Verify the registration of each petition signer; and

(b) Determine the number of signatures of verified registrants.

1109.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1109.4 A signature will not be counted and included in the random sample universe if:

(a) The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;

(b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before the petition was submitted, the signature shall be included in the random sample universe;

(c) The signature is a duplicate of a valid signature;

(d) The signature is not dated;

(e) The petition does not include the printed or typed address of the signer;

(f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;

(g) The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;

(h) The circulator of the petition failed to complete or correctly enter all required information in the circulator's affidavit;

(i) The signer was also the circulator of the same petition sheet where the signature appears;

(j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient;

(k) The signer is not a registered voter in the ward or Single-Member District of the elected official sought to be recalled;

(l) The signature was obtained outside of the presence of the circulator;

(m) Correction fluid or tape was used on information provided by the circulator in the circulator affidavit;

(n) Correction fluid or tape was used on information provided by the signer, including their name, address, signature, date of signing, or ward; or

(o) Information about the signer was written, altered, corrected, clarified, or obscured on the petition by a person other than the signer, and the signer did not request such assistance before affixing their signature.

1109.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1109.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

1109.7 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is an Advisory Neighborhood Commissioner, the Board shall verify the authenticity of all of the signatures in the random sample universe.

1109.8 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is elected from a ward or at-large, the Board shall supply the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, further broken down by ward if the elected official sought to be recalled is elected at-large.

1109.9 If the elected official sought to be recalled is elected at-large, the Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

(a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or

(b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size.

1109.10 If the elected official sought to be recalled is elected from a ward, the Data Analysis and Visualization Division shall determine the size of the random sample.

1109.11 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.

1109.12 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:

(a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;

(b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or

(c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.

1109.13 In the event that the elected official sought to be recalled is elected at–large, if the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.

1109.14 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.

1109.15 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

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

Subsection 1406.1 of Section 1406, PETITION CHALLENGES, is amended to read as follows:

1406.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1406.2 of Section 1406, PETITION CHALLENGES, is amended as follows:

1406.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form;

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

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

Subsection 1506.1 of Section 1506, PETITION CHALLENGES, is amended to read as follows:

1506.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1506.2 of Section 1506, PETITION CHALLENGES, is amended to read as follows:

1506.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Chapter 16, CANDIDATE NOMINATION: DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES, MAYOR, CHAIRMAN AND MEMBERS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, ATTORNEY GENERAL, U.S. SENATOR, U.S. REPRESENTATIVE, MEMBERS OF THE STATE BOARD OF EDUCATION, AND ADVISORY NEIGHBORHOOD COMMISSIONER, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1606.1 of Section 1606, PETITION CHALLENGES, is amended to read as follows:

1606.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board’s office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays,

and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1606.2 of Section 1606, PETITION CHALLENGES, is amended to read as follows:

1606.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge

unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the

challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge shall be limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition

based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

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

Subsection 1706.1 of Section 1706, PETITION CHALLENGES, is amended to read as follows:

1706.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1706.2 of Section 1706, PETITION CHALLENGES, is amended to read as follows:

1706.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

All persons desiring to comment on the subject matter of this rulemaking should file written comments by 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 the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Suite 750, Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-096
July 24, 2026

SUBJECT: Designation of Special Event Area — United States Department of Transportation Secretary of Transportation Event

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. This Order applies to certain special event activities associated with the U.S. Department of Transportation Secretary of Transportation Event that will be held on Monday, July 27, 2026.

2. On Monday, July 27, 2026, between the hours of 6:00 a.m. and 5:00 p.m., New Jersey Avenue, SE, between M Street, SE, and Tingey Street, SE, shall be designated as a Special Event Area and closed to vehicular traffic to accommodate U.S. Department of Transportation Secretary of Transportation Event activities.

3. No parking shall be allowed in, and all vehicles shall be removed from, the Special Event Area during the period of time specified in paragraph 2 of this Order.

4. The United States Department of Transportation is authorized to operate the Special Event Area designated by this Order and to conduct necessary and appropriate activities relating to the U.S. Department of Transportation Secretary of Transportation Event.

5. This Order is an authorization for the closure of the designated streets only. The operating entity shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event in the Special Event Area. All building, health, life, and safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.

6. **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

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

ALCOHOLIC BEVERAGE AND CANNABIS BOARD
NOTICE OF BOARD AGENDA AND PUBLIC HEARINGS
for
WEDNESDAY, AUGUST 5, 2026
TO BE HELD VIRTUALLY

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

I. MORNING SESSION

Start Time	In the Matter of	Case Information
10:30 AM	Machu Picchu, LLC t/a Miramar	26-PRO-00048
Protest Status Hearing (Licensing)	Alcohol Retailer Class CR License	1033 31st Street NW
	ABCA-115376	ANC 2E
Description:	Petition to Amend or Terminate the Settlement Agreement	
Result: Pending. The next hearing in this matter will be scheduled for 9/23/2026.		

Start Time	In the Matter of	Case Information
10:30 AM	Zinat Corp. t/a Johnny Pistolas	25-CIT-00644
Show Cause Status Hearing (Enforcement)	Alcohol Retailer Class CR License	2333 18th Street NW
	ABCA-60401	ANC 1C
Description:	Failed to File Quarterly Statement	
Result: Pending. The next hearing in this matter will be scheduled for 9/30/2026.		

Start Time	In the Matter of	Case Information
10:30 AM	Abdo F St, LLC t/a Hotel Hive	26-CMP-00039
Show Cause Status Hearing (Enforcement)	Alcohol Retailer Class CH License	2224 F Street. NW
	ABCA-90189	ANC 2A
Description:	Failed to File Quarterly Statement	
Result: Pending. The next hearing in this matter will be scheduled for 9/30/2026.		

Start Time	In the Matter of	Case Information
10:30 AM	Kitchen + Kocktails by Kevin Kelley DC, LLC t/a Kitchen + Kocktials by Kevin Kelley DC	25-CMP-00108
Show Cause Hearing (Enforcement)	Alcohol Retailer Class CR License	1300 I Street. NW
	ABCA-123472	ANC 2C

Description:	No ABC Manager on Duty
Result:	

Start Time	In the Matter of	Case Information
10:30 AM	Wet Dog LLC t/a Wet Dog Tavern	26-CMP-00015
Show Cause Hearing (Enforcement)	Alcohol Retailer Class CR License	2100 Vermont Ave. NW
	ABCA-96176	ANC 1B
Description:	Violation of Settlement Agreement	
Result:		

Start Time	In the Matter of	Case Information
10:30 AM	Ginza BBQ Lounge, LLC t/a Ginza BBQ Lounge and Karaoke-Spot	26-251-00014
Fact Finding	Alcohol Retailer Class CT License	526 8th Street. SE
	ABCA-120833	ANC 1B
Description:	Altercation inside/outside of the Establishment	
Result:		

II. ADMINISTRATIVE AGENDA

During this portion of the meeting, the Board will review and vote on matters indicated on its previously published agendas. The Board will vote and decide these matters based on agency materials and the filings of parties without oral presentations or appearance by the parties.

III. BOARD RECESS – 12:00 PM

IV. AFTERNOON SESSION

Start Time	In the Matter of	Case Information
1:30 PM	Black's 14th Street, LLC t/a Pearl Dive Oyster Palace/Black Jack	26-PRO-00020
Protest Hearing (Licensing)	Alcohol Retailer Class CR License	1612 14th St. NW
	ABCA-85382	ANC 2F
Description:	Substantial Change (Class Change from CR to CT)	
Result:		

Start Time	In the Matter of	Case Information
1:30 PM	Ace of Spades Lounge, LLC, t/a Ace Lounge	25-PRO-00112
Protest Hearing (Licensing)	Alcohol Retailer Class CT License	1817 7th St. NW
	ABCA-125919	ANC XX
Description:	Application to Renew the License	

Result:

This meeting will be conducted virtually and livestreamed on ABCA's YouTube channel at: https://www.youtube.com/@alcoholicbeverageregulatio5683. ABCA's offices are located at 899 North Capitol Street NE, Suite 4200 A-B, Washington DC 20002.

****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 FUNDING AVAILABILITY

District of Columbia Opioid Response (DCOR) Grant Opportunity: Overdose Prevention, Outreach and Engagement Initiative

The District of Columbia, Department of Behavioral Health (DBH) is soliciting applications from qualified applicants for services in the initiative and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the DBH's intent to make funds available for the purpose described herein. The applicable Request for Application (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria, and DBH terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	District of Columbia Opioid Response (DCOR) Grant Opportunity: Overdose Prevention, Outreach and Engagement Initiative
Funding Opportunity Number:	RFA RM0 OPOE073126
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Adult Services
DBH Administrative Unit	Adult Services Services Administration
Program Contact:	Maura Gaswirth, , New Initiatives Director maura.gaswirth1@dc.gov
Program Description:	This RFA identifies opportunities to provide overdose prevention, outreach, and engagement services to individuals with opioid use disorder (OUD) and/or stimulant use disorder (STUD) and facilitate linkage to substance use disorder (SUD) treatment.
Eligible Applicants:	Eligible entities that can apply for grant funds under this RFA must be: A community-based organization located in the District of Columbia with three (3) years of experience providing specialized mobile outreach services to individuals who use opioids and/or stimulants, including overdose prevention, and referrals and linkage to substance use treatment.
Anticipated Number of Awards:	Four (4) awards
Anticipated Amount Available:	Up to $2,400,000
Floor Award Amount:	N/A
Ceiling Award Amount:	Up to $600,000

Funding Authorization:

Legislative Authorization:	Title II Division H of the Consolidated Appropriations Act 2020
Assistance Listing#:	93.788
Associated Federal Award ID#:	H79TI087766
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, July 31, 2026
Pre-Application Conference (Date):	Wednesday, August 5, 2026
Pre-Application Conference (Times):	1:00 PM ET
Pre-Application Conference (Microsoft Teams Access):	Pre-Application Conference for RFA OPOE073126
Application Deadline Date:	Friday, August 28, 2026
Application Deadline Time:	12:00 p.m. ET
Links to Additional Information about this Funding Opportunity:	Serve DC: Mayors Office of Community Affairs DBH RFA Opportunities: DBH - Request to Applications

Notes:

A. **DBH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.**
B. **Awards are contingent upon the availability of funds.**
C. **Individuals are not eligible for DBH grant funding.**
D. **Applicants must have a UEI#, Tax ID#, and be registered in the federal Systems for Award Management (SAM).**
E. **Contact the program manager assigned to this funding opportunity for additional information.**
F. **To ensure grant is issued by the beginning of Fiscal Year 2027, this is being posted less than two weeks apart.**

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FUNDING AVAILABILITY

Peer-Led Recovery Housing

The District of Columbia, Department of Behavioral Health (DBH) is soliciting applications from qualified applicants for services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the DBH's intent to make funds available for the purpose described herein. The applicable Request for Application (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria, and DBH terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Peer-Led Recovery Housing
Funding Opportunity Number:	RFA RM0 PLRH073126
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Adult Services Administration
DBH Administrative Unit	State Opioid Response Program
Program Contact:	Orlando Fox, Program Monitor 202.673.2291
Program Description:	Peer-Led Recovery Homes offer a sustainable living environment free from alcohol and illicit drug use and allow residents to live with individuals who are pursuing common goals of recovery and wellness.
Eligible Applicants:	Be a non-profit or community-based organization located in the District of Columbia.
Anticipated Number of Awards:	One (1) award
Anticipated Amount Available:	$525,000
Floor Award Amount:	N/A
Ceiling Award Amount:	$525,000

Funding Authorization:

Legislative Authorization:	Title II Division H of the Consolidated Appropriations Act 2020
Assistance Listing#:	93.788
Associated Federal Award ID#:	H79TI087766
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, July 31, 2026
Pre-Application Conference (Date):	Tuesday, August 4, 2026
Pre-Application Conference (Times):	1:00 PM ET
Pre-Application Conference (Microsoft Teams Access):	Pre-Application Conference for RFA RM0 PLRH072426
Letter of Intent Due Date:	Friday, August 21, 2026

Application Deadline Date:	Friday, August 28, 2026
Application Deadline Time:	3:00 PM ET
Links to Additional Information about this Funding Opportunity:	Serve DC: Mayors Office of Community Affairs DBH RFA Opportunities: DBH - Request to Applications

Notes:

A. **DBH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.**
B. **Awards are contingent upon the availability of funds.**
C. **Individuals are not eligible for DBH grant funding.**
D. **Applicants must have a UEI#, Tax ID#, and be registered in the federal Systems for Award Management (SAM).**
E. **Contact the program manager assigned to this funding opportunity for additional information.**
F. **To ensure grant is issued by the beginning of Fiscal Year 2027, this is being posted less than two weeks apart.**

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL, INC

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

EmpowerK12

Early Childhood Academy Public Charter School (ECA) intends to enter into a sole source contract with EmpowerK12 of Washington, DC. EmpowerK12 is a non-profit organization that works with school districts to transform assessment data into accelerated outcomes for all students. ECA seeks to contract with EmpowerK12 to collaborate in data warehousing, dashboarding, and analysis support through weekly skill-level data monitoring and progress tracking. EmpowerK12, has a record of being a leader in cultivating and sustaining data-driven schools.

For further information regarding this notice, please contact Wendy Edwards at wedwards@ecapcs.org.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
HIGHER EDUCATION LICENSURE COMMISSION (HELC)

HELC Commission Meeting
AUGUST 6, 2026

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the Higher Education Licensure Commission as follows:

THURSDAY, AUGUST 6, 2026
9:30 AM - 4:00 PM (EST)

Please join the meeting from your computer, tablet or smartphone.
Join the meeting now
Meeting ID: 248 790 323 210 05
Passcode: q7WH92o7
You can also dial in using your phone.
United States: 202-594-9550 | Access Code: 822 317 985#

The draft agenda for the above-referenced meeting:

I. Call to Order

II. Ascertainment of Quorum

III. Executive Session (Closed to Public)
- *a. Pursuant to 2-575 (b)(4)(A) the Board will enter in executive session to consult with its attorney to obtain legal advice.*
  - *Legal Considerations for August 6, 2026 public session*

IV. Approval of Agenda

V. Consent Agenda
- a. June 18, 2026 Meeting Minutes
- b. Approval List

VI. Non-consent Agenda (items removed from consent agenda)

VII. Show Cause

VIII. Applications for Licensure/Exemption/Amendment
- a. Unfinished Business
- b. Provisional Application
- d. Renewals/Amendment Applications

IX. Public Comment (limited to 2 minutes per person)

Please use this form if you would like to offer input for the Commission to consider regarding an institution that appears on the public meeting agenda: Public Comment Form

X. Report of the Executive Director

a. After Action Report (Non-Compliant Schools)
b. Compliance and Monitoring

XI. Correspondence

a. Information
b. Action

XII. Announcements

XIII. Next Public Meeting

Unless otherwise noted public meetings begin at 9:30 am. Final agendas and minutes are available on the HELC website: ***https://helc.osse.dc.gov/topic/helcadmin/meetings-and-events/commission-meetings.***

XIV. Adjournment

For additional information, please contact:
Maia N. Bailey-Turner
Higher Education Licensure Commission
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor, Washington, DC 20002
osse.elcmail@dc.gov or 202-288-7259

Final agendas and minutes are available on the HELC website:
https://helc.osse.dc.gov/topic/helcadmin/meetings-and-events/commission-meetings.

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 STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

FY27 Direct Investment in Students Grant

Request for Applications Release Date: Friday, August 14, 2026, 12 p.m. EST

The Office of the State Superintendent of Education (OSSE) will issue a Request for Applications (RFA) for the Direct Investment in Students (DIS) Grant. Through this grant program, OSSE will fund local education agencies (LEAs) to provide eligible direct student services to students at the District's highest-need schools, consistent with Title I, Section 1003A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. The DIS grant program supports the following five categories of direct student services authorized under federal law:

- Additional Coursework: Enrollment in academic courses not otherwise offered at a student's school;
- High School Credits: Credit recovery and academic acceleration that lead to a high school diploma;
- Higher Education Coursework: Costs for exams, dual enrollment, or other postsecondary course work that are accepted for credit at Institutions of Higher Education (IHEs);
- High-Impact Tutoring: Math and/or English Language Arts (ELA) high-impact tutoring (HIT); and
- Comprehensive Support and Improvement (CSI) School Transportation: Transportation to allow a student at a CSI school to transfer to another public or public charter school.

Eligibility Criteria:
Eligible applicants are DC public and public charter school LEAs serving one or more schools identified for comprehensive support and improvement or targeted support and improvement and/or LEAs that receive federal Title I, Part A funds in the same fiscal year as the grant award. Applicants must propose implementing at least one of the following program types.

OSSE has identified three "Program Types" of funding for this grant program, described below:

- Program Type 1: OSSE has identified High-Impact Tutoring (HIT) as the primary service focus for the FY2027 DIS grant program based on the demand for these services, strength of evidence supporting HIT's impact on student academic outcomes, and the current academic acceleration needs in ELA and mathematics for students in the District. OSSE will award competitive points for applications for HIT to increase the likelihood that most FY27 funds through this RFA will be awarded to support HIT services.
- Program Type 2: OSSE will also accept applications for the three services focused primarily on students in high school: Additional Coursework, High School Credit Services, Higher Education Coursework.
- Program Type 3: OSSE will also accept applications for CSI Transportation.

Eligible DC public and public charter school LEAs may apply for a Direct Investment in Students grant. The following exception applies for Program Type 3: only LEAs with at least one school

designated for school improvement status are eligible to apply for transportation for students enrolled in those schools to attend other schools.

Selection Criteria and Priority: Applications will be scored using the following selection criteria: the local education agency's needs assessment, program description, implementation plan, as well as the budget for the grant program. Please see the RFA for additional information on scoring criteria.

OSSE will provide priority points for applications that include programs at LEAs with any of the following conditions:

- Comprehensive Support and Improvement (CSI) schools;
- More Intensive Support (MIS) schools;
- Intensive Support and Improvement (ISI) schools;
- Targeted Support and Improvement (TSI) schools;
- Additional Targeted Support and Improvement (ATSI) schools;
- Schools where at least 75 percent of students have not yet met proficiency standards in ELA or mathematics on the most recently available statewide summative assessment;
- Schools where at least 70 percent of students are economically disadvantaged;
- Schools where students in Kindergarten through 8th grade receive HIT services; and
- LEA average cost per student for HIT services is below $1000.

Length of Award: The award period for this grant starts on July 1, 2026 and ends on September 30, 2027, the end of the fiscal year, with the potential for carryover funds and to continue the grant for additional fiscal years through a continuation award, pending fund availability.

Available Funding for the Award: Up to $2,060,000.00 is available in total for awards through this RFA. OSSE will provide up to $1,000,000.00 per LEA. In addition, OSSE has set specific funding parameters for each Program Type:

- **Program Type 1:** OSSE will award a maximum of $1,500 per student and $150,000 per school.
- **Program Type 2:** OSSE will award a maximum of $1,000 per student and $150,000 per school.
- **Program Type 3:** OSSE will award a maximum of $500 per student and $150,000 per school.

Grantees may charge allowable pre-award costs beginning on July 1, 2026. Pre-award costs are those incurred prior to the effective date of the grant award directly pursuant to the negotiation and in anticipation of the award where such costs are reasonable and necessary for the efficient and timely performance of the scope of work.

Grantees must identify pre-award costs in their budget and if awarded, will receive written approval from OSSE on any pre-award costs included in the budget and must submit to OSSE student-level data, attendance, dosage, or other deliverables as required by the RFA that occurred prior to the FY27 award release date.

Pre-award costs are a part of and not in addition to the total grant award. Costs incurred by an applicant before receiving an award are at the recipient's risk. OSSE is not obligated to reimburse these costs if the applicant does not receive an award or if the subgrantee incurs costs deemed not allowable by OSSE.

Application Process: LEA applicants will be able to submit up to one application per Program Type. The application deadline is 3 p.m. on Tuesday, September 29, 2026. Upon the deadline close, a review panel or panels will be convened to review, score, and rank each application. The review panel(s) will be composed of external, neutral, qualified, professional individuals selected for their expertise, knowledge, and/or related experiences. All external reviewers must sign a conflict of interest statement. 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). OSSE will make all final award decisions. Please see the RFA for additional details on the application process and review panels.

Deadline: Applications must be submitted prior to 3 p.m. on Tuesday, September 29, 2026. OSSE estimates that it will award the grant by late October of 2026; however, the timing may change.

Suggested pre-application webinars will be held following the release of the RFA. All organizations planning to apply for this grant are strongly encouraged to attend one of two pre-application webinars that will be held following the release of the RFA. Please see the RFA for information on the dates, times, and how to register for these webinars.

To receive more information on this grant, please contact:

Jessica Sobin
Director, High-Impact Tutoring
Office of the State Superintendent of Education
1050 First Street, NE, Third Floor, Washington, D.C. 20002
Email: Jessica.Sobin@dc.gov

Sam Angileri
Program Analyst, High-Impact Tutoring
Office of the State Superintendent of Education
1050 First Street, NE, Third Floor, Washington, D.C. 20002
Email: Sam.Angileri@dc.gov

Organizations interested in applying for the Direct Investment in Students Grant must apply through OSSE's online Enterprise Grants Management System (EGMS) that is accessible at the following link: https://grants.osse.dc.gov/. The RFA will be available online on the Serve DC Grants Clearinghouse website and on OSSE's website at the following page: https://osse.dc.gov/node/1836291

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:

- Thursday, August 6, 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/81102800470.

Below is the agenda for the committee's meeting.

AGENDA:

I. Establishment of a Quorum
II. Debrief Stakeholder Meetings
III. New Business
IV. 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.

D.C. STATE BOARD OF EDUCATION

NOTICE OF PUBLIC MEETING

Student Experience and Engagement Committee Meeting

The D.C. State Board of Education's Student Experience and Engagement Committee Meeting will hold a meeting on the following date:

- Wednesday, August 12, 2026 at 5:30 – 7:00 p.m.

Below is the agenda for the committee's meeting. If there are any meeting materials, they will be posted on the State Board's meeting DropBox at: https://www.dropbox.com/scl/fo/ej5bisqnjfppfpxu5jnnc/AKyrcPjdj4phkZHZb4G-OzU?rlkey=4qa058wjv6d04p9qxkz8nue2a&st=hv4uc0i2&dl=0

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/87626672313.

AGENDA:

- DME's new School Safety Office (with guest speaker Phillip Copeland)
- Bullying Policies and Task Force Discussion
- Student Attendance, Course Credit, and Demonstrated Proficiency
- 2026 Work Plan Review
- New Business

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:

3C06

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

GREEN BUILDING ADVISORY COUNCIL

NOTICE OF PUBLIC MEETING

The Green Building Advisory Council meeting will be held on Wednesday, August 5, 2026 from 2:00 p.m. to 4:00 p.m. The meeting will be held virtually via WebEx.

Below is the draft agenda for this meeting. The link for the WebEx meeting will be included in the final agenda posted to the Green Building Advisory Council's webpage 48 hours in advance of the meeting at: https://doee.dc.gov/node/674392

For additional information, please contact: Jenn Hatch, Green Building Advisory Council Chair, at (202) 527-1779 or jenn.hatch@dc.gov.

Draft Meeting Agenda

1. Announcements
2. Presentations and discussion
3. Roundtable updates
4. Adjourn

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

Anacostia River Watershed Trash Trap Maintenance

The Department of Energy and Environment (the Department) seeks eligible entities to propose ways to monitor and maintain trash traps, provide environmental workforce development, and educate District residents about pollution that impairs the District's waterbodies.

A successful applicant will propose ways to design and implement a trash trap maintenance program for eight (8) trash traps in the Anacostia Watershed for one (1) year: to collect the trash; to collect data on the amount and types of trash being captured; to recruit, train, and employ District residents to assist; and to coordinate opportunities for volunteers to assist with maintenance and learn about the need for trash reduction in District waters and watersheds. The amount available for the 12-month project is $160,000, with a DOEE-option to extend, assuming funding and other conditions are met.

Beginning 7/31/26, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doee.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to DOEE.2026TrashTrapMaintenance-grants@dc.gov with "Request copy of "RFA- FY26-WPD-895" in the subject line.

The deadline for application submissions is August 31, 2026, at 11:59 p.m. The online application must be time-stamped by 11:59 p.m. on the date the application is due.

Eligibility:

☒-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;

Any changes or updates to the RFA will only be posted on the Department's website, including Questions and Answers. For additional information regarding this RFA, write to: DOEE.2026TrashTrapMaintenance-grants@dc.gov.

This RFA is being made available on the date of publication of this Notice to maximize the amount of time available for preparation of applications.

Filename: 00 7838 nofa trash trap maintenance.docx

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 (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, proposes to issue air quality permits (Nos. 6370-R2 and 6371-R2) to Crash Champions, LLC to operate two down draft Garmat® USA Zephyr paint spray booths at the facility located at 4121 13th Street NW, Washington DC 20011. The contact person for the facility is John Morroni, General Manager at (202) 519-2534..

Emissions Estimate:

AQD estimates that the potential to emit volatile organic compounds (VOC) from each of the automotive paint spray booths will not exceed 3.12 tons per year. These permits cover two booths, thus the total potential to emit VOCs from this permitting action is 6.24 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

Coating Category	VOC Regulatory Limit As Applied*	
	(Pounds per gallon)	(Grams per liter)
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 booths. [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 AM and 5:00 PM 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 proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours, P.E.
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 August 31, 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

PUBLIC NOTICE

Stormwater, Erosion and Sediment Control, Green Area Ratio, Wetland, and Well Permits Fee Updates

On August 1, 2026, the Department of Energy and Environment (DOEE) will increase the fees for certain water quality permits and approvals, adjusting for an inflation rate of three and fifty-three hundredths percent (3.53%). The fees subject to this change include permit submittals related to erosion and sediment control, stormwater management, Green Area Ratio, well and soil boring, wetland and stream protection, and Water Quality Certifications. Pursuant to 21 DCMR §§ 501.1, 1805.2, and 2604.2 (District of Columbia Municipal Regulations), these fee adjustments are made annually, based on changes in the Consumer Price Index, a measure of inflation. To review the updates to the individual fee tables, please visit the DOEE website at *https://doee.dc.gov/service/ReviewFees-Plans-Permits*. Please contact Matt Johnson at Matt.Johnson2@dc.gov or 202-878-2443 for more information.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

July 16, 2026

Jonathan Berman
General Counsel, ABCA
Jonathan.Berman@dc.gov

Advisory Opinion

Mr. Berman:

This advisory opinion responds to your request for advice on whether a D.C. employee may engage in outside employment as a delivery person for a third-party delivery business. More specifically, the Alcoholic Beverage and Cannabis Administration (ABCA) requests a formal advisory opinion on the following questions:

> (1) *Whether an ABCA Investigator may obtain approval for outside employment as a delivery person for a third-party delivery service that holds a liquor license with ABCA such as Door Dash or Uber?*
>
> *(2) If so, could the agency approve the outside employment activity on the condition that the investigator refrain from working or operating in the District of Columbia and only accept orders outside the District?*

After reviewing the information you provided, I conclude that engaging in outside employment with a third-party delivery business would conflict with the ABCA Investigator's District employment, in violation of the ethics rules.

A. Background

ABCA issues liquor licenses to businesses such as restaurants to permit the sale and service of alcohol. The primary role of an ABCA Investigator is to investigate complaints and ensure that establishments comply with the District's alcohol and cannabis laws. As part of an Investigator's job duties, they are expected to enter licensed establishments and interact with patrons, staff, managers, and owners. The Investigator may issue citations for violations (e.g., no warning signs posted, sale to minors, after-hour violations) and produce case reports reporting on violations. Investigators are empowered to issue verbal and written warnings and testify in criminal or administrative proceedings. Investigators may also observe whether public notices are properly posted related to applications. Investigators may further compile protest reports and testify in

licensing hearings to assist the Board in determining whether to issue new or renewed licenses or permit changes to licenses.

Third-party delivery services, such as Uber Eats and DoorDash, that deliver alcohol are licensed and regulated by ABCA under D.C. Official Code § 25-130. ABCA's records currently show that Uber Eats holds a Third-Party Alcohol Delivery License (License No. 22LAP-000000-01304). Door Dash also holds a similar license with ABCA (License No. 22LAP-000000-01384). In addition, ABCA also regulates caterers, theaters, restaurants, stadiums, taverns, hotels, nightclubs, and similar hospitality businesses that sell or serve alcohol. Likewise, any business that provides food, alcohol, or entertainment may potentially be an applicant for a license.

As a delivery person with a third-party delivery service, it is expected that the Investigator will receive and obtain food, non-alcoholic beverage, and alcoholic beverage orders from customers and businesses in the District of Columbia. It is also expected that the Investigator would have to frequently enter and interact with ABCA licensed establishments as they provide contact delivery services.

B. Applicable Standards

1. Financial Conflicts of Interest

The Financial Conflicts of Interest law and outside employment and private representations rules form the basis of all guidance for employees engaging in work or activities not associated with the District government. The Financial Conflicts of Interest law "prohibits an employee from using their official position or title, or personally and substantially participating… [in a] particular matter, or attempt[ing] to influence the outcome of a particular matter, in a manner that [they] know is likely to have a direct and predictable effect on [their] financial interests or the financial interests of a person closely affiliated with [them]."[1] Therefore, employees must avoid engaging in outside employment or activities that create an actual or potential conflict of interest. For example, an employee whose duties would require them to make decisions that would financially benefit an outside employer should not obtain employment with that company. However, in the event that such outside employment occurs, recusal is the best method for avoiding any conflicts. Employees must recuse themselves from taking official action that would have a direct and predictable effect on their financial interests or the financial interests of family members, business partners, or potential or current employers.[2]

2. Outside Employment and Private Representations

[1] D.C. Official Code § 1-1162.23(a); *see also* D.C. Official Code § 1-1161.01(43) (defining a person closely affiliated as a spouse, dependent child, general partner, a member of the employee's household, or an affiliated organization).
[2] *See* D.C. Official Code § 1-1162.23(c), An employee is required to immediately recuse themselves in writing should any matter described above come before the employee in their official capacity as a District government employee.

The outside employment rule is codified in Title 6B Chapter 18, Section 1807 of the District of Columbia Municipal Regulations (hereafter referred to as the Section 1807 of the District Personnel Manual ("DPM")) requires employees to ensure that their outside employment or other activity is not incompatible or conflicts with the full and proper discharge of their duties and responsibilities. The rule provides a non-exhaustive list of activities or actions that are not compatible with government employment, including engaging in outside employment that interferes with the efficient operation of the District government, maintaining a financial interest in an outside entity if there is a likelihood that entity will have business with the District, capitalizing on an official title or position, ordering a subordinate to perform personal services during regular hours, engaging in employment that impairs the employee's physical or mental capacity, and engaging in any outside employment or activity which is in violation of federal or District law, etc.[3]

3. Appearance

Pursuant to DPM § 1800.3(n), employees shall not take actions creating the appearance that they are violating the law, or the ethical standards set forth in chapter 18 of the DPM. In other words, conduct that creates the appearance of an ethics violation is itself a violation. Whether circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

C. Discussion

Whether an ABCA Investigator may obtain approval for outside employment as a delivery person for a third-party delivery service that holds a liquor license with ABCA such as Door Dash or Uber?

ABCA directly licenses and regulates third-party delivery services such as DoorDash and Uber Eats, which means that Investigators are tasked with investigating allegations of misconduct by these licensees. ABCA also regulates restaurants, nightclubs and other establishments that serve alcohol, cannabis and tobacco products. Engaging in outside employment with DoorDash or Uber Eats conflicts with District employment in violation of Section 1807.1 as the outside employment would cause interactions with prohibited sources that receive licensure through ABCA. The ABCA Investigator would essentially provide delivery services for the same establishments that they investigate regarding complaints and licensures. As a third-party delivery service employee, the ABCA Investigator may be involved in a regulatory matter against DoorDash or Uber Eats or involved in a matter that arises between a regulated establishment and DoorDash or Uber Eats. Such outside employment with those entities regulated by ABCA gives rise for potential conflicts of interest as those third-party delivery services and the licensed establishments which they provide

[3] *See* DPM 1807.1 for the full list of restrictions.

delivery for are engaged in activity with a nexus to the regulatory authority of ABCA. This presents the high probability the government work and the outside work of ABCA Investigators would impermissibly overlap.

Recusal cannot remedy the myriad ethical issues created by this impermissible overlap. The large majority of ABCA Investigators' assignments are to investigate complaints of alleged violations by licensees. These assignments result in frequent interactions with licensed establishments and licensed third-party delivery services. During the course of investigating a complaint, ABCA Investigators visit establishments, gather information from patrons and staff, make observations, produce reports on violations, and participate in matters that affect the issuance or renewal of licenses. ABCA Investigators take the same investigative steps when investigating third-party delivery services. ABCA Investigators who engaged in outside employment with third-party delivery services would have to recuse from investigating complaints that involve the delivery service. An Investigator having to frequently recuse themselves from their official duties undermines the employee's ability to fulfill their District responsibilities. If ABCA Investigators were permitted to work for third-party delivery companies, and elected to engage in this work, many Investigators would likely be required to recuse often; thereby causing disorganization at the agency; the activity, therefore, is incompatible with the full and proper discharge of ABCA Investigators' duties. Though recusals are encouraged and supported in certain circumstances, this potential for a conflict of interest outweighs any safeguard such recusal would put in place.

Additionally, such outside employment raises appearance concerns as an Investigator would also serve as a delivery person for the establishment in which his employing agency regulates. In the instant case, a reasonable person, who witnesses an ABCA Investigator who regulates DoorDash and licensed establishments during the day, driving around in the evening with a DoorDash sticker on their car or going in and out of restaurants and bars that they inspect could reasonably believe that the Investigator is behaving unethically. Such involvement could create the appearance that the Investigator is unable to impartially perform their official duties.

Could the agency approve the outside employment activity on the condition that the Investigator refrain from working or operating in the District of Columbia and only accept orders outside the District?

Further, you ask whether outside employment with the third-party delivery service could be approved if the ABCA Investigator refrained from working or operating in the District of Columbia and only accepts orders outside of the District. The ABCA Investigator only taking delivery orders outside of the District will not cure the established conflict because the employing third-party delivery service still carries the same licensure under ABCA no matter where the Investigator receives and delivers. As previously stated, ABCA Investigators handle complaints concerning third-party deliver services. An Investigator, who is employed by Door Dash or Uber Eats to deliver outside of the District of Columbia, would not be able to investigate a complaint or

make a recommendation regarding that entity's D.C. license. The frequency of recusals would be too great and not allow for the Investigators to effectively discharge their official duties as it involves their third-party delivery employer. The ABCA Investigator may not work for a third-party delivery business on the premise they accept only orders outside of the District, as the conflict of interest has already been established by the nature of their duties and ABCA's regulatory authority. In addition, appearance concerns would still exist even if the deliveries were only conducted outside the District.

Therefore, ABCA Investigators are prohibited from engaging in outside employment with third-party delivery services, such as DoorDash and Uber Eats, because such employment conflicts with their government service, and recusal would not absolve the conflict.

This advice is provided to you pursuant to section 219 of the Ethics Act (D.C. Official Code § 1-1162.19). The Ethics Act requires this opinion to be published in the District of Columbia register within 30 days of its issuance, but that your identifying information will not be disclosed unless you consent to such disclosure in writing. Pursuant to Chapter 3 of the D.C. Municipal Regulation Regulations § 5405.7, this proposed advisory opinion shall be published in the District of Columbia Register for a 30-day public comment period during which time a person may submit information or comment to bega@dc.gov.

Please let me know if you have any questions or wish to discuss this guidance.

Sincerely,



ASHLEY D. COOKS
Director of Government Ethics
Board of Ethics and Government Accountability

AC/AA

DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

NOTICE OF MEETING

The District of Columbia Board of Ethics and Government Accountability will hold a meeting at the Board of Ethics and Government Accountability, 1030 15th Street, NW, Suite 700 West, on August 6, 2026 at 10:00 a.m. and virtually. Below is a draft agenda for the meeting. A final meeting agenda will be posted on the Board's website at www.bega.dc.gov on the day of the meeting.

Members of the public are welcome to observe the meeting virtually or in person. In order to attend the meeting virtually, please visit:

Click here to join the meeting
Meeting ID: 252 863 941 384 92
Passcode: sv2Ju7io
Download Teams | Join on the web
Join by phone: 1-202-594-9550
Phone Conference ID: 444 533 74#

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

AGENDA

I. Call to Order

II. Ascertainment of Quorum

III. Adoption of the Agenda/Approval of Minutes

IV. Report by the Director of Open Government

A. OMA/FOIA Advice
B. Public Meeting Monitoring
C. Training/Outreach
D. Legislation and Litigation Update
E. Administrative Matters

V. Report by the Director of Government Ethics

A. Update on Status of Office of Government Ethics Investigations
B. Trainings/Outreach
C. Advisory Opinions/Advice
D. Legislative/ Rulemaking Updates
E. Administrative Matters

F. Financial Disclosure
G. Lobbyist Registration and Reporting
H. Public Investigations

VI. Public Comment

VII. Executive Session (non-public) to discuss ongoing, confidential investigations pursuant to D.C. Official Code § 2-575(b)(14), to consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body pursuant to D.C. Official Code § 2-575(b)(4)(A), to discuss personnel matters including the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials pursuant to D.C. Official Code § 2-575(b)(10), and to deliberate on a decision in which the Ethics Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).

VIII. Resumption of Public Meeting

IX. Discussion of any remaining public items

X. 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.

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

Harrisburg University of Science and Technology

Friendship PCS is engaging in a partnership with Harrisburg University of Science and Technology through their College in the High School (CiHS) program. This partnership provides Friendship students with the opportunity to complete rigorous, college-level STEM coursework while simultaneously earning both high school and regionally accredited college credit.

The Harrisburg University CiHS program is specifically designed to integrate college coursework into the high school instructional day through qualified high school instructors who have been vetted and approved by Harrisburg University. The program supports school districts in expanding access to high-quality dual enrollment opportunities while maintaining academic rigor and alignment with local graduation requirements.

Through this partnership, Friendship students have access to specialized coursework in high-demand fields, including computer science, cybersecurity, engineering, environmental science, mathematics, and other STEM disciplines that align with the district's Career and Technical Education (CTE) pathways and Early College initiatives. Key components of the Harrisburg University College in the High School program include:

- Harrisburg University curriculum delivered by high school instructors who have successfully completed the University's faculty approval and credentialing process.
- Simultaneous award of high school credit and official Harrisburg University college credit upon successful course completion.
- Reduced tuition of $100 per college credit, increasing affordability while maintaining the academic standards of the University.
- Ongoing faculty support, curriculum oversight, quality assurance, and official transcript issuance by Harrisburg University.
- Established curriculum alignment with Friendship Public Charter School's approved courses, graduation requirements, and CTE Programs of Study.

The estimated yearly cost is approximately $90,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: ProcurementInquiry@friendshipschools.org

Questions can be addressed to: Procurementinguiry@friendshipschools.org., and should be received no later than 4:00 P.M., EST, Wednesday, August 12, 2026.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Interim Placements in Non-Public School Settings

Friendship Public Charter School is seeking bids from prospective vendors to provide: special education teachers, and clinical service providers who will provide academic, specialized instruction and/or clinical services to students with disabilities through services delivered in a non-public school setting.

The competitive RFP can be found on FPCS website at: http://www.friendshipschools.org/procurement. Proposals are due no later than **4:00 P.M., EST, Friday August 14, 2026**. Questions and Proposals should be submitted on-line at: Procurementinquiry@friendshipschools.org. All bids not addressing all areas as outlined in the RFP will not be considered. No proposals will be accepted after the deadline.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETING

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held virtually **on Thursday, September 3rd, 2026, at 2:00 PM** via a webinar.

Please note to attend the meeting, you will have to register at the website:
https://primetherapeutics.zoom.us/webinar/register/WN_lGODdKjBRk-5XOlnjwgCmg

Once you have registered you will receive an email with instructions on how to attend the webinar.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Alzheimer's Agents
Antibiotics, GI
Anticonvulsants
Antidepressants, Others
Antidepressants, SSRIs
Antifungals, Oral
Antifungals, Topical
Antiparkinson's Agents
Antipsychotics
Cytokine and CAM Antagonists
Fluoroquinolones, Oral
Immunosuppressants, Oral
Macrolides and Ketolides
Movement Disorders
Multiple Sclerosis Agents
Neuropathic Pain
Sedative Hypnotics

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45 PM on Wednesday, August 26th, 2026**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes.

A person wishing to provide written information should supply a copy of the written information for the Committee **no later than 4:45 PM on Wednesday, August 26th, 2026. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one sheet front and back).** The ready-to-disseminate, written information should be emailed to charlene.fairfax@dc.gov **to arrive no later than Wednesday, August 26th, 2026**.

DEPARTMENT OF HEALTH

PUBLIC NOTICE OF COMMITTEE MEETING

District of Columbia Board of Psychology

The District of Columbia Board of Psychology ("Board") hereby gives notice, pursuant to § 405(b) of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) that the Board's meeting of September 11, 2025, has been rescheduled.

The meeting will be held virtually on Friday, September 25, 2026, beginning at 10:00 AM. using WebEx Conferencing. The public may attend the virtual open session by videoconference.

The agenda for the open session and videoconference and telephone information will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at http://www.bega-dc.gov/board-commission/meetings and on the DC Health website at www.dchealth.dc.gov.

LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACT

P.S.H.S Leader Coaching for Human Resources

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT: Latin American Montessori Bilingual Public Charter School intends to enter into a sole source contract with P.S.H.S Leader Coaching for Human Resources support for approximately $155,000 the upcoming school year. For further information regarding this notice contact accounting@lambpcs.org no later than 7 business days after the posting.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

WARD 8 COMMUNITY INVESTMENT FUND GRANT PROGRAM

Fiscal Year 2026

This Notice of Funding Availability ("**NOFA**"), in combination with the Request for Applications ("**RFA**"), which will be released when the grant opens, constitutes the full set of instructions to assist applicants with completing applications for the Fiscal Year ("**FY**") 2026 Ward 8 Community Investment Fund ("**Ward8CIF**") Grant Program. **Applicants are required to read both documents in their entirety before applying**.

The District of Columbia ("**DC**," **D.C.**," or "**District**") Department of Small and Local Business Development ("**DSLBD**" or "**Department**") is pleased to announce that it will begin soliciting applications for the FY26 Ward8CIF Grant Program Application Round II on or about **August 7, 2026 at 2:00 pm Eastern Time ("ET")**.

To increase the ease of doing business in the District, the FY26 Ward8CIF Grant Program will support Ward 8-based businesses by offering funding opportunities that promote equitable access to capital, sustainable business growth, and long-term success. The grant funds will reimburse eligible businesses for expenses incurred to maintain business operations and viability.

The Department intends to award approximately forty-eight (48) grants,[1] with a total of $430,000 in available funding for FY26. Each funding opportunity is discussed below.

A. **Ward8CIF BOSS.** DSLBD intends to award approximately twenty-five (25) grants up to $8,000 each from $200,000 in available funding to eligible Ward 8-based businesses that have completed the required Back Office Support Session ("**BOSS**") training hosted by the DSLBD Innovation and Equitable Development Division ("**Inno.ED**").
B. **Contract and Procurement Ready.** DSLBD intends to award approximately twenty-three (23) grants up to $10,000 each from $230,000 in available funding to active Certified Business Enterprises ("**CBE**") based in Ward 8 that have completed a Contract and Procurement training session hosted by the DSLBD Business Development Division.

The competitive application will open on August 7, 2026, at 2:00 pm ET and close on August 21, 2026, at 2:00 pm ET. Applications will only be accepted through the online application system listed in the corresponding RFA that will be posted on DSLBD's website.

Who can Apply?
To be eligible for this grant opportunity, applicants must meet the following criteria:

[1] The maximum amount of allowed expenses is included in each funding opportunity description. However, the number of grants awarded, and the actual amount of each award will depend on the value of eligible expenses applicants submit during the reporting phase of the grant, once awarded. This approximate number of grant awards encompasses awards for both rounds of applications for the FY26 Ward8CIF Grant Program.

- Be a for-profit business with fewer than twenty-five (25) full-time employees ("**FTE**");
- Complete the required training session for the funding opportunity; [2] and
- Maintain an actively licensed business with a physical location in Ward 8.

To be eligible for the Contract and Procurement Ready pool, applicants must also be an active CBE. Applicants are also required to provide, among other items, a current Certificate of Clean Hands ("**CCH**") from the District's Office of Tax and Revenue ("**OTR**"), proof of an active Business License from the District's Department of Licensing and Consumer Protection ("**DLCP**"), and a signed affidavit attesting to compliance with applicable program conditions.

How do I Apply?
Instructions are included in the RFA, which will be available for download on DSLBD's website on or before August 7, 2026. Applicants are required to read the full RFA at: https://dslbd.dc.gov/service/current-grant-opportunities.

How can the Funds be Used?
Grant funds may be used to reimburse business expenses incurred between October 1, 2025 and August 7, 2026 for expenses, as deemed reasonable by the Department, related to the maintenance or growth of the awardee's business operations and viability. Examples of allowed and disallowed uses are detailed in the full RFA available on DSLBD's website during the application period.

How Will Awardees be Selected?
Grant awardees will be competitively selected through a randomized lottery process. Additional details regarding the lottery selection process will be discussed in the RFA.

The Director of DSLBD will approve all grant awards at the final stage. Announcements of selected awards will be made on or around September 1, 2026.

Questions?
DSLBD will hold virtual information sessions concerning the grant program. Details on information sessions will be provided in the RFA along with a registration link, and they will also be listed on DSLBD's Eventbrite page, on or around August 7, 2026. Applicants are highly encouraged to attend an information session. Questions asked outside of the virtual information sessions must be submitted in writing to DSLBD at Inno.ED@dc.gov. DSLBD will begin answering questions after the grant opens on August 7, 2026. DSLBD will not respond to questions over the phone. All questions must be submitted no later than August 19, 2026.

Reservation of Rights
DSLBD reserves the right to issue addenda, modifications, and/or amendments after the issuance of this NOFA or the corresponding RFA, or to rescind the NOFA or RFA at any time.

Shortened Notice Period
To ensure awardees can complete reporting and receive funds by September 30, 2026, this NOFA will be subject to a shortened notice period in the DC Register.

[2] Additional details regarding the BOSS and Contract and Procurement training sessions will be available in the RFA.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21443
Cecilia Penizia
735 Irving Street, N.W. (Square 2891, Lot 82)

HEARING DATE: July 15, 2026
DECISION DATE: July 15, 2026

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a third story and a three-story rear addition, and convert to a flat, 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 beyond adjacent building maximum permitted, 20 feet beyond building to the east proposed)*

The zoning relief requested in this case was self-certified. (Exhibit 11.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 1E, 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 did not submit an official report for this application.

ANC 1E Chair, Josh Jacobson, testified at the Public Hearing that the Applicant met with the ANC's Zoning and Economic Development Committee which approved the application. However, due to scheduling issues, the ANC has not had an opportunity to weigh in on the application at a regularly scheduled and publicly noticed meeting. The ANC's meeting will take place on July 22, 2026. He also submitted a letter summarizing these points. (Exhibit 21.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 18.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record for this application.

OTHER PUBLIC INPUT. One neighbor submitted a letter regarding construction impacts on nearby properties that was neither in support of nor opposition to the application.

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 beyond adjacent building maximum permitted, 20 feet beyond building to the east proposed)*

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 4 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **3-0-2** (Michelle Pourciau, Gwen Marcus Wright, and Melissa Lindsjo to APPROVE; Paul Goldstein not present, 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: July 21, 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. 21458
Adisa, LLC
754 Irving Street, NW (Square 2890, Lot 55)

HEARING DATE: July 15, 2026
DECISION DATE: July 15, 2026

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a third story and a three-story rear addition, to an existing, attached, two-story, principal dwelling unit in the RF-1 zone:

- Special exception under the rear addition requirements of Subtitle E § 205, pursuant to Subtitle X § 901.2 (*10 feet beyond adjoining residential wall max permitted, 21.7 feet proposed*)

The zoning relief requested in this case was self-certified. (Exhibit 19.)[1]

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 1E, 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 did not submit a report to the record.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 24.)

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 22.)

[1] The self-certification form in Exhibit 19 updated the notes and computations section of the self-certification form in Exhibit 12.

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 § 205, pursuant to Subtitle X § 901.2 (*10 feet beyond adjoining residential wall max permitted, 21.7 feet proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 17 of the record, as required under Subtitle Y §§ 604.9 and 604.10,

VOTE: **3-0-2** (Michelle Pourciau, Melissa Lindsjo, and Gwen M. Wright to APPROVE; Paul Goldstein not present, 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: July 21, 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. 21469
Julie Chon and Cyril Doussau de Bazignan
1409 30th Street, NW (Square 1258, Lot 823)

HEARING DATE: Applicant waived the right to a public hearing
DECISION DATE: July 15, 2026 (Expedited Review Calendar)

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a one-story side addition, to an existing row principal dwelling in the R-3/GT zone:

- Special Exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*60% max. required; 53.2% existing; 64.9% proposed*)
- Special Exception from the pervious surface requirements of Subtitle D § 211.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*20% min. required; 23% existing; 13% proposed*)

The zoning relief requested in this case was self-certified. (Exhibit 4.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 2E, 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).

EXPEDITED REVIEW. Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (the "**Board**" or "**BZA**") expedited review calendar for decision as a result of the Applicant's waiver of its right to a hearing. No objections to expedited review consideration were made by any person or entity entitled to do so under Subtitle Y §§ 401.7 and 401.8.

NOTICE OF THE APPLICATION AND PUBLIC HEARING. 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 June 1, 2026, at which a quorum was present, the ANC voted to support the application. (Exhibit 18.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted two reports to the record. The first report dated July 3, 2026, recommended approval of the lot occupancy relief but did not have sufficient information to offer a recommendation for the pervious surface special exception request. (Exhibit 19.) OP's second report dated July 14, 2026, recommended approval of the pervious surface relief following the submission of additional information by the Applicant. (Exhibit 23.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

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 lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*60% max. required; 53.2% existing; 64.9% proposed*)
- Special Exception from the pervious surface requirements of Subtitle D § 211.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*20% min. required; 23% existing; 13% proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 6A1 and 6A2 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **3-0-2** (Michelle Pourciau, Melissa Lindsjo, and Gwen M. Wright to APPROVE; Paul Goldstein not present, 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: July 21, 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. 21472
Janice Bashford and Darryl Maxwell
5722 3rd Street, N.W. (Square 3292, Lot 71)

HEARING DATE: Applicant waived the right to a public hearing
DECISION DATE: July 15, 2026 (Expedited Review Calendar)

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a one-story rear deck addition, to an existing, semi-detached, two-story plus basement, principal dwelling unit in the R-2 zone:

- Special Exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*20 feet minimum required, 25 feet existing, 14 feet proposed*)

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 5.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 4B, 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).

EXPEDITED REVIEW. Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (the "**Board**" or "**BZA**") expedited review calendar for decision as a result of the Applicant's waiver of its right to a hearing. No objections to expedited review consideration were made by any person or entity entitled to do so under Subtitle Y §§ 401.7 and 401.8.

NOTICE OF THE APPLICATION AND PUBLIC HEARING. 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 May 26, 2026, at which a quorum was present, the ANC voted to support the application. (Exhibit 18.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 20.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report related to the application.

PERSONS IN SUPPORT. The Board received one letter from neighbors in support of the application. (Exhibit 23.)

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 D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*20 feet minimum required, 25 feet existing, 14 feet proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 3 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **3-0-2** (Michelle Pourciau, Melissa Lindsjo, and Gwen Marcus Wright to APPROVE; Paul Goldstein not present, 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: July 21, 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. 21479
Cheryl A. O'Neill and Matthew J. Bell
3619 Everett Street, NW (Square 1983, Lot 32)

HEARING DATE: Applicant waived the right to a public hearing
DECISION DATE: July 15, 2026 (Expedited Review Calendar)

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a one-story rear porch addition, to an existing, semi-detached, two-story plus basement, principal dwelling unit in the R-1B zone:

- Special exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*25 ft. minimum required, 23.5 ft. existing, 14 ft. proposed*)
- Special exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*40% max permitted, 37.2% existing, 44.03% proposed*)

The zoning relief requested in this case was self-certified. (Exhibit 9.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 3F, 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).

EXPEDITED REVIEW. Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (the "**Board**" or "**BZA**") expedited review calendar for decision as a result of the Applicant's waiver of its right to a hearing. No objections to expedited review consideration were made by any person or entity entitled to do so under Subtitle Y §§ 401.7 and 401.8.

NOTICE OF THE APPLICATION AND PUBLIC HEARING. 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 April 21, 2026, at which a quorum was present, the ANC voted to support the application. (Exhibit 18.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 15.)

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 16.)

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 D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*25 ft. minimum required, 23.5 ft. existing, 14 ft. proposed*)
- Special exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*40% max permitted, 37.2% existing, 44.03% proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 3 of the record, as required under Subtitle Y §§ 604.9 and 604.10,

VOTE: **3-0-2** (Michelle Pourciau, Melissa Lindsjo, and Gwen M. Wright to APPROVE; Paul Goldstein not present, 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: July 21, 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.

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETING

TIME AND PLACE: **Tuesday, July 28, 2026 @ 2 p.m.**
Virtually via WebEx

CASES ON AGENDA:

1. Application No. 20676-B of Jose Andres Reinoso and Miguelina Zapata, Trustees
2. Application No. 21081-A of Alexandra E. Chevalier
3. Application No. 21466 of Jordan Cotton and Caitlin Hartman
4. Application No. 21467 of Paramount Estate Limited Liability Company
5. Application No. 21468 of Kevin Alonzo and Jane Luxner
6. Application No. 21470 of Jannick Damgaard and Tanja Larsen
7. Application No. 21474 of Emory United Methodist Church

REASON(S) FOR HOLDING CLOSED MEETING (PER § 406 OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE PROCEDURE ACT) (D.C. OFFICIAL CODE § 2-576): (CHECK ALL WHICH APPLY)

__X__ To receive legal advice from counsel on cases noted on the Board's agenda (listed above) for the above meeting to be held **July 29, 2026** – D.C. Official Code § 2-575(b)(4).

__X__ To deliberate upon, but not vote on, the contested cases noted on the Board's agenda (listed above) for the above meeting to be held **July 29, 2026**, for the reasons cited at D.C. Official Code § 2-575(b)(13).

BY THE BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
(Roll call vote taken at July 22, 2026 Public Hearing):

MICHELLE POURCIAU (CHAIR)	**__X__ YES _____NO**
PAUL GOLDSTEIN (VICE CHAIR)	**__X__ YES _____NO**
MELISSA LINDSJO	**__X__ YES _____NO**
TAMMY STIDHAM, ROTATING ZONING COMMISSIONER	**__X__ YES _____NO**
VACANT, MAYORAL APPOINTEE	

KEARA MEHLERT, SECRETARY TO THE BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 24-15
Z.C. Case No. 24-15
901 Monroe Street, LLC
(Consolidated Planned Unit Development and Related Zoning Map Amendment @ Lot 23 in Square 3829)
October 23, 2025

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held public hearings on June 23, 2025 and July 7, 2025 to consider an application (the "Application") from 901 Monroe Street, LLC (the "Applicant"), for review and approval of a consolidated planned unit development ("PUD") for Lot 23 in Square 3829 (the "Property") and related amendment to the Zoning Map from the MU-3A and R-2 zones to the MU-5B zone. The Commission considered the Application pursuant to Subtitles X and Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the "Zoning Regulations," or "ZR16," and to which all citations to regulations herein are made unless otherwise specified). For the reasons stated below, the Commission hereby **APPROVES** the Application.

FINDINGS OF FACT

I. PROCEDURAL BACKGROUND

1. On November 11, 2024, the Applicant filed the Application for review and approval of a consolidated PUD and related zoning map amendment and requested that the Commission set down the Application for a public hearing (Exhibit ["Ex."] 2).

2. At a public meeting of the Commission on February 13, 2025, the Commission unanimously voted to set down the Application for a public hearing (Transcript of Commission's Public Meeting ["Tr."] at 12-26., February 13, 2025).

Notice

3. On April 15, 2025, the Office of Zoning ("OZ") sent notice of the public hearing to the affected Advisory Neighborhood Commission ("ANC") 5B; the affected ANC Single Member District 5B04; the Office of the ANC; the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Department of Buildings ("DOB"); the Lead Attorney for the Commission; the District Department of Energy and Environment ("DOEE"); DC Councilmember Parker and the At-Large DC Councilmembers; and property owners owning property within 200 feet of the Property (Ex. 34-35).

4. OZ also published notice of the June 23, 2025, public hearing in the April 25, 2025, *District of Columbia Register* (72 DCR 004985 *et seq*.), as well as through the calendar on OZ's website (Ex. 33). The Applicant posted notice of the Property and maintained such notice pursuant to the Zoning Regulations (Ex. 51, 90).

Parties

5. The parties to the case were the Applicant, ANC 5B (the ANC in which the Property is located), ANC 5F (a Party in support), the 200 Footers (a Party in opposition), and the Brookland Neighborhood Civic Association (a Party in opposition) (Ex. 69-71, 83, 91).

The Property and Surrounding Area

6. The Property is an L-shaped lot that includes 60,000 square feet of land area located in the Brookland neighborhood of Ward 5. The Property is bound by Monroe Street to the north, 10th Street to the east, six privately owned townhomes to the southeast, Lawrence Street to the south and 9th Street to the west. The immediate neighborhood around the Property is comprised of a mix of uses. To the north of the Property, across Monroe Street is the Brooks Mansion (which currently houses DC Cable Television's offices and studios) and the CUA/Brookland Metro Station. 9th Street includes a mix of townhouses that are used for residential and commercial purposes as well as multi-family buildings. Lawrence Street, located to the south of the Property, includes fully detached single-family homes. Immediately adjacent to the Property along 10th Street are townhomes and the Luke C. Moore Opportunity Academy (a DC public charter school) is located across 10th Street from the Property at the intersection of 10th and Monroe Streets (Ex. 3).

7. The Property is currently located in the MU-3A and R-2 zones. The Future Land Use Map ("FLUM") Designation for the Property is Mixed-Use: Medium-Density Residential/Moderate Density Commercial. The Generalized Policy Map ("GPM") includes the Property in a Neighborhood Conservation Area (Ex. 3).

II. APPLICANT'S CASE

The Project

8. The Application seeks to redevelop the Property with a building (the "Project") that will include approximately 233 residential units with a mix of studio, junior one-bedroom, one-bedroom, one-bedroom plus den, two-bedroom, and three-bedroom units. Twelve of the residential units (5% of the total number of units) will be three-bedroom units. The Project will have an FAR of 4.2 and a measured building height of 75 feet. The Project reserves 15% of the residential gross floor area as Inclusionary Zoning ("IZ") units. In addition, along Monroe Street, five live-work units are provided. In response to feedback from the community, the Applicant agreed to market two of the live-work units, located at the corner of 10th Street and Monroe Street – approximately 1,800 square feet, for retail use for 18 months (12 months prior to the delivery of the space and for 6 months after the space is made available)[1] (Ex. 3, 24, and 56).

[1] With respect to community outreach, the Applicant stated it had had several community meetings prior to filing the Application with affected stakeholders: September 4, 2024 – Immediate neighbor meeting (Virtual – prior to the mailing of the Notice of Intent to file this PUD and Zoning Map Amendment application); September 17, 2024 – Responded to common questions raised at virtual meeting; September 25, 2024 – ANC 5B04 and Brookland Civic meeting (In-Person); September 27, 2024 – Meeting with Ward 5 Councilmember Zachary Parker and staff (In-Person); October 7, 2024 – Guided walking tour of the property (In-Person); October 16, 2024 – ANC 5B meeting (Virtual). The Applicant further stated that it expected a further meeting on November 12, 2024 – BNCA meeting

9. The Project will underground the utilities along Monroe Street, which will allow for the removal of the existing utility poles along Monroe Street and the removal of the inactive poles along 9th Street. The Applicant noted that the removal of the utility poles will allow for an enhanced pedestrian experience along Monroe Street with larger street trees and a 7-13 foot increased sidewalk width along Monroe Street.

10. The Project will include 55 parking spaces (42% will be compact spaces – which was requested by community stakeholders), located at grade, and accessed from Lawrence Street via a widened public alley.[2] The Applicant agreed to restrict the ability of residents of the Project to obtain a Residential Parking Permit. The Applicant also agreed to include this restriction as a condition of the Zoning Commission's approval of the Application. Loading facilities will also be accessed from this alley and all turning movements for loading and trash pick-up will be accomplished on the Property. Bicycle parking spaces (80 long-term and 12 short-term spaces) will be provided in the building and will be accessed from the ground floor of the building with direct access to the public alley (Ex. 3, 24).

11. The Applicant stated that the Project will benefit the District of Columbia by facilitating the long-planned redevelopment of an underutilized lot near a Metrorail Station with a transit-oriented development with the following public benefits: housing and affordable

(Virtual). In addition to these meetings, the Applicant has created an e-mail address to accept questions or comments regarding the Project (901monroe@horningdc.com) and has created a website (901monroe.com) that provides updates on the Project and information on upcoming meetings.

In its Application, the Applicant acknowledged that the affected community that could be burdened by the proposed PUD include adjacent residents which could be impacted by Project construction, increased vehicular and truck trips to and from the PUD site, and visual changes to the existing condition of the PUD site (including impacts to light and increased shadowing). The increased traffic generated by the Project, may potentially have a wider impact on the area's transportation network. In response to the feedback, the Applicant stated that some members of the community noted that the Property has been vacant for too long and that this is a solid plan for returning the Property to a beneficial use to the community. The Applicant has received positive feedback on the design and use of setbacks in the Project, noting that it appears of higher quality than some of the recent multi-family buildings constructed along 9th Street. The Applicant further noted that potential negative outcomes identified by the community include: appropriateness of a new curb cut proposed on 10th Street; concerns about the intensification of use (including the widening of the alley); the height of the building; the lack of retail uses along Monroe Street, and the low amount of parking spaces that are provided in the Project.

In response to the concern about the 10th Street curb cut, the Applicant has removed the curb cut. The Applicant will continue to work on the other concerns raised by the community. The Applicant thoroughly analyzed the possibility of incorporating retail into the Monroe Street streetscape and ultimately determined it was best for the community and Project to bring additional residents and consumers to support existing retail in the neighborhood. The Applicant does not want to bring additional retail to the area to compete against existing retail along 12th Street and in the Monroe Street Market project. In response to the concerns about the appropriateness of the parking spaces provided in the Project, the Applicant and its traffic engineer will prepare an appropriate TDM to mitigate any potential adverse impacts related to parking. The Applicant will also submit a Construction Management Plan into the record prior to the public hearing in this case.

[2] The existing north/south alley in Square 3829 is only 10 feet wide. This Project proposes to widen the alley system to 20 feet wide by granting a public use easement for 10 feet of the Property adjacent to the existing alley.

housing; superior urban design/architecture; environmental and sustainability benefits; and uses of special value. The Applicant stated that the Project creates a strong, appropriately scaled and fully articulated architectural treatment of all sides of the building with appropriate buffers and set-backs to the surrounding residential uses. In sum, the Project exhibits the appropriateness, character, scale, height, uses, and design for approval as a consolidated PUD (Ex. 3).

12. The Applicant also noted that the proposed design is responsive to the visual and spatial qualities of the surrounding context, which varies around all four sides of the PUD site, and to the lower-scale rowhomes immediately adjacent to the PUD site along 10th Street. The proposed design employs various design strategies such as ground-level and upper-level setbacks, projections, courtyards, façade articulation, and a context-sensitive material palette that work together to achieve a successful degree of compatibility with the surrounding context and the adjacent rowhomes (Ex. 3).

13. Along Monroe Street, the context of the PUD site is primarily characterized by the large open space set back of the historic Brooks Mansion, the Brookland/CUA Metrorail station and bus facility, and the mixed-use Monroe Street Market development to the west of the tracks. In response to this context, the proposed building provides substantial ground level and upper-level setbacks along Monroe Street to reduce the scale of the building and accommodate pedestrian traffic, while strengthening the streetwall along Monroe Street, a gateway into the Brookland neighborhood (Ex. 3).

14. Along 9th Street, which contains rowhomes (some of which are devoted to commercial uses) and a 4-story office building along the west side of the street, the Project contains two large open courts above the ground floor that significantly reduce the building's massing, and the primary façade of the building is set back approximately 13 feet from the property line with the exception of projections above the ground level that provide further scale reduction[3]. The courtyards will include a pool and landscaped amenity spaces for the residents of the Project (Ex. 3).

15. On 10th Street, which contains six rowhomes immediately south of the PUD site, and a public charter school on the east side of the street, the entire building is setback approximately 15 feet from the property line that is shared with the closest rowhome to the south, as well as from the public alley that separates the PUD site from the rear lot lines of the rowhomes. Additionally, the top floor of the building is set back approximately seven feet along the east facing façade. At the south facing facades closest to the adjacent rowhomes, the top floor is setback an additional six feet from the shared property line for a total setback of 21 feet, 6 inches. In response to the request of the Commission, the Applicant provided further sculpting of the building by modifying the fifth and sixth floors

[3] Specifically, the setback at the ground floor of each of the three façade projections is 10 feet from the property line. Above the 2nd floor, the setbacks at the three facade projections vary as follows: north projection, set back between 10 feet to 13 feet; middle and south projection: setback between 4 feet, 6 inches to 7 feet, 6 inches. At the two elevated courtyards, the ground floor set back increases to approximately 14 feet.

along the 10th Street frontage of the building. These modifications resulted in the loss of 268 square feet of gross floor area. The Applicant notes that the proposed relationship between the proposed Project and the adjacent rowhomes along 10th Street is similar to the relationship found at the Monroe Street Market PUD (Z.C. Case No. 08-24) located on the west side of the Metrorail tracks, where the Block E multi-story residential apartment building is immediately adjacent to lower-scale single family homes (Ex. 3, 135).

16. Along Lawrence Street (with the top floor set back approximately 11 feet, 6 inches), the primary façade of the building is set back approximately five feet from the property line, which is also punctuated by four-story bay projections that reduce the building's scale and establish a clear residential expression that relates to nearby rowhomes. Individual residential unit stoops were added to two ground floor apartments along Lawrence Street, in response to comments from community stakeholders, to enliven the street level experience (Ex. 3, 24).

17. The roof level of the building will include amenity and recreation space for residents of the Project. The roof structure on the building will only be used for access to the outdoor amenity spaces and for related bathrooms for residents using the rooftop space (Ex. 3, 24).

18. The 233 units proposed in the Project includes a mix of live-work, studios, one-bedroom, two-bedroom and three-bedroom units. The market rate units include: five live-work units; five studios; 39 junior one-bedroom units; 96 one-bedroom units; 38 one-bedroom with den units; 38 two-bedroom units: and 12 three-bedroom units. The proposed Inclusionary Zoning ("IZ") Units include: seven studios and junior one-bedroom units; 20 one-bedroom units; seven two-bedroom units; and two three-bedroom units (Ex. 24, 24A1).

Revisions to Project in Response to Setdown Comments

19. In its February 3, 2025 report (the "OP Setdown Report"), OP recommended that the application be set down for a public hearing, as the Project would not be inconsistent with the Comprehensive Plan. The OP Setdown Report stated that OP would work with the Applicant to adequately address the following issues prior to a public hearing:
    - The Applicant committing to provide solar power generation on-site;
    - Provide more information on the requested design flexibility; and
    - The Applicant considering a higher percentage of IZ units.

    (Ex. 19).

20. At the February 13, 2025 public meeting, during which the Commission voted to set the Application down for a hearing, the Commission concurred with the OP Setdown Report and requested the Applicant address the following additional issues:
    - Provide more information on community outreach;
    - Provide additional information regarding the Applicant, the Applicant's history with the Property and the Applicant's Goals for the Project;

- Provide a description of the design decisions/fundamentals that guided the development of the Project;
- Provide a discussion of the compatibility of the Project with Neighboring Properties, changes to the Future Land Use Map designation of the site (in 2021), and the Generalized Policy Map designation of the Property;
- Address whether other, non-retail options, for street activation are possible; and
- Provide information regarding vehicular access to the Property and guidance received from DDOT.

21. In its April 7, 2025 and May 23, 2025 pre-hearing filings, the Applicant responded to the requests from OP and the Commission for additional information (Ex. 24-24C, 56).

22. In the April 7, 2025 Pre-Hearing Submission, the Applicant provided information that the Applicant consists of two entities, Horning and the Menkiti Group, that have had long relationships with the immediate neighborhood, Ward 5, and this Property in particular. Horning was founded in and has always been based in the District of Columbia. Horning has a long history of investing and developing in the District when others have withdrawn. Horning was DC's most prolific apartment developer during the turbulent 1980s. Unfortunately, the District's multi-family housing market is seeing many similarities to those trying times. However, like it did in the 1980s, Horning remains committed to developing in the District and helping the city reach its housing goals. Horning has a long-standing commitment to Ward 5 and is one of its largest rental housing owners in the ward. Horning has owned and developed over 800 units in the area, including Cloisters (352 units), Brookland Ridge (324 units), Franklin Commons (100 units), and The Arbor (30 units). Horning also owns two shopping centers; Trinity Square (24,000 square feet) and The Heights (18,000 square feet) in Ward 5.

    The Menkiti Group was founded in 2004 with the mission of transforming lives, careers, and communities through real estate. A 100% minority-owned Certified and Small Business Enterprise (CBE/SBE) headquartered in Brookland, The Menkiti Group invests in underutilized properties and transforms them into exciting and affordable homes and workspaces. Over the past 20 years, The Menkiti Group has invested over $390MM in the District of Columbia's emerging neighborhoods, worked on the development of over 3.8MM SF of real estate, amassed $1.7B in a development project pipeline, and assisted over 2,000 families in purchasing their first homes (Ex. 24).

23. In regard to the Applicant's history with the Property, the Applicant noted that in 2010, Horning and Menkiti filed a PUD and Zoning Map Amendment application for the Property (Z.C. Case No. 10-28) that proposed the construction of 205-220 residential units, with 8% of those units (15,151 sf) reserved as affordable housing units at 80% AMI. Despite the Commission's approval of Z.C. Case No. 10-28 on three separate occasions, the DC Court of Appeals deemed that project was not consistent with the Comprehensive Plan's guidance for the Property that existed at that time. Even though the Commission's

approval of that project was vacated, the Applicant still made the following financial contributions to entities that were identified in Z.C. Order No. 10-28:

- $25,000 to the Washington Area Community Investment Fund;
- $25,000 to Byte Back;
- $50,000 to the Community Foundation;
- $25,000 to Dance Place; and
- $35,460 for improvements at Turkey Thicket Recreation Center (only $25,000 was committed in Z.C. Order No. 10-28).

TOTAL - $160,460

Combining these contributions with the costs associated with the previous PUD approvals and carrying the land since 2013, the Applicant noted that it has already spent millions of dollars towards the goal of making the Property a true economic and social contributor to the surrounding neighborhood (Ex. 24).

24. In regard to additional activation of the ground floor of the Project, the Applicant's Design Team made a number of changes to the Project to further activate the ground floor experience. These changes include:
    - Live/Work Units along Monroe Street, N.E. – Five flexible Live/Work units are located along the eastern end of the Monroe Street frontage to the corner of 10th and Monroe Streets, N.E. The Live/Work units will have storefront doors along Monroe Street, N.E. with direct access from the street to an open common area in the Live/Work unit that could be used by artists, service professionals, and business start-ups;
    - Direct Residential Entrances on Lawrence Street - Additionally, individual residential unit stoops have been added to two ground floor apartments along Lawrence Street, N.E. to enliven the street level experience; and
    - Undergrounding of Utilities Along Monroe Street, N.E. – The Applicant has agreed to underground the utilities along Monroe Street, N.E. This will allow for the removal of the existing utility poles along Monroe Street, N.E. and the removal of the inactive poles along 9th Street, N.E. The removal of the utility poles will allow for an enhanced pedestrian experience along Monroe Street, N.E. with larger street trees and a seven to 13-foot increased sidewalk width along Monroe Street, N.E. The Applicant anticipates that the undergrounding of these utilities will cost approximately $1,000,000.00 (Ex. 24).

25. In regard to community outreach, the Applicant responded that since the filing of the PUD and Zoning Map Amendment application, the Applicant has participated in a number of meetings/presentations/open houses and has created a website for the Project (901Monroe.com) that provides updates about the Project and upcoming meetings.[4] The

[4] The Applicant stated that it had 12 additional community meetings between September 2024 and April 2025. The 12 meetings included meetings with the immediate neighbors, the affected ANC SMD and Brookland Civic Association, a guided walking tour of the Property, ANC 5B, the Brookland Neighborhood Civic Association meeting, the Brookland Farmers Market stand, the Brookland Trolley Tour, ANC 5F, and ANC/SMD 5B04.

Applicant has received significant feedback from ANC 5B, the 200 Footers, the Brookland Neighborhood Civic Association ("BNCA"), and other members of the community. In response to those comments, the Applicant is proposing the following modifications to the Project:

- Reallocation of Parking Spaces to Provide More Compact Spaces - In response to comments that were raised after community presentations, the Applicant undertook an analysis of the ability to increase the number of compact parking spaces in the project in order to limit the number of larger vehicles that will park in the garage and travel to the Project. As a result of this analysis, the Applicant has revised the layout of the parking spaces in the Project. The Project will now include a total of 55 parking spaces, with 42% of the spaces being compact spaces;
- Restriction of Residential Parking Permits for Residents of the Project - The Applicant has agreed to restrict the ability of residents of the Project to obtain a Residential Parking Permit. The Applicant will agree to include this restriction as a condition of the Zoning Commission's approval of this application; and
- Development and Construction Management Plan - The Applicant has created and posted on the Project's website a proposed Development and Construction Management Plan. The Applicant will agree to include the terms of the Development and Construction Management Plan as a condition of the Commission's approval of this application (Ex. 24).

In addition, the Applicant noted in its supplemental pre-hearing submission (Ex. 56) that it had continued its process of meeting with members of the surrounding community and with neighborhood organizations such as the Brookland Neighborhood Civic Association ("BNCA"), Advisory Neighborhood Commission ("ANC") 5B and ANC 5B's Development, Zoning, and Land Use ("DZLU") Committee.

As a result of those meetings, the Applicant agreed to provide commercial space along Monroe Street, and the terms of that agreement have been incorporated as conditions of this Order. They are as follows:

- Proposed Retail Space - The Applicant will market the approximately 1,800 square feet of space located at the intersection of Monroe and 10th Streets, N.E. (depicted as "L/W 4" and "LAV 5" on the plans submitted to the Commission on April 7, 2025, the "Retail Space") for retail use for a period of at least 18 months, consisting of 12 months prior to the opening of the Project and six months after the opening of the Project. The term "opening" shall be considered the date the first Certificate of Occupancy is issued for the Project;
- Actions to be Taken to Market and Lease the Space - The Applicant shall take commercially reasonable actions to market the Retail Space for retail use and will offer the Retail Space to potential tenants with terms and conditions that are commercially reasonable in the immediate submarket. The Applicant shall accept referrals of potential retail tenants from members of the surrounding community;

- Restrictions on Potential Tenants in Retail Space - The Applicant will not market the Retail Space to a cannabis retailer;
- Notice to Interested Parties - The Applicant will notify Advisory Neighborhood Commission 5B and the Brookland Neighborhood Civic Association when marketing of the Retail Space has commenced. The Applicant will also notify these organizations if the time period noted above expires and the Retail Space is marketed for Live/Work space;
- Ability to Return Retail Space to Live/Work Space - If the Applicant is not able to find an appropriate tenant to occupy the Retail Space within the time period noted above, it shall be able to lease the Retail Space as a Live/Work Unit(s); and
- Ability to Lease - These proposed conditions of approval do not preclude the Applicant from seeking a possible future modification of the Application to allow additional retail use along Monroe Street, N.E.

The Applicant also agreed to enhance the proposed community benefits package to include the following:

- $30,000 to the Greater Brookland Intergenerational Village ("GBIV") to expand intergenerational community events and support year-round programming and operations:
  - GBIV will use this financial contribution to sustain and expand inclusive, intergenerational community events such as Front Porch Fridays, Fall Fest, Holiday Meal Giveaway, and the Summer Solstice Celebration;
  - GBIV will use this financial contribution to directly support local businesses and community partners by sourcing food, beverages, services, event space, vendors, and supplies from within the Brookland and Ward 5 Areas; and
  - The financial contribution will allow GBIV to continue to employ local Brookland area residents;
- $25,500 to the Washington Area Bicyclist Association ("WABA") to host a League Certified Instructor seminar and youth and adult community bike riding classes:
  - WABA will hold a class to train League Certified Instructors and then teach three learn to ride and/or bicycle safety classes in the Brookland community for youth and adults;
- $15,000 to Casey Trees for a Brookland community tree planting event:
  - Casey Trees will collaborate with Horning DC, The Menkiti Group, and a local landowner (such as Catholic University of America) to organize an impactful tree planting event engaging up to 50 Brookland community volunteers;
- $25,000 to Deaf-Reach, Inc. for main office facility capital improvements:
  - Deaf-REACH, Inc.'s services include housing, counselling, case management, and day programs. These services are provided by deaf and hard of hearing staff in a deaf-friendly environment. Deaf-REACH Inc.'s main facility is located at 3722 12th Street, N.E. in the heart of Brookland's longstanding commercial corridor; and

- The funding provided by the Applicant will allow for necessary improvements to the facility, including the retrofitting of accessibility features for all client-facing spaces and upgrading kitchen and bathroom facilities; and

- $30,000 for a study to examine activation of the land surrounding Brooks Mansion:
  - Brooks Mansion is a key cultural and historical landmark in Brookland, Ward 5, and Washington, DC. The land surrounding the Brooks Mansion is currently used for surface parking and fenced-off grass areas and remains underutilized. This space represents a prime opportunity for community activation and engagement. The Applicant's financial contribution will fund a study exploring potential uses for this land. The study will focus on small-scale park concepts and developing a vision for long-term community engagement. The study will be prepared by an architectural and/or planning firm with experience in public space planning. The study will include a site analysis, a community engagement process, concept development ideas, a feasibility and cost analysis, and the preparation of a final report (Ex. 56).

26. In regard to design flexibility, the Applicant requested the design flexibility that is enumerated in Subtitle Z § 702.8 with the following modifications (Proposed new language is in *italics*:

(c) Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, ~~and~~ skylights~~;~~*, windows, bays, and other architectural element.*

(Ex. 24).

27. In addressing the question regarding the goals for the Project, the Applicant stated that it believes the Project will benefit the area by facilitating the long-planned redevelopment of an underutilized lot near a Metrorail Station with a transit-oriented development that will tie the communities west of the Metrorail/CSX train tracks to the 12th Street, N.E. retail core of the Brookland neighborhood. The Project will result in the creation of approximately 36 units of affordable housing reserved for individuals making up to 60% MFI. Compared to the prior PUD, the Project will provide approximately 67% more affordable housing at a much deeper level of affordability (Ex. 24).

28. In response to the Commission's request for a description of the design decisions/ fundamentals that guided the development of the Project, the Applicant noted that the building massing and façade along Monroe Street, N.E. is articulated in a series of four "pavilions" with inset balconies as reveals. The ground floor façade is comprised of storefront fenestration and entries along Monroe Street, N.E. The design is configured with the building entry and lobby at the corner of 9th and Monroe Streets, N.E., directly across from the Brookland/CUA Metro Station. The building's fitness area is located at ground level along Monroe Street, N.E. to activate the streetscape, and the upper floors are comprised of richly detailed brick facades with cast stone detailing with larger two-story

window arrangements to appropriately scale the facades. The facades are composed in a classical arrangement of "base, middle, and top."

The building occupies the entirety of the 9th Street, N.E. frontage and is articulated with two open west facing courtyards at the second-floor level. These courtyards break down the visual scale of the building on 9th Street, N.E. and the building is set back from the property line to provide increased landscaping and open space. The massing of the building along Lawrence Street, N.E. steps down at the 6th floor and is further broken down by a series of four residential bays that are inspired by traditional DC residential architecture. Individual residential entry stoops are provided to the ground floor units at each of these bays to activate Lawrence Street, N.E. and reinforce the townhome nature of this façade. The existing public alley on Lawrence Street, N.E. is utilized for access to parking and building services and the alley width is doubled to 20 feet to facilitate safe and efficient circulation. The east facing building massing at the alley is setback 15 feet from the property line and is further setback at the 6th floor to soften the massing. The alley façade is articulated into a series of bays with balcony reveals similar to those found along Monroe Street, N.E. The 10th Street, N.E. frontage is limited to the northern portion of the block, and again this façade is composed in a traditional "base, middle, top" arrangement with rich masonry detailing and the massing is set back at the 6th floor as it moves south toward the existing adjacent rowhouses (Ex. 24).

29. In response to OP's request that the Applicant consider a higher percentage of IZ units, the Applicant stated that it believes that the 15% IZ proposed in this Project is entirely appropriate for the additional height and density gained through this PUD and Zoning Map amendment application and satisfies the balancing test enumerated in the PUD evaluation standards. The Applicant notes the significant and persistent economic headwinds that multi-family developers are currently facing in moving projects forward in the District of Columbia. A February 19, 2025, article in the Washington Business Journal noted:

> D.C. is falling behind the region in production of new multifamily units, a trend that leaders fear will raise the cost of housing for all segments of the market. The District's declining share of multifamily housing production in the larger statistical area reverses a trend of D.C. leading the region, according to U.S. Census Bureau data of multifamily housing permits compiled by the office of the Deputy Mayor for Planning and Economic Development. D.C. last year issued just 1,506 of the MSA's 9,680 multifamily permits for buildings with five or more units, its lowest share in more than a decade, the data shows. Permits are a leading indicator of how much new housing is expected to come online in the near future, according to DMPED. 'We are noticing that we have fewer housing permits being started with the Department of Buildings,' DMPED Nina Albert said at a news conference last week. 'So that means that there is an inherent change in the marketplace where even market-rate units are not being invested in.'" (*Why D.C.'s Multifamily Production is Falling Behind*

the Region, and What the District is Doing About It. Washington Business Journal, Ben Peters, February 19, 2025).

The Applicant concluded that given the economic uncertainty that continues to impact this region, and the District of Columbia in particular, as well as the potential for the ongoing and persistent threat of tariffs to significantly impact the already inflated cost of construction, any increase to the proposed 15% IZ proffer made in this application threatens the economic viability of the PUD Project. While some economic factors are outside the control of the Zoning Commission, like those noted above, the Zoning Commission can control other factors, like the amount of an IZ proffer, in order to create the environment in which needed economic development in the District of Columbia can occur (Ex. 24).

30. The Applicant agreed to include solar power generation on the roof of the Project (Ex. 24).

31. The Applicant stated that the proposed vehicular access to the Project is the result of dialogue with members of the surrounding community and with representatives of DDOT. Initially, the Project included a vehicular access from 10th Street, N.E. This access was ultimately removed due to concerns raised by residents of 10th Street, N.E. as well as DDOT. Representatives of the Applicant reached out to DDOT representatives to ask for a written confirmation that DDOT does not support an additional vehicular access point to the Project and will require all vehicular access to be from the widened alley from Lawrence Street, N.E. The DDOT representative noted:

Per DDOT's Design and Engineering Manual (31.5.1), a new curb cut or driveway is not permitted from any property with existing alley access. Providing more curb cuts than necessary is detrimental to the pedestrian experience as curb cuts create a conflict point between moving vehicles and pedestrians and result in a loss of green space, curbside space, and street trees. Comprehensive Plan Policy UD-2.1.6 also recommends minimizing mid-block vehicular curb cuts, favoring existing public alleys for parking and loading, as referenced in OP's 2/3/2025 Setdown Report.

The 901 Monroe development has direct access to an existing public alley which currently only serves six homes, and the applicant will double the width of this alley to accommodate site traffic. DDOT finds that this existing access meets our requirements and an additional curb cut is not necessary (Emphasis added).
(Ex. 24, 24C).

32. The Applicant provided an analysis of the Project's consistency with the Comprehensive Plan's Generalized Policy Map and Future Land Use Map. The Applicant noted that Project is not inconsistent with the Neighborhood Conservation Area ("NCA") designation on the Comprehensive Plan's Generalized Policy Map as the Project is:

- Consistent with the uses and density contemplated by the Future Land Use Map ("FLUM");

- Compatible with the diversity of land uses and building types that are found in the surrounding area; and
- The Project successfully balances competing Comprehensive Plan policy guidance related to increasing residential density near Metrorail while also addressing neighborhood compatibility and building transition.

The Applicant provided images of the special care that has been paid to the lower-scale residential uses along 10th Street and Lawrence Street and how the entire building is set back approximately 15 feet from the property line that is shared with the closest rowhome to the south, as well as from the public alley that separates the PUD site from the rear lot lines of the rowhomes. Additionally, the top floor of the building is set back approximately seven feet along the east and south facing facades closest to the rowhomes. The Applicant also noted how the relationship between the Project and the adjacent lower scale uses, including the rowhomes along 10th Street, N.E., is similar to the relationship found at the Monroe Street Market PUD to the west of the Metrorail tracks. It is also similar to the relationships found at similarly situated PUDs near transit that are within NCAs and adjacent to lower-scale residential neighborhoods (Ex. 24, 24A3).

The Applicant noted that the Project is not inconsistent with the Mixed-Use Medium Density Residential and Moderate Density Commercial designation on the Comprehensive Plan's Future Land Use Map because:

- The Project, including the related map amendment to MU-5B, will resolve the current inconsistency between the PUD Site's current low-density zoning and its current FLUM designation;
- Generally, according to guidance provided by the Framework Element, typical [matter-of-right densities in areas designated Mixed Use Moderate Density Commercial/ Medium Density Residential) can range between 2.5FAR - 4.0FAR, with greater density possible when complying with IZ or when approved through a PUD; and
- The MU-5B zone is the least intensive medium-density mixed-use zone that could be pursued under the PUD Site's FLUM designation, and with a density of 4.2 FAR and height of 75 feet, the Project does not utilize any of the bonus density or height that is permitted under a PUD in the MU-5B zone and is instead within the matter-of-right standards of the MU-5B zone.

(Ex. 24A3).

Zoning Relief Requested

33. The Application includes a request for a PUD-related map amendment from the MU-3A and R-2 zones to the MU-5B zone. The Project is consistent with the Zoning Regulations with respect to all development standards applicable to the MU-5B zone. The Application did not request relief from any standards of the Zoning Regulations (Ex. 3).

Satisfaction of PUD Evaluation Standards

34. The purpose of the PUD process is to provide for higher quality development through flexibility in building controls, provided that the project that is the subject of the PUD (i) results in a project superior to what would result from the matter-of-right standards; (ii) offers a commendable number or quality of meaningful public benefits; and (iii) protects and advances the public health, safety, welfare, and convenience, does not circumvent the intent and purposes of the Zoning Regulations, is not inconsistent with the Comprehensive Plan, and does not result in action inconsistent therewith (11-X DCMR § 300.1, 300.2, and 300.5 and 307.1). The Applicant provided evidence that the Project satisfies each of the above PUD requirements.

The Project Is Superior to the Development of the Property under the Matter-of-Right Standards.

35. The Project's contribution of housing and affordable housing, other public benefits and the community engagement process that accompany this PUD process all exceed what would be provided under matter-of-right standards. Specific aspects of the Project superior to a matter-of-right development include:
    - Affordable Housing and Three Bedroom Units – The amount of affordable housing and levels of affordability (15% of the residential gross floor area) and the number of three-bedroom units (12) included in the Project exceeds the amount that would be required in a matter-of-right development pursuant to the IZ requirements. Moreover, there are currently zero affordable units provided on the Property, so the delivery of this Project adds needed housing to the City's affordable housing stock; and
    - Community Engagement – The Applicant conducted a comprehensive public outreach and engagement process with multiple opportunities for neighbor, community group, and public agency participation. Those opportunities, and future ones, would not exist for a matter-of-right development of the Property (Ex. 3).

The Public Benefits Are Commendable in Number and Quality.

36. The Project delivers Public Benefits and other project amenities. These Public Benefits fulfill goals set forth in the Comprehensive Plan and the Brookland/CUA Metro Station Small Area Plan, the priorities of District agencies and stakeholders, and the preferences, needs, and concerns of the ANC and community residents identified during the Applicant's community engagement process. Accordingly, the Public Benefits package is a meaningful series of commitments that satisfy the intent and purposes of the PUD process (Ex. 3).

The Project Protects and Advances Public Health, Safety, Welfare, and Convenience and Does Not Circumvent the Purposes of the Zoning Regulations.

37. The Project advances and protects the intent and purposes of the Zoning Regulations, which are set forth in Subtitle A § 101 of the Zoning Regulations:
    - Through the development of an underutilized property in close proximity to the Brookland/CUA Metro station, the Project furthers important District priorities and

satisfies numerous goals and objectives for the District as set forth in the Comprehensive Plan;

- The development of the underutilized Property with housing and affordable housing advances the public health, safety, welfare, and convenience goals of the District by converting underutilized lots to more productive use; and
- The Project does not seek to circumvent the Zoning Regulations. The Zoning Map Amendment seeks to amend the Zoning Map to rezone the Property from the MU-3A and R-2 zones to the MU-5B zone, which is consistent with the Property's FLUM designation and the Comprehensive Plan. The MU-5B zone is intended to permit medium density, compact mixed-use development with an emphasis on residential use and is to be located at rapid transit stops. The Project conforms to all of the requirements for the MU-5B zone, is compatible with the existing neighborhood, and will support active use of transit and newly established public spaces (Ex. 3).

38. The Applicant asserted that the Project includes seven categories of substantive Public Benefits as defined according to the public benefits categories set forth in Subtitle X § 305 of the Zoning Regulations.

- Superior urban design and architecture (11-X DCMR § 305.5(a). The Project's urban design and architecture are superior and can be considered to be project amenities for a project proceeding under a PUD. The Project includes significant setbacks along all sides of the building, the introduction of live/work units along Monroe Street, and individual residential unit stoops for two ground floor apartments on Lawrence Street (Ex. 3, 24);
- Site planning, and efficient and economical land utilization (*id*. § 305.5(c)). Subtitle X § 305.5(c) states that site planning and efficient and economical land use are considered a public benefit of a PUD. Here, the Project takes a significantly underutilized site and creates a thoughtfully planned, transit-oriented development (Ex. 3);
- Housing and affordable housing (*id*. § 305.5(f)(3), (g)). Pursuant to Subtitle X § 305.5(f)(3), the production of units with three or more bedrooms is considered a public benefit of a PUD Project. The Project includes twelve three-bedroom units. All such three-bedroom units constitute public benefits. Pursuant to Subtitle X § 305.5(g), the production of housing that exceeds the amount that would have been required under the IZ provisions is a public benefit of a PUD. The Project includes 15% of the residential gross floor area of the building as affordable units. The IZ Regulations only require 10% of the residential gross floor area be reserved as affordable units (Ex. 3);
- Environmental and sustainable benefits (*id*. § 305.5(k)). The Project will provide a number of environmental benefits, including solar power generation on the roof of the building using a ballasted photovoltaic and green roof system. The Project will be designed to achieve LEED Gold certification (Ex. 3, 24);
- Streetscape Plans (*id*. § 305.5(l). Subtitle X § 305.5(l) states that streetscape plans are considered to be public benefits and project amenities of a PUD. The Project will include improvements to the streetscape along Monroe Street and 9th Streets. These improvements include the significant widening of the sidewalk along Monroe Street

(meeting DDOT standards) and the undergrounding of utilities along Monroe Street, which will allow for the installation of larger street trees and the removal of inactive utility poles on 9th Street. The Applicant noted that the anticipated cost of the undergrounding of the utilities will be approximately $1,000,000 (Ex. 3, 24);

- Uses of Special Value (*id*. § 305.5(q). Subtitle X §305.5(q) lists uses of special value to the neighborhood or the District of Columbia as a whole as public benefits and project amenities of a PUD. The Applicant created a public benefits package in consultation with ANC 5A04 Commissioner Ra Amin which included financial contributions to Greater Brookland Intergenerational Village (GBIV), Washington Area Bicyclist Association (WABA), Casey Trees, and Deaf-Reach, Inc. The public benefits package also included a financial contribution for a study to activate the land surrounding the Brooks Mansion (Ex. 3, 56); and
- Other Public Benefits Which Substantially Advance the Comprehensive Plan (*id.* § 305.5(r)). The proposed Project is consistent with many of the District's policy goals and objectives. The Zoning Regulations provide that elements of a project that advance the Comprehensive Plan and related policies are public benefits (Ex. 3).

39. Based on the extensive evidence provided in the record, the Commission agrees that the Project satisfies the PUD Evaluation standards.

The Project Has No Unacceptable Impacts on the Surrounding Area or on the Operation of District Services or Facilities

40. The Applicant prepared and submitted a Comprehensive Transportation Review ("CTR"). The CTR concluded that the Project will not have a detrimental impact on the surrounding transportation network assuming the proposed site design elements and Transportation Demand Management measures are implemented.

41. The CTR noted the following two conclusions regarding the vehicular access to the PUD project:

- The single point of vehicular access to the site via the expanded alley from Lawrence Street, N.E. is appropriate and is consistent with DDOT's Design and Engineering Manual (31.5.1) and the Comprehensive Plan Policy UD-2.1.6; providing curb cuts on 9th or 10th Street, N.E. would be inconsistent with those same policies; and
- The 20-foot-wide alley can accommodate the 23 total vehicular trips in the AM and PM peak hours with no adverse impacts on the alley usage by the six 10th Street, N.E. homeowners.

The CTR also noted the following positive design elements that minimize potential transportation impacts:

- Close proximity to transit, including the Brookland-CUA and Rhode Island Ave-Brentwood Metrorail stations and several Metrobus routes;
- Access to existing bicycle infrastructure, including protected bicycle lanes, the Metropolitan Branch Trail, and Capital Bikeshare stations, all within a 1/4-mile radius;
- An adequate parking ratio for projects of its size;

- A location within a well-connected pedestrian network;
- Secure long-term bicycle parking that meets the zoning requirements; and
- Short-term bicycle parking spaces along the perimeter of the site that meet zoning requirements.

(Ex. 55, 55A).

42. In addition, the CTR included a TDM, which included the following elements:
    - Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit or commercial lease and charge a minimum rate based on the average market rate within a quarter mile. Only hourly, daily, weekly or monthly rates will be charged. Free parking, validation, or discounted rates will not be offered for retail customers;
    - Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
    - The Transportation Coordinator will conduct an annual commuter survey of building employees and residents on-site, and report TDM activities and data collection efforts to goDCgo once per year;
    - The Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to 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;
    - The Transportation Coordinator will subscribe to goDCgo's residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
    - Provide residents and employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
    - Offer a SmarTrip card and one complimentary Capital Bikeshare coupon good for a free ride to every new resident within the first two years of occupancy or until the building achieves 90% residential occupancy, whichever occurs sooner;
    - Provide, at no charge to and use by any tenant of the building or employee thereof, 12 short- and 80 long-term bicycle parking spaces;
    - Long-term bicycle storage rooms will accommodate non-traditional sized bikes including cargo, tandem, and kids bikes, with a minimum five percent of spaces (minimum 2) being designed for longer cargo/tandem bikes (10'x3'), a minimum of 10% of spaces will be designed with electrical outlets for the charging of electric bikes and scooters. There will be no fee to the employees for the use of the bicycle storage room. There will be no fee to the residents for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle storage room;
    - Install a minimum of two electric vehicle (EV) charging stations;

- Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
- 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;
- Post all transportation and TDM commitments on building website, publicize availability, and allow the public to see what has been promised; and
- Residents of the Project will not be permitted to obtain a Residential Parking Permit.

(Ex. 55A).

43. The Applicant carefully studied the Project's potential impacts and provided evidence into the record and asserted that the Project has no unacceptable adverse impacts on the surrounding area or on the operation of District services or facilities that cannot be mitigated or that are not acceptable in light of the Public Benefits.
    - Zoning Impacts. The Project has no unacceptable Zoning impacts on the surrounding area and any impacts are instead either favorable, capable of being mitigated or acceptable given the quality of public benefits of the Project. The Applicant requests a Zoning Map Amendment for the Property to the MU-5B zone. This proposed zone is consistent with the Comprehensive Plan. The FLUM designates the Property for Mixed-Use: Medium Density Residential/Moderate Density Commercial. The Zoning Regulations (Subtitle G § 101.10) notes the following with regard to the MU-5 zones:
      101.10 The MU-5 zones are intended to:
      (a) Permit medium density, compact mixed-use development with an emphasis on residential use;
      (b) Provide facilities for shopping and business needs, housing and mixed-uses for large segments of the District of Columbia outside of the central core; and
      (c) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

      The proposed MU-5B zone is consistent with the Comprehensive Plan and the Zoning Regulations. Further, the proposed use is consistent with the uses otherwise allowed surrounding zones (Ex. 3);
    - Land Use Impacts. The Project has no unacceptable land use impacts on the surrounding area and any impacts are instead either favorable, capable of being mitigated or acceptable given the quality of public benefits of the Project. The Project is fully consistent with the goals and policies of the Comprehensive Plan. Specifically, the Project will create a transit-oriented development that prioritizes housing, including affordable housing, on the Property. The proposed uses, height, and density of development is entirely consistent with the Comprehensive Plan – including the

FLUM, GPM, Land Use Element, other city-wide elements, the Upper Northeast Area Element and the Brookland/CUA Metro Station Small Area Plan (Ex. 3);

- Housing Market Impacts. The Project's addition of new housing and affordable housing is a favorable impact. The Project creates new, high-quality, transit-accessible housing units on an underutilized parcel. The addition of new housing also has favorable impacts by adding residents to support the nearby commercial uses. The Project's inclusion of affordable units has favorable impacts because it helps address the District's ongoing affordable housing shortage in an inclusive, mixed-income community. The Project's addition of new housing units helps buffer increasing housing costs, insofar as increasing the supply of housing is widely understood to damper rent increases (Ex. 3);
- Construction-Period Impacts. During the construction period for the Project, impacts on the surrounding area are capable of being mitigated. Representatives of the Applicant, the 200 Footers, and the Brookland Neighborhood Civic Association held an in-person meeting on July 21, 2025, to discuss the proposed Construction Management Plan. An agreement was reached between the Applicant and the 200 Footers Group regarding the Construction Management Plan. The Applicant's final Construction Management Agreement, signed and approved by the Applicant and the 200 Footers Group was submitted into the record and its terms are included as Conditions of the approval of this Order (Ex. 3, 135);
- Economic Impacts. The Project likely has favorable economic impacts on the neighborhood and the District more generally. The Project will have a stabilizing and positive effect on the economy of Ward 5 and the District as a whole. The introduction of new residential uses contributes patrons for the existing retail uses along the existing retail corridors of 12th Street, N.E. and along the 700 and 800 blocks of Monroe Street, N.E. in the Monroe Street Market project. The Project will have positive tax revenue effects for the District, estimated to include increased real estate taxes of approximately $760,000 per year. To the extent there are any adverse effects from the Project, such effects are more than offset by the Project's Public Benefits (Ex. 3);
- Cultural and Public Safety Impacts. The Project has favorable impacts on the culture of the surrounding area and on public safety. The Project will replace an existing vacant lot with a building that will add many new residents who will contribute to the immediate neighborhood and the District in diverse and meaningful ways. The design of the Project adds street activity, promotes "eyes on the street", adds quality lighting, and makes other improvements all of which have positive effects on crime deterrence (Ex. 3);
- Environmental Impacts. The Project does not have any unacceptable impacts and in fact has favorable environmental impacts on the Property. The general environmental infrastructure systems around the Property have capacity for the Project. The Project will meet the Green Area Ratio and current stormwater management requirements, which currently does not occur on the Property. In addition, the Project will include solar power generation on the roof of the building using a ballasted photovoltaic and green roof system (Ex. 3, 24); and

- Facilities Impacts. The Project will not have an adverse impact on the facilities that it will rely on for service. The utility and infrastructure facilities the Project will rely on, including electricity, water, sewer, and natural gas, have the capacity for the Project's anticipated impact. The Project is also not expected to have an adverse impact on the schools in the area. Noyes Elementary School is the in-boundary elementary school and its in-boundary population is 64%. Brookland Middle School is the in-boundary middle school and its in-boundary population is 52%. Dunbar High School is the in-boundary high school and its in-boundary population is 39%. In addition to these neighborhood schools, the District also has a robust community of public charter schools and private schools that serve the neighborhood. given the unit mix at the Project, the population of school-age children are not expected to be significant enough to negatively impact the school populations. Additionally, the transportation facilities serving the Project will not be adversely impacted. The widening of the public alley in Square 3829 will improve the functioning of the alley system in the Square. Given its location across Monroe Street from the Brookland/CUA Metro Station, the Project is providing parking spaces at a ratio of 0.24 spaces for every residential unit (Ex. 3).

44. Based on the extensive evidence provided in the record, the Applicant asserted that the Project does not create any unacceptable impacts on the surrounding area.

The Project Is Not Inconsistent with the Comprehensive Plan ("10-A DCMR" or "CP" or "Comp Plan")

45. The Applicant provided a thorough evaluation of the Project's overall consistency with applicable objectives of the Comprehensive Plan and other adopted public policies or active programs related to the subject site (including the Brookland CUA/Metro Station Small Area Plan). In conducting its Comprehensive Plan evaluation, the Applicant considered the goals and policies of the Comprehensive Plan elements that are applicable to the proposal. In addition, the Applicant's evaluation includes a specific assessment of potential Comprehensive Plan inconsistencies. Overall, the Applicant finds the Application to be not inconsistent with the Comprehensive Plan when read as a whole through a racial equity lens. In particular, the Applicant finds that the proposed PUD will advance several policies within the Upper Northeast, Land Use, and Housing Elements related to the production of housing, including affordable housing, to achieve District housing goals, and the preservation of affordable housing in accordance with anti-displacement strategies. The Applicant has identified one Urban Design Element policy and one Brookland SAP recommendation with which the proposed PUD could be considered inconsistent. The Urban Design Element policy seeks to maintain established frontage lines of streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings (UD--4.2.3: Continuity and Consistency of Building Frontages). The Brookland SAP recommendation imposes a limitation on building height to 50 feet for buildings located to the east of the WMATA/CSX tracks. The potential inconsistency with UD-4.2.3 is outweighed by the Project's consistency with numerous other Upper Northeast, Land Use, and Housing Element policies. Regarding the Brookland SAP recommendation, this recommendation conflicts with the PUD Site's current FLUM designation and other Comprehensive Plan

policy guidance. Thus, based on Framework Element and Implementation Element guidance and the Commission's recent conclusion in Z.C. Case No. 22-36, this recommendation no longer supplements the Comprehensive Plan because it has been superseded by the D.C. Council's 2021 amendments to the FLUM and policies that are applicable to the PUD Site (Ex. 3H).

46. The Applicant's Comprehensive Plan Evaluation noted the following with regard to the Racial Equity Analysis:

Equity, and particularly racial equity, is a primary focus of the Comprehensive Plan, especially in the context of zoning where certain priorities stand out, including affordable housing, avoiding displacement of existing residents, and creating/increasing access to opportunity. The Framework Element states that equity is both an outcome and a process, and exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender (10-A DCMR § 213.6). The Comprehensive Plan emphasizes that considerations of equity, and particularly racial equity must be part of a District agency's evaluation and implementation of Comprehensive Plan policies and actions. To do this, the Implementation Element calls for agencies to prepare and implement tools that will assist in evaluating and implementing the Comprehensive Plan through a "racial equity lens." The Commission considers racial equity as an integral part of its analysis as to whether a proposed zoning action is "not inconsistent" with the Comprehensive Plan (10-A DCMR § 2501.8) (Ex. 3H).

The Applicant submitted a thorough Comprehensive Plan Racial Equity Analysis, which was guided by the Commission's Racial Equity Tool and was also informed by the D.C. Office of Planning's ("OP") Equity Crosswalk (effective August 21, 2021) (the "Equity Crosswalk"), which highlights Comprehensive Plan policies and actions that explicitly address racial equity. The planning guidance and data pertaining to the Upper Northeast ("UNE") Planning Area was also considered in the preparation of the Applicant's racial equity analysis (Ex. 3H).

The Applicant's analysis addressed all elements of the Commission's Racial Equity Tool, including identifying CP racial equity focused policies that would be advanced by the Project and detailing the Applicant's community outreach and engagement efforts regarding the Project, including meetings with ANC 5B, immediate neighbors, Brookland Neighborhood Civic Association, providing a guided walking tour of the Property and an email address/website to solicit and respond to Project specific questions (Ex. 3, 3H, 24).

The racial equity analysis also addressed the "outcome" of the Project when viewed through a lens of racial equity and concluded: the outcomes of the Project have the potential to positively impact racial equity by facilitating the Applicant's planned redevelopment of the Property which will bring new housing, both market rate and affordable, to a site that is currently vacant and underutilized, immediately adjacent to Metrorail, and within walking distance to schools, parks, recreation centers, and numerous neighborhood-serving amenities (Ex. 3H).

47. The Applicant's Comprehensive Plan Evaluation noted the following with regard to the Future Land Use Map:
The PUD site is located within an area that is designated for Mixed Use (Moderate Density Commercial/Medium Density Residential) development on the FLUM, which was adopted by the D.C. Council as part of the 2021 Comp Plan amendment cycle.[5] The site's FLUM designation is part of a larger area designated for Mixed Use development generally surrounding the Brookland/CUA Metrorail station that assigns varying densities and intensities that respond to the surrounding context. A "Mixed Use" designation is a specific FLUM land use category in and of itself and is not intended to be strictly interpreted according to the individual land use stripes / descriptions (commercial, residential, PDR, etc.) that make up a particular Mixed-Use area. The Mixed Use FLUM designation is assigned to areas where the mixing of two or more land uses is encouraged, but not mandatory, and is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are encouraged in the future (10-A DCMR § 227.22). The combination of uses and the general density and intensity of development in any given Mixed-Use area are informed by the stripe patterns on the FLUM. If the desired outcome is to emphasize one use over another, the FLUM may note the dominant use by assigning it a higher density (10-A DCMR § 227.21). The Area Elements and applicable small area plans, if any, may also provide detail on the mix of uses envisioned for an area. In this case, the Mixed-Use area within which the Property is located expresses a preference for residential use since the striping indicates medium-density for residential use and moderate-density for commercial use). As discussed below, applicable Comp Plan policy guidance also favors residential uses, as does the supplemental planning guidance in the Brookland SAP that remains applicable to the site (Ex. 3H).

The proposed PUD (including the related Zoning Map amendment to MU-5B) is not inconsistent with the FLUM, and in fact will resolve the inconsistency between the site's current low-density zoning and the site's current Mixed Use FLUM designation that was adopted by the Council in 2021. The proposed MU-5B zone and density of the Project are not inconsistent with the site's Mixed Use (Moderate Density Commercial / Medium Density Residential) designation. Unlike individual Commercial and Residential FLUM designations (example: a site located within an area that is solely designated for Moderate Density Commercial development), the Framework Element does not reference specific zones that are considered consistent with a given Mixed Use FLUM designation, nor does it provide guidance on typical [matter-of-right] densities for any Mixed Use area. Rather, the Framework Element states that "a variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. All zone districts formerly identified as commercial, SP, CR and Waterfront were renamed as MU zone districts in 2016 and are considered to be mixed use." Emphasis added (10-A DCMR

[5] Under the 2006 Comp Plan, the PUD Site's previous FLUM designation was a combination of Mixed Use (Moderate Density Commercial/Moderate Density Residential), Mixed-Use (Low Density Commercial/Low Density Residential), and Low Density Residential).

§ 227.23). In this case, the striping of the site's Mixed Use designation refers to the Moderate Density Commercial and Medium Density Residential FLUM categories. Along with the GPM and applicable Comp Plan policy guidance, the Applicant looked to the Framework Element descriptions for these two individual land use categories for guidance on the general use, density, and intensity of development that is contemplated for the PUD site (Ex. 3H).

The proposed MU-5B zone is the most appropriate zone to achieve the type of medium-density mixed use development that is contemplated under the current FLUM and applicable Comp Plan policy guidance. The Applicant submitted a comparison of permitted heights and densities for the above-mentioned zone districts that the Framework Element references as being consistent with the Moderate Density Commercial and Medium Density Residential land use categories. The Applicant opted to pursue the MU-5B zone given the site's Mixed Use FLUM designation and the MU-5B zone's expressed emphasis on residential use. While the site's FLUM designation could easily support the more intensive density permitted under the MU-7 zone, the Applicant believed the MU-5B zone is more appropriate when considered together with applicable Comp Plan policy guidance and the context surrounding the PUD site, particularly the lower-scale residential uses to the south and southeast of the site (Ex. 3H).

The proposed PUD's density and use are not inconsistent with the FLUM. As shown in the proposed plans, the Project will have a maximum density of approximately 4.2 FAR. Thus, the Project will remain within the matter-of-right density permitted in the MU-5B zone despite being a PUD. Notably, the Project will have a maximum height of 75 feet (not including penthouse), which is also within the matter-of-right height permitted in the MU-5B zone. With respect to use, though the Applicant is proposing a residential building, with live-work units and potentially retail uses, this does not create an inconsistency with the Mixed Use FLUM designation assigned to the PUD Site. As noted above the FLUM is not a zoning map and does not prescribe specific development standards for a specific property, including use. Specifically, the Framework Element states "[b]y definition, the [FLUM] is to be interpreted broadly and the land use categories identify desired objectives." Emphasis added (10-A DCMR § 228.1(a)). The Framework Element further states that "…the land-use category definitions describe the general character of development in each area." Emphasis added (10-A DCMR § 228.1(c)). Thus, the FLUM is intended to be read and applied broadly by area rather than on a property-by-property basis. In addition, the Framework Element is clear that mixed-use development is not required in a Mixed Use area, but rather that "the mixing of two or more land uses is especially encouraged." (Ex. 3H).

In this case, the proposed multi-family residential building, with live-work units and potentially retail uses, is within an area designated for Mixed Use development that generally surrounds the Brookland/CUA Metrorail station. Consistent with the FLUM, this Mixed Use area contains a wide variety of existing and planned uses, including multi-family residential; multi-family residential with ground floor retail and service; artist live-work units; single family detached homes; rowhomes, retail uses; government and transportation uses; and institutional uses. Currently, the majority of retail and other commercial uses are

concentrated on the west side of the Metrorail tracks, where the FLUM designation has a higher density commercial stripe and does not express a preference for residential or commercial use (i.e., they are both medium density). The proposed PUD will replace a vacant site next to Metrorail with a new multi-family residential building, with live-work units and potentially retail uses, that will strengthen the mix of uses with the larger Mixed Use area around the Metrorail, and be consistent with the preference for residential use expressed in the PUD Site's specific Mixed Use designation (Ex. 3H).

48. The Applicant's Comprehensive Plan Evaluation noted the following with regard to the Generalized Map:
The PUD Site is located within a Neighborhood Conservation Area ("NCA") on the GPM, which encompasses the large majority of the UNE Planning Area and covers areas of varying characteristics that include single-family and multi-family residential, to mixed-use, to industrial.

The GPM depicts "a generalized depiction of anticipated changes through the horizon year of the Comp Plan." As described in § 225.4 of the Framework Element, NCAs have little vacant or underutilized land and are generally residential in character. Land uses and community character in NCAs are anticipated to be maintained over the next 20 years, and changes that occur will typically be modest in scale and consist primarily of infill housing, public facilities, and institutional uses. While major changes in density over current conditions are not expected, some new development and reuse opportunities are anticipated, and can support conservation of neighborhood character guided by Comp Plan policies and the FLUM. The guiding philosophy in NCAs is to "conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist." Emphasis added (10-A DCMR 225.5). The Framework Element states that the "diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the [FLUM] and [Comp Plan] policies (Ex. 3H).

The proposed PUD is not inconsistent with the GPM as it is: (i) fully consistent with the uses and density contemplated by the FLUM, (ii) consistent with Comp Plan policy guidance related to increasing density, and particularly housing density, near Metrorail, and with policy guidance regarding compatibility with surrounding lower-scale residential areas, and (iii) is compatible with the diversity of land uses and building types found in the surrounding area. As the Framework Element states, the NCA designation is not intended to preclude development. Most importantly, the NCA designation is not intended to be interpreted the same way across the District, but rather is intended to maintain "the diversity of land uses and building types" of a particular area (Ex. 3H).

The PUD site is part of the node around the Metrorail station that is envisioned for medium-density, mixed-use development on the FLUM. The diversity of land uses and building

types in this node and the general area around the PUD site varies widely, and includes larger mixed-use and single-use buildings, single-family detached and attached residential uses with some scattered low-rise buildings; and transportation facilities such as the WMATA Brookland Metrorail station and bus facility. The proposed PUD is consistent with the range of building types and uses found in the surrounding area. Not only is the proposed PUD consistent with the building types and land uses in the surrounding area, but it is also fully consistent with the FLUM and Comp Plan policy guidance, and particularly policies supporting increasing residential density near Metrorail to help address citywide housing needs. Consistent with the guiding philosophy for NCAs, and as more thoroughly discussed in the Applicant's full evaluation of UNE and Urban Design Element policy guidance in Exhibit 3H, the design of the proposed PUD employs context-sensitive design strategies that increase housing near Metrorail while achieving neighborhood compatibility, and maintaining a residential character on the site that successfully transitions to lower-scale residential uses to the east and south (Ex. 3H).

49. The Applicant's Comprehensive Plan Evaluation noted the following with regard to the District Wide Elements of the Comprehensive Plan:

- Land Use Element – The proposed PUD is not inconsistent with the Land Use Element. The Project will advance and support the District's goal of maintaining a variety of neighborhoods in all parts of the District that foster an inclusive city by either providing or supporting several of the physical qualities that are essential to every inclusive neighborhood. These include, among others:
  - Providing convenient access to Metrorail, priority bus routes, and bike routes and Capital Bikeshare stations for those that do not own an automobile;
  - Providing convenient access to the neighborhood shops and amenities at the Monroe Street Market and along the 12th Street corridor that can meet day-to-day needs;
  - Providing approximately 233 units of new mixed-income rental housing with a range of unit types;
  - Employing proven context-sensitive design strategies that are responsive to and compatible with adjacent lower-scale residential uses and neighborhood character;
  - Making substantial improvements to surrounding public space that improve safety and character, and facilitate pedestrian access to public transit (LU-1.4.5, LU-2.1.1, LU-2.1.3).

    - The Project will add approximately 233 units of new rental housing in proximity to the Brookland/ CUA Metrorail station and near the Michigan Avenue corridor, which will ensure a variety of neighborhoods in every part of the District, accommodate population growth, and advance affordability, racial equity, and opportunity (LU-1.4.2, LU-1.4.6). Together with the very successful Monroe Street Market PUD and other planned and proposed

developments nearby,[6] the new housing provided by the Project will strengthen the Metrorail station as a neighborhood center and as an anchor for residential, economic and civic development within the Brookland neighborhood (LU-1.4.1). The new housing provided by the Project, and particularly the new affordable housing, will further advance the District's efforts to meet its housing goals for the UNE Planning Area, a designated high cost/opportunity area, and the District as a whole. In 2019, the District published its Housing Equity Report, which set specific housing goals for each Comp Plan Planning Area. For the UNE Planning Area, the overall housing production goal is 6,900 units, and the affordable housing goal is 1,350 units. To date, approximately 5,167 new housing units have been produced in the UNE Planning Area, of which approximately 887 units are new or newly covenanted affordable units. These represent approximately 75% and 66% of the overall and affordable housing goals set for the UNE Planning Area, respectively. Of the approximately 233 units within the Project, 15% (or approximately 33 units) will be devoted to households earning no more than 60% MFI. Based on these numbers, the Project will contribute approximately 3.2% and 2.4% toward the District's housing and affordable housing goals for the UNE Planning Area, respectively (LU-1.4.3, LU-1.4.4) (Ex. 3H); and

- In addition to increasing access to housing around the Brookland/CUA Metrorail station, the Project will have numerous other land use benefits. It will increase access to employment opportunities, neighborhood serving retail and other amenities, education and other institutional uses, and recreational uses, all of which are in proximity to the PUD Site and/or easily accessible via nearby transit. The Project's proximity to multiple modes of public transit and the site's walkability have caused the Applicant to minimize the amount of parking, which minimizes the need for building residents to use an automobile, reduces traffic impacts on surrounding uses, and has other environmental benefits (LU-1.4.2). In addition, as thoroughly discussed in the UNE Element evaluation below, the density, height, and architectural design of the Project have also been carefully considered by the Applicant in order to balance the need for increased housing with the equally important need to respect the character of the surrounding area. The proposed design is of high-quality and complements the character of the surrounding residential area through the effective use of contextual materials, bay projections, ground floor walk out units, and ground-level and upper-level setbacks that collectively work together to avoid creating sharp changes in the physical development pattern of the area (LU-1.4.1, LU-1.4.2, LU-1.4.6, LU-1.5.1). (Ex. 3H).

[6] The Commission has recently approved other rezonings and design review projects in the area. Including Zoning Map amendments to MU-2 for the property at 701 Michigan Avenue, NE (Z.C. Case No. 23-07) and at 700 Monroe Street, N.E. (Bennett Career Institute) (Z.C. Case No. 24-05), and a Voluntary Design Review project at the Brookland Shopping Center on 10th Street, N.E. (Z.C. Case No. 23-15) that contains approximately 337 new residential units and approximately 30,165 square feet of retail space.

- Transportation Element – The proposed PUD is not inconsistent with the policies of the Transportation Element. The Applicant is in the process of preparing a transportation statement in coordination with DDOT. Consistent with Comp Plan policy guidance, the CTR will evaluate the potential transportation impacts of the Project using multimodal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate potential impacts on the transportation network (T-1.1.2). The transportation statement will also include a Transportation Demand Management ("TDM") Plan that contains strategies to help minimize the number of vehicle trips generated by the Project (T-3.1.1), and a Loading Management Plan that will help ensure the Project's loading facilities operate in an efficient manner (Ex. 3H).
    - The Project will support transit-oriented development ("TOD") and equitable access to transit by replacing a vacant site across the street from the Brookland/CUA Metrorail station with approximately 233 units of new housing (including affordable housing for 60% MFI households). Consistent with the TOD focus of the Project, the Applicant is only providing 54 at-grade parking spaces off the public alley, which will also have access to EV charging stations (T-1.1.8, T-5.2.2). This amount of parking equates to a parking ratio of approximately 0.23 per dwelling unit, which is consistent with DDOT's preferred parking ratio for a project of this size and location relative to Metrorail. The Project's parking area will also provide EV charging equipment. The Project will also invest in pedestrian-oriented transportation improvements through reconstruction of the public streetscape that surrounds the PUD Site to DDOT standards (T-1.1.4). These upgrades will facilitate safe pedestrian circulation between the Project and surrounding neighborhood to the Metrorail, the Monroe Street Market development and 12th Street corridor, and nearby institutional campuses (T-2.4.1) (Ex. 3H);
- Housing Element – The proposed PUD is not inconsistent with the policies of the Housing Element. Through the PUD process, the Project will provide approximately 233 new housing units (market rate and affordable) which will help meet the needs of present and future residents at a location and density that are consistent with the GPM, FLUM, and numerous policies contained in the UNE, Land Use, Transportation, Housing, and Urban Design Elements (H-1.1.1, H-1.1.2, H-1.3.2). The PUD Site is currently vacant, and has been for approximately 11 years due to a lengthy appeal of the previously approved PUD, a prolonged Comp Plan amendment process, and significant economic challenges caused by the COVID pandemic that continue to burden real estate markets. The Applicant will eliminate the PUD site's current severe underutilization and unsightly appearance with a new multi-family building that will activate the site with new higher-density housing that is immediately adjacent to the Brookland / CUA Metrorail site, including setting aside 15% of the Project to housing for low-income households earning no more than 60% MFI (H-1.1.3, H-1.2.1, H-1.2.2, H-1.2.7, H-1.2.9). Through the increased residential density that is possible by the Council's approval of the 2021 Comp Plan / FLUM amendments, the Project will bring a substantial amount of mixed-income housing (including dedicated affordable housing

for the life of the Project) to the UNE Planning Area, which is a recognized high-cost area (H-1.1.8, H-1.2.11, 1.3.1, H-2.1.6). The Project will also provide family-sized housing (i.e., approximately 12 three-bedroom units) on a site that is proximate to transit, schools, public facilities, recreation, and neighborhood-serving amenities (H-1.1.9) (Ex. 3H).

- Environmental Protection Element - The proposed PUD is not inconsistent with the policies of the Environmental Protection Element. The vacant PUD Site is partially impervious and contains no sustainable stormwater management. This condition will be replaced with a sustainably designed Project that will be designed to achieve LEED Gold certification and will include solar power generation on the roof of the building. In addition to the environmental benefits from being a transit-oriented development, the Project will also employ several sustainable strategies that will help reduce urban heat island effect, tree canopy retention, sustainable landscaping, and energy efficiency. These include, but are not limited to, a significant amount of green roof; bioretention; street trees that meet or exceed DDOT tree box standards; stormwater management that meets or exceeds DOEE standards; and efficient heating, cooling, and plumbing systems (E-1.1.2, E-2.1.2, E-2.1.3, E-3.2.7, E-4.1.2, E-4.1.3). The Project will help mitigate elevated ambient heat temperatures and reduce untreated storm water runoff through the use of vegetated roofs and on-site storm water retention or pre-discharge treatment (E-4.4.1). Additionally, the Project is providing a parking ratio that is consistent with DDOT's preferred parking ratio for a multi-family building near Metrorail which will help improve the District air quality by promoting walkability and use of transit. The Project will also promote the use of electric vehicles by providing EV charging capacity within the Project's parking area (E-5.1.9) (Ex. 3H);
- Urban Design Element – The Project will strengthen the visual qualities of the Brookland neighborhood by replacing a vacant, underutilized site that is in proximity to the Brookland/CUA Metrorail station and proximate to the Monroe Street Market development with an appropriately scaled residential building that balances the District's need for more housing, particularly near Metrorail, with the need for compatibility with the surrounding context (UD-2.2.1). The PUD Site is located at a transition point between the Metrorail station and larger-scale residential, commercial, institutional, and mixed-use development to the north and west (including the Monroe Street Market development), and lower-scale single family homes to the south and east. The proposed PUD design has been informed by these differing scales and development types. Given its proximity to Metrorail, the Michigan Avenue corridor, and the Monroe Street Market development, the Project entails a mid-rise multi-family building that is consistent with the FLUM and takes advantage of proximity to transit. Consistent with policy guidance promoting a variety of housing types in each neighborhood, the proposed multi-family rental housing will increase housing choices in an area that has a relatively higher percentage of owner-occupied single-family dwellings (Ex. 3H).
  - The proposed PUD will strengthen the visual and architectural qualities of the neighborhood through a multi-family building that utilizes effective design

strategies such as setbacks and massing reductions, and high-quality context-sensitive materials that relate to surrounding buildings. The proposed PUD will not compromise the architectural variety or design integrity of the surrounding Brookland neighborhood. As described in the Brookland SAP, the area surrounding the PUD Site does not necessarily possess a strong architectural character that consistently exhibits a particular architectural style. Rather, the architectural style of the Brookland neighborhood has substantial variation due to construction historically taking place as individual construction projects rather than tract development. Notwithstanding, the massing, articulation, and materials of the Project are informed by the scale and aesthetic of the surrounding context without mimicking the existing architecture (UD-2.2.2) (Ex. 3H);

- The new multi-family building has been designed with ground- and upper-level setbacks, large courtyards, and façade articulation that helps the proposed building establish compatibility with adjacent lower-scale residential uses. In response to the context around the PUD Site, the Project incorporates multiple massing reduction strategies around the perimeter of the building that are specifically encouraged in the Comp Plan (including massing step downs, massing setbacks, ground level setbacks, varied roof heights and facade widths, and bay projections), which together successfully avoid overpowering contrasts in height and scale with surrounding buildings (UD-2.2.4, UD-2.2.5, UD-4.2.1, UD-4.2.4) (*See* Figures 9.16 and 9.17 of the Urban Design Element). Notably, the context to the north and west of the site is primarily characterized by the large open space set back of the historic Brooks Mansion, the Brookland/CUA Metrorail station and bus facility, and the mixed-use Monroe Street Market development to the west of the tracks (Ex. 3H);
- As discussed in detail in the UNE Planning Area Element section below, the proposed building is set back approximately nine feet (13 feet at the ground level) from the property line along Monroe Street to reduce the scale of the building and accommodate pedestrian traffic The Project also includes ground floor walkout units along the Monroe Street frontage, as well as the main lobby entrance and upper-level balconies to increase safety and activation (UD-3.2.1, UD-3.2.5, UD-4.2.6). Along 9th Street, which contains rowhomes (some of which are devoted to commercial uses) and a four-story office building, the Project contains two large open courts above the ground floor that break the building's massing down into three distinct volumes. The primary façade of the building is also set back approximately 13 feet from the property line with the exception of projections above the ground level that provide further massing reduction. The courtyards contain resident amenities that will activate the 9th Street frontage, as will the regular pattern of ground level windows and upper-level balconies (Ex. 3H);
- The Project effectively utilizes a combination of setbacks, bay projections, balconies, and material variations to avoid overwhelming adjacent and nearby lower-scale rowhomes and detached residential uses. Specifically, along 10th and Lawrence Streets, which contain a small number of rowhomes immediately south of the building, the Project utilizes full-building and upper-level setbacks to

successfully transition to the lower-scale residential uses. Specifically, the building is setback from the property line shared with the closest rowhome by approximately 15 feet. The building is also set back 15 feet along the 10-foot public alley that separates the PUD site from the rear lot lines of the rowhomes. Along Lawrence Street, the primary façade has been set back approximately five feet and is only punctuated by four-story bay projections that reduce the scale of the building and create verticality that together establish a clear residential character. Finally, given the need for special consideration for the scale of adjacent residential uses, the top (6th) floor has been further set back approximately five to seven feet along the 10th Street, Lawrence Street, and public alley frontages, which will also be clad in a differing material color to allow them to further recess (Ex. 3H); and

- In addition to the building itself, the Project will also dramatically improve the aesthetic quality and safety of the streetscape surrounding the PUD Site. In designing the Project and surrounding streetscapes, the Applicant has taken into consideration the character of the surrounding neighborhood and function of adjacent streets. For example, the proposed streetscape along Monroe Street provides for a widened sidewalk condition to improve pedestrian circulation between the Brookland neighborhood, Metrorail, and the mixed-use Monroe Street Market development. All streetscapes will be reconstructed to DDOT standards, including tree boxes and street trees that meet or exceed applicable standards (UD-2.1.2). Additionally, all vehicular and truck access to the Project will be from the existing public alley on Lawrence Street, thus minimizing curb cuts and maximizing pedestrian safety around the site (UD-2.1.6) (Ex. 3H).

50. The Applicant's Comprehensive Plan Evaluation noted the following with regard to the Upper Northeast Area Element:

- The PUD is not inconsistent with the policies of the Upper Northeast ("UNE") Area Element. Overall, the proposed PUD will facilitate new, higher-density residential development on a vacant / underutilized site in proximity to the Brookland/CUA Metrorail station that will contribute to UNE's and the District's need for new housing, including affordable housing, and will enhance the character of the surrounding area. The Project will help meet the needs of a diverse community by locating new residential density for renters in proximity to Metrorail. Specifically, the Project will provide approximately 233 new rental units, of which 15% will be set aside for low-income households earning no more than 60% MFI for the life of the project (UNE 1.1.2). Additionally, approximately 5% of the new units will be three-bedroom units. According to racial equity data published to the D.C. Office of Planning Demographic Data Hub, housing tenure in the UNE Planning Area is approximately 45% owner-occupied and approximately 55% renter-occupied, which is on par with the District overall. Approximately 40.9% of UNE Planning Area households are housing cost burdened (spending more than 30% of pre-tax income on housing). As such, the additional affordable rental housing provided by the Project will help relieve housing cost pressures on UNE and District residents. Further, the substantial number of three-

bedroom units will help satisfy existing demand for larger, family-sized units in the area (Ex. 3H);

- The Project adheres to UNE and other Comp Plan policy guidance on neighborhood conservation and compatibility (UNE-1.1.1, UNE-1.1.2, UNE-1.1.3). The proposed design is responsive to the visual and spatial qualities of the surrounding context, which varies around all four sides of the PUD site, and to the lower-scale rowhomes immediately adjacent to the PUD site along 10th Street. The proposed design, which as discussed above is fully consistent with the FLUM, employs various design strategies such as ground-level and upper-level setbacks, projections, courtyards, façade articulation, and a context-sensitive material palette that work together to achieve a successful degree of compatibility with the surrounding context and the adjacent rowhomes (UNE-2.6.1) (Ex. 3H);
- Along Monroe Street, the context of the PUD site is primarily characterized by the large open space set back of the historic Brooks Mansion, the Brookland/CUA Metrorail station and bus facility, and the mixed-use Monroe Street Market development to the west of the tracks. In response to this context, the proposed building provides substantial ground level and upper-level setbacks along Monroe Street to reduce the scale of the building and accommodate pedestrian traffic, while strengthening the streetwall along Monroe Street, a gateway into the Brookland neighborhood. The Project also includes ground floor walkout units along the north side to increase safety and activation along Monroe Street. Along 9th Street, which contains rowhomes (some of which are devoted to commercial uses) and a 4-story office building along the west, the Project contains two large open courts above the ground floor that reduce the building's massing, and the primary façade of the building is set back approximately 13 feet from the property line with the exception of projections above the ground level that provide further scale reduction (Ex. 3H); and
- On 10th Street, which contains six rowhomes immediately south of the PUD site, and a public charter school on the east side of the street, the entire building is setback approximately 15 feet from the property line that is shared with the closest rowhome to the south, as well as from the public alley that separates the PUD site from the rear lot lines of the rowhomes. Additionally, the top floor of the building is set back approximately seven feet along the east and south facing facades closest to the adjacent rowhomes. Finally, along Lawrence Street (with the top floor set back approximately 11'-6"), the primary façade of the building is set back approximately five feet from the property line, which is only punctuated by four-story bay projections that reduce the building's scale and establish a clear residential expression that relates to nearby rowhomes. The Applicant notes that the proposed relationship between the proposed Project and the adjacent rowhomes along 10th Street is similar to the relationship found at the Monroe Street Market PUD (Z.C. Case No. 08-24) located on the west side of the Metrorail tracks, where the Block E multi-story residential apartment building is immediately adjacent to lower-scale single family homes (Ex. 3H).

51. The Applicant's Comprehensive Plan Evaluation noted the following with regard to the Brookland/CUA Metro Station Small Area Plan:

- The Applicant noted that "Small Area Plans supplement the Comp Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors." (10-A DCMR § 104.8). The Framework Element and Implementation Element provide further guidance on the relationship between the Comp Plan and a Small Area Plan. Notably, both elements state that "[u]nless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a [Comp Plan] amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the [Comp Plan]." Emphasis added (10-A DCMR § 224.5). The PUD Site is located within the boundaries of the Brookland SAP, which was approved by the D.C. Council in March 2009.[7] The stated purpose of the Brookland SAP is to "guide future development in a manner that respects the low density scale of the nearby residential area, mitigates parking and traffic impacts, and improves connections to nearby institutions and shopping areas." (Ex. 3H);
- To accomplish its stated purpose, the Brookland SAP contains a series of guiding principles that are designed with the neighborhood and surrounding area in mind. The guiding principles are statements about particular issues which guided the development of the Brookland SAP, and are grouped under the following headings:
  - Land Use and Neighborhood Character
  - Economic Development and Neighborhood Amenities
  - Transportation, Walkability and Connectivity, and
  - Open Space and Environment
    - The proposed PUD is consistent with the intent of the Brookland SAP guiding principles, as follows:
- Land Use and Neighborhood Character - The Land Use and Neighborhood Character guiding principle addresses the types of land uses envisioned for the underutilized properties within the Brookland SAP area, and important elements of neighborhood character. Elements of this particular guiding principle that are applicable to the proposed PUD include: protecting existing neighborhood character, creating an active pedestrian neighborhood with mixed-use development and a variety of housing types for all income levels, and promoting quality in design of buildings and public spaces. The proposed PUD is consistent with the intent of this guiding principle. As detailed above, the Project has been designed in a manner that effectively balances policy guidance on increasing housing density around Metrorail to address citywide hosing goals and protecting neighborhood character. The Project will provide approximately 233 new rental housing units (including affordable housing), and has been designed with numerous setbacks, projections, façade articulations, and material differentiation to complement the surrounding neighborhood character and be sensitive to adjacent lower-scale residential uses (Ex. 3H);

[7] P.R. 18-0046 (Brookland/CUA Metro Station Small Area Plan Approval Resolution of 2009)

- Economic Development and Neighborhood Amenities – The Economic Development and Neighborhood Amenities guiding principle addresses the types of economic development desired for underutilized parcels, and the community amenities that should accompany development. In alignment with the intent of this guiding principle, the proposed PUD supports the 12th Street commercial corridor by adding new housing, and thus new residents, that can support existing businesses along the 12th Street corridor. The Project will also enhance the safety and aesthetic quality of the public realm by reconstructing the streetscape surrounding the entire PUD site, including widening the sidewalk along Monroe Street which can improve pedestrian connectivity between the Brookland neighborhood and the Metrorail and amenities at the Monroe Street Market development (Ex. 3H);
- Transportation, Walkability and Connectivity – The Transportation, Walkability and Connectivity guiding principle addresses community ideas for vehicular and pedestrian circulation and connectivity throughout the area. Consistent with this guiding principle, the Project will improve east-west connectivity across the neighborhood generally by improving the quality of the public realm around the Project, and specifically by setting the building back along Monroe Street to provide increased space for pedestrian circulation (Ex. 3H); and
- Open Space and Environment – The Open Space and Environment guiding principle focuses on open and green areas, the public realm, and environmental considerations. The proposed PUD is consistent with the intent of this guiding principle through its overall sustainability and improvements to the public realm. As noted, the Project includes reconstruction of surrounding public space to DDOT standards, including street trees and regulation-sized tree boxes. The Project also employs sustainable building and site design strategies, such as solar power generation on the roof of the building, green roofs and bioretention, and is designed to achieve LEED-Gold certification (Ex. 3H).
    - The Brookland SAP sets forth a series of general urban design concepts and specific sub-area recommendations. Overall, the Project is consistent with those concepts and sub-area recommendations that do not conflict with the current 2021 Comp Plan. Consistent with the Brookland SAP's land use, neighborhood character, and economic development concepts, the Project will:
        - Support mixed-use, transit-oriented infill development near Metrorail and along Monroe Street;
        - Provide residential uses south of the Metrorail;
        - Strengthen Monroe Street as a primary east-west connector and gateway into the Brookland neighborhood;
        - Improve pedestrian circulation;
        - Support area businesses; and
        - Use green building techniques and site design.
    - The PUD site is located within the Brookland SAP Monroe Street Sub-Area (the "Sub-Area"), which envisions Monroe Street as a revitalized, street-lined urban street, connecting Brookland from west to east with retail, residential and cultural

and arts uses. To achieve this vision, the Brookland SAP provides several specific recommendations on height and density of development, reestablishment and realignment of streets, provision of parking, and retail, open spaces, and civic uses. The proposed PUD is consistent with the Sub-Area recommendations that are applicable to the Project, and which do not conflict with the current 2021 Comp Plan (Ex. 3H); and

- The following is an evaluation of the Project's consistency with the Sub-Area recommendations that apply to the PUD site:
  - *Provide adequate parking but at low transit-oriented development parking ratios* - Consistent with the TOD focus of the Project, the Applicant is only providing 54 at-grade parking spaces off the public alley. This amount of parking equates to a parking ratio of approximately 0.23 per dwelling unit, which is consistent with the preferred parking ratio established in DDOT's CTR guidelines for a residential project of this size and location relative to Metrorail;
  - *Allow infill and redevelopment along Monroe Street east of the WMATA/CSX tracks* -The Project will redevelop the PUD site along Monroe Street;
  - *Development along Monroe Street east of the WMATA/CSX tracks may be allowed up [to] a maximum of 50 feet through a Planned Unit Development, a discretionary review by the District's Zoning Commission* - The Project is not consistent with this recommendation. However, this recommendation conflicts with the current 2021 Comp Plan, and specifically the PUD site's FLUM designation of Mixed Use (Moderate Density Commercial/Medium Density Residential). Thus, as set forth in the Framework and Implementation Elements, because this recommendation conflicts with the Comp Plan, as adopted by the D.C. Council in 2021, it no longer supplements the Comp Plan. Additionally, any inconsistency between the Project and this specific recommendation is outweighed by changes that have been made to the Comp Plan since the Brookland SAP was approved in 2009;
  - *Buildings in the subarea should step back in height at a ratio of one half (1/2) to one (1) above 50 feet* - As shown in the proposed plans, not only is the proposed building setback for its full height along Monroe Street, but it also adheres to this recommendation to step back at a ½ to 1 ratio above 50 feet (Ex. 3H).

52. The Applicant's Comprehensive Plan Evaluation noted the following with regard to potential inconsistencies with the Comprehensive Plan:

The potential inconsistencies present in the proposed PUD relate to an Urban Design Element policy that pertains to the design of building facades relative to established street walls / façade lines. In addition, the Project is technically inconsistent with the Brookland SAP recommendation for the Monroe Street Sub-Area that limits buildings east of the WMATA/CSX tracks to 50 feet. However, this recommendation conflicts with and is outweighed by the current 2021 Comprehensive Plan. Overall, upon evaluation of the potential inconsistencies of the Project with Comprehensive Plan policy guidance and the recommendations of the Brookland SAP, the Applicant believes that the two identified

potential inconsistencies are far outweighed by the Project's consistency with the FLUM and several competing Comp Plan policies contained within UNE. Land Use, and Housing Elements (Ex. 3H).

Inconsistency with UD-4.2.3: Continuity and Consistency of Building Frontages

The specific policy with which the proposed PUD is inconsistent is UD-4.2.3: Continuity and Consistency of Building Frontages, which states:

> *"Maintain the established frontage lines of streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid placing new construction that extends beyond the existing facade line unless it significantly benefits the public life of the street. Where existing facades are characterized by an established pattern of windows and doors or other elements, new construction should complement the established rhythm."*

The intent of this Urban Design policy is to maintain well-established streetwalls and façade frontage lines where they exist. Notably, the policy specifically focuses on aligning the front walls of new construction with the prevailing facades of adjacent buildings. The Applicant notes that the frontage lines around all four sides of the Project are not very well defined, in part due to the varying building types and uses that exist around the PUD site. The front of the Project is along Monroe Street, which occupies the full length of the block. As previously stated, the Project is setback from the property line along Monroe Street 13 feet at the ground level and approximately nine feet on the upper levels. When compared to existing buildings on the adjacent blocks to the east and west, the Project's Monroe Street facade generally aligns with these buildings. Along Lawrence and 9th Streets, the existing frontage lines are either varied or poorly defined. However, generally, buildings along the opposite side of 9th Street are set back from the property line in a manner that is similar to the Project, and the Project generally aligns with the school and office buildings along Lawrence Street to the east and west, respectively (Ex. 3H).

To the extent it can be said that the Project is inconsistent with this particular policy, the inconsistency is likely to occur along 10th Street where the proposed building façade extends beyond the existing row dwellings to the immediate south, and to a lesser extent along Lawrence Street. This inconsistency results from the full-building and upper-level setbacks provided on all sides of the building in response to the general surrounding context. Given the location of the adjacent rowhouses to the south of the Project, the result of this inconsistency is primarily on north-south views along the block. The Applicant believes that the extent of this inconsistency is relatively minor, and the potential impact of the inconsistency on the adjacent rowhomes is minimized through the design of the Project (setback along the common lot line, upper-level setbacks, high-quality materials, and material differentiation). In addition, the Applicant believes any potential inconsistency with this particular urban design policy is outweighed by the Project's advancement of other Comp Plan policies and considerations that relate to increasing residential density near Metrorail and the production of a variety of housing types in high-cost areas (UNE-1.1.3, UNE-2.6.1, LU-1.4.1, LU-1.4.2, H-1.1.3, H-1.1.8) (Ex. 3H).

Inconsistency with Brookland SAP Sub-Area Recommendation Regarding Building Height

The Project is not consistent with the Brookland SAP recommendation that limits building heights east of the WMATA/CSX tracks within the Monroe Street Sub-Area to 50 feet. However, as discussed below, and based on guidance provided in the Framework and Implementation Element, since this recommendation conflicts with the current 2021 Comp Plan, and specifically the PUD site's FLUM designation of Mixed Use (Moderate Density Commercial/Medium Density Residential), it no longer is considered supplemental guidance to the Comp Plan.

The Brookland SAP grew out of the 2006 Comp Plan. In fact, the preparation of the Brookland SAP was specifically discussed in the UNE Element of the 2006 Comp Plan, stating "[t]he Office of Planning is scheduled to conduct a comprehensive study of the area surrounding the Metro station during 2006 and 2007, …the goal of the study is to guide future development in the station vicinity in a manner that respects the low density scale of the nearby residential area (particularly the area along 10th Street, N.E. and east of the 10th Street, N.E.), mitigates parking and traffic impacts, and improves connections to nearby institutions and shopping areas."[8] Additionally, the 2006 Comp Plan UNE Element and Implementation Element contained a specific action to prepare a small area plan for the Brookland Metro station area.[9] The recommendations of the Brookland SAP were incorporated into the Comp Plan during the D.C. Council's 2010 Comp Plan amendment cycle. Since approval of the Brookland SAP and its incorporation into the Comp Plan in 2006, the Comp Plan has been amended. Specifically, in 2021, the D.C. Council adopted amendments to the Comp Plan, including amendments to the PUD Site's FLUM designation to support medium-density mixed use development, and policy changes to support mixed-use development on vacant and underused property in the vicinity of the Metrorail station. These amendments are critical to addressing this apparent inconsistency (Ex. 3H).

The Framework Element states, "unless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the Comprehensive Plan." (*See* 10-A DCMR § 224.5). Additional language from the Implementation Element states that "a Small Area Plan provides supplemental guidance to the Comprehensive Plan, unless incorporated into the Comprehensive Plan by a D.C. Council act." (*See* 10-A DCMR § 2503.1). This guidance is important in the context of the Brookland SAP and the Project, where the Brookland SAP recommendation to limit building height to 50 feet conflicts with the PUD Site's current FLUM designation of Mixed Use (Moderate Density Commercial/Medium Density Residential) (Ex. 3H).

[8] 2006 Comp Plan, UNE Element, Section 2.6
[9] 2006 Comp Plan, UNE Element, UNE-2.6.A (Brookland Metro Small Area Plan)

Specifically, prior to the 2021 Comp Plan amendments, the PUD Site's FLUM designation supported moderate density mixed-use and low-density residential development. Under the previous guidance provided in the Framework Element, the moderate-density mixed use portion of this designation generally did not exceed five stories (2006 Comp Plan, § 225.9). However, the zones that are referenced in the individual moderate density commercial and medium density residential components of the PUD Site's FLUM designation (i.e., RA-3, MU-5 and MU-7) all permit matter-of-right building heights that far exceed 50 feet. Thus, limiting development on the PUD Site to 50 feet based upon the Brookland SAP recommendation would prevent the Applicant's ability to implement the D.C. Council's amendment to the site's FLUM designation, as well as other policy amendments that promote increased residential density and redevelopment of underutilized sites in proximity to Metrorail to meet citywide housing goals. As such, based upon guidance in the Framework and Implementation Elements, because the Brookland SAP's recommended 50-foot building height conflicts with the density and height supported by the current FLUM, the Applicant believes this particular Brookland SAP recommendation has been superseded and need not be considered supplemental guidance, and that the apparent inconsistency is outweighed by newer guidance provided in the current Comp Plan. The Applicant notes that the circumstances and outcome of its evaluation of this inconsistency is nearly identical to the Commission's recent evaluation of a similar inconsistency for a PUD at the Takoma Metrorail station. In that case, the Commission concluded the following:

> *"…the Commission believes that this guidance has been superseded by changes to the Comprehensive Plan in the 20+ years since the Takoma SAP was adopted, and that this newer guidance outweighs the inconsistency…The Framework Element states, "unless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the Comprehensive Plan." (See 10A DCMR § 224.5). Additional language from the Implementation Element states that "a Small Area Plan provides supplemental guidance to the Comprehensive Plan, unless incorporated into the Comprehensive Plan by a D.C. Council act." (See 10A DCMR § 2503.1). The Commission concludes that this guidance is important in the context of the Takoma SAP and the Project, where Takoma SAP recommendations to moderate development on the PUD Site conflict with the Site's current FLUM designation and recommendations to increase density around Metrorail stations to accommodate the critical, high priority need for new housing in the District. The Commission believes that the additional density called for in the FLUM, and other more recently adopted policies supersede the guidance of the Takoma SAP that call for lower intensity development of the Site."* (Z.C. Order No. 22-36, Conclusion of Law 16.b.4) (Ex. 3H).

53. Based on the evidence provided in the record and discussed above, the Applicant asserted that the Project is not inconsistent with the Comprehensive Plan or other adopted and applicable public policies.

III. RESPONSES TO THE APPLICANT'S FILINGS

OP Reports

54. The OP Setdown Report, dated February 3, 2025, recommended that the Application be setdown for a public hearing and concluded that the Project would not be inconsistent with the maps and policies of the Comprehensive Plan, including when viewed through a racial equity lens. The OP Setdown Report provided the following analysis (Ex.19):
    - Project Description – The project would provide an enhanced public realm, with the building setback from the property line on Monroe and 9th Streets to allow for more pedestrian space. Upper floors on those facades would also be set back. On 10th and Lawrence Streets the building would be sculpted with various bays and step backs, with the goal of relating to adjacent properties. The top floor along 10th Street would be set back on both its east and south sides, and the entire 10th Street wing would be setback 15 feet from the adjacent rowhouse property line. Similarly, the alley façade would be composed of bays that breakdown the building mass. The project would have no curb cuts on any street, and all vehicular and loading access would be from the existing public alley off Lawrence Street. The applicant would widen the 10 foot alley to 20 feet through the dedication of a public use easement on their property;
        - The primary façade material facing the surrounding streets, as well as the south façade facing the adjacent rowhouses, would be brick. The brick color would vary to differentiate various building bays, banding, or inset façade panels, or to separate the building base from upper stories. Portions of the façade facing the alley or courtyards, or on the top story, would be clad in neutral-toned cementitious panel. OP supports the material selection and finds that brick is appropriate, given the predominance in nearby historic buildings such as the adjacent rowhouses and the Luke C. Moore high school immediately to the east, as well as in significant new construction such as Monroe Street Market to the west across the railroad tracks (Ex. 19).
    - Comprehensive Plan – FLUM - The OP Setdown Report concluded that the proposed PUD-related map amendment to MU-5B and the associated project with an FAR of 4.2 would not be inconsistent with the mixed-use Medium Density Residential and Moderate Density Commercial Future Land Use Map designations for the site (Ex. 19);
    - Comprehensive Plan – GPM – The OP Setdown report noted that the site is located within a Neighborhood Conservation Area. The Comprehensive Plan states that the Neighborhood Conservation Areas are generally residential in character, and where infill development occurs, it should "consist primarily of infill housing, public facilities, and institutional uses" (Comprehensive Plan, §225.4). It goes on to say that major changes in density are not expected, but that infill development on vacant or underutilized properties is anticipated, "particularly to address city-wide housing

needs" (§ 225.4 and 225.5). It also states that "new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies (§ 225.5). The proposed medium density infill development, which utilizes a vacant site in close proximity to metro, would not be inconsistent with the GPM (Ex. 19);

- Comprehensive Plan – Land Use Element – The OP Setdown Report identified nine policies of the Land Use Element (Policies LU-1.4.1, 1.4.2, 1.4.3, 1.4.4, 1.4.5, 1.4.6, 1.5.1, 2.1.1, and 2.2.4) that are furthered by the Project. OP stated that the existing property is currently vacant. Redevelopment would further policies calling for the provision of additional opportunities for housing, especially housing in close proximity to metro. The project would also further policies call for neighborhood revitalization and beautification (Ex. 19);
- Comprehensive Plan – Transportation Element – The OP Setdown Report identified five policies of the Transportation Element (Policies T-1.1.4, 1.1.8, 1.2.3, 2.4.1, and 5.2.2) that are furthered by the Project. OP stated that the Project would further several policies from the Transportation Element, including those supporting transit-oriented development and improvements to pedestrian infrastructure. The Project would also meet transportation goals of providing only the necessary amount of vehicular parking, with a ratio of approximately 0.23 spaces per unit (Ex. 19);
- Comprehensive Plan – Housing Element – The OP Setdown Report identified ten policies of the Housing Element (Policies H-1.1.1, 1.1.2, 1.1.3, 1.1.8, 1.1.9, 1.2.1, 1.2.2, 1.2.7, 1.2.11, and 1.3.1) that are furthered by the Project. OP stated that housing at this location, on a currently vacant site, would not result in the displacement of existing residents. The Project would provide a substantial number of market rate and affordable units, providing additional housing opportunities and options for the neighborhood and for residents of the rest of DC; this can help to ease upward pressure on housing prices in the neighborhood. The Project would also provide housing of varied size for different household sizes (Ex. 19);
- Comprehensive Plan – Environmental Protection Element – The OP Setdown Report identified four policies of the Environmental Protection Element (Policies E-1.1.2, 2.1.3, 4.1.2, and 5.1.9) that are furthered by the Project. OP stated that the Project would further policies of the Environmental Protection Element that encourage the use of green roofs and seek to reduce the urban heat island. The Project may further policies related to sustainable energy production, but the application materials are unclear in that regard. In discussions with the Applicant, they stated that their intention is to have solar panels on the roof (Ex. 19);
- Comprehensive Plan – Urban Design Element – The OP Setdown Report identified nine policies of the Urban Design Element (Policies UD-2.1.2, 2.1.6, 2.2.1, 2.2.4, 2.2.5, 3.2.1, 3.2.5, 4.2.4, and 4.2.6) that are furthered by the Project. OP stated that the Project will further policies of the Urban Design Element by improving the streetscape and overall appearance of the site. The Project would also further Urban Design policies focused on creating a more inviting and active pedestrian realm, minimizing curb cuts

and creating safe streets. The design of the building itself would also be consistent with polices that promote active and engaging building façades (Ex. 19);

- Comprehensive Plan – Upper Northeast Area Element – The OP Setdown Report identified four policies of the Upper Northeast Area Element (Policies UNE-1.1.1, 1.1.2, 1.1.3, and 2.6.1) that are furthered by the Project. OP stated that the Project would help further the policies of Upper Northeast Area Element that call for compatible infill development on vacant sites, especially near metro (Ex. 19);
- Comprehensive Plan – Racial Equity – The OP Setdown Report concluded that the Project would further Comprehensive Plan racial equity goals primarily through the provision of additional market rate and affordable housing in the neighborhood for lower and middle income residents; improved streetscape and pedestrian realm around the Property; and housing in a location with easy access to transit, which can help provide access to education, retail, and recreation opportunities, as well as employment opportunities for populations of any skill or educational level. OP noted that the Project would not result in any direct displacement as the site is currently vacant with no residential or commercial uses. OP provided disaggregated race and ethnicity data for the Upper Northeast Planning Area, in which the Property is locating, noting the following trends (Ex. 19):
    - Population: The Upper Northeast ("UNE") planning area has a majority minority population with 63% of its residents being Black and 11% of its residents being Hispanic in the 2018 to 2022 period. Though in the majority, the Black population decreased from 71.4% of the population to 63% from 2012 to 2022, which is reflective of the District-wide trend during this period. The White population in the planning area increased from 18.4% to 21.8%;
    - Median Income: The UNE planning area has a significantly lower median income than the District as a whole, as evidenced by data from both the 2012-2016 and 2018-2022 survey periods. The planning area median income, however, tracked with the citywide trend and increased significantly over the 10-year period, although those gains were not distributed evenly across racial groups. The median income of White and Asian residents saw significant increases, while other groups saw more modest gains; and
    - Homeownership: More residents in the UNE planning area own their home than in the District as a whole – 45.1% compared to 41.4%. The homeownership rate in the planning area dropped slightly over the two survey periods, while the overall rate in the District went up slightly. The homeownership rate among Black households in the planning area went down from 45.9% to 42.8%, while other racial groups, such as American Indian and Alaskan Native, and Asian, saw dramatic increases in the homeownership rate (Ex. 19).

OP found that the proposal could help alleviate some degree of inequity, especially regarding housing availability and the number of families that are housing-cost-burdened. Data on the number of households burdened by housing costs is not disaggregated by race, but given the unemployment and income levels within the City

and within this planning area, it can be inferred that additional housing opportunities and affordable housing provided by the proposal could help to further a more equitable outcome;

- Brookland/CUA Metro Station Small Area Plan (SAP) – The OP Setdown Report concluded that the Project would help to fulfill the goals of the SAP by providing a significant amount of housing for a range of income levels and for a range of household sizes. It would also redevelop an underutilized site in close proximity to the metro station, and do so with high quality architecture that would frame the street and help to connect Monroe Street from east to west.

  The OP Setdown Report also noted that the language of the SAP talks specifically about the height envisioned in this area. It states that "Development along Monroe Street east of the WMATA/CSX tracks may be allowed up to a maximum 50 feet through a Planned Unit Development, a discretionary approval by the District's Zoning Commission" (p.6). It goes on to state that "Buildings in the subarea should step back in height at a ratio of one half (1/2) to one (1) above 50 feet." (p. 47). This would seem to conflict with the Project, which would have a height of 75 feet, with step backs beginning at approximately 60 feet on the 10th Street and Lawrence Street facades.

  The OP Setdown Report noted that this guidance for the SAP was previously reflected in the Comprehensive Plan, when the FLUM called for moderate density commercial, moderate-density residential, and low-density residential uses on the subject site. More recently, however, the Council adopted amendments to the Comprehensive Plan that superseded the 2009 guidance of the SAP and calls for a mix of moderate density commercial and medium density residential uses on the site. Small area plans provide important guidance for neighborhoods and can fill in any gaps in the information provided by the Comprehensive Plan. However, where there is conflict between the Comprehensive Plan and a Small Area Plan, the Comprehensive Plan governs. The Framework Element of the Plan states:
  Small Area Plans are prepared with community input, to provide more detailed planning guidance, and typically are approved by resolution of the Council. Unless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the Comprehensive Plan (224.5).
  The OP Setdown report concluded, "Therefore, because the Comprehensive Plan has been updated in a way that would support the proposed height of [the] project, that guidance would supersede the previous direction of the SAP" (Ex. 19); and

- Mayor's Order on Housing – The Mayor set a goal of producing 36,000 total residential units by 2025, 12,000 of which would be affordable. The Mayor's Order also emphasizes the need to provide units for large and/or multigenerational families. As of

January 2025, the Upper Northeast Planning Area had only achieved 66% (891 units) of its 2025 affordable housing production goal of 1,350 units. This Project would help alleviate a small amount of that shortfall and do so by providing family-sized units. Of the approximately 233 units, it is estimated 33 would be affordable through the 15% IZ proffer. Also, 12 of the total number of units would be three-bedroom units. This would help to fulfill the goals of the Mayor's Order on Housing (Ex. 19).

55. The OP Hearing Report, dated June 13, 2025, recommended approval of the Application and largely reiterated the conclusions in the OP Setdown Report. The OP Hearing Report detailed the Applicant's responses to comments from OP as well as the Commission. The OP Hearing Report analyzed the public benefits and amenities provided in the Project and balanced those benefits and amenities with the development incentives that are requested in the Application. The OP Hearing Report stated that the Project would not be inconsistent with the Comprehensive Plan, including when viewed through a Racial Equity lens. The OP Hearing Report concluded: "In summary, the application provides benefits that are both commensurate with the degree of flexibility that is being requested and superior to the benefit that could be derived from a matter of right (MOR) development on the site. The project would match the MOR height and bulk standards of the MU-5B zone, and not utilize the more permissive PUD standards. The project would not require any other zoning flexibility (Ex. 80).

56. The OP Hearing Report again addressed OP's Racial Equity Analysis of the Application. OP noted that it evaluated the application using the Commission's Racial Equity Tool and found that the proposal would further a number of Comprehensive Plan policies related to equity; would not result in negative impacts or outcomes with respect to direct or indirect displacement, housing, physical environment, or access to opportunity; and overall the Project would not have any negative impacts related to racial equity (Ex. 80).

DDOT Report

57. On June 13, 2025, DDOT filed a report regarding the Project (Ex. 81). DDOT's report noted that after an extensive review of the case materials submitted by the Applicant, DDOT finds:

- Vehicular access to the site's parking and loading areas is proposed via an existing alley connection to Lawrence Street that will be widened from 10 to 20 feet as part of the project;
- The alley curb cut should be no wider than 20 feet. The existing curb cuts to the site on 9th and 10th Streets will be closed. These are consistent with DDOT standards;
- The project meets zoning requirements for vehicle parking, and the parking supply, while reasonably low, is slightly higher than DDOT's preferred parking maximums for sites within one-eighth mile of a Metrorail Station;
- DDOT estimates a project of this size, mix of uses, and distance from transit should provide a maximum of 38 vehicle spaces. The availability of excess parking has the potential to induce additional demand for driving; and

- The Applicant proposes a robust Transportation Demand Management (TDM) Plan that will support non-automobile ownership lifestyles and encourage the usage of non-auto modes. DDOT requested one minor revision be added to the Applicant's TDM Plan. That revision would have the TDM Plan:
  - Specify the minimum number of long-term bike parking spaces to be located horizontally on the floor (50% would be at least 40), the amount to be designated with electrical outlets for e-bikes/scooters (10% would be at least eight), and the amount to be designed with the larger 10ft.x3ft. design for cargo and larger bikes (5% would be at least four) (Ex. 81).

58. The DDOT report concluded that it has no objection to the approval of the Application with the following conditions:
- Implement the Transportation Demand Management (TDM) Plan as proposed in the May 22, 2025, Comprehensive Transportation Review (Exhibit 55A and Attachment 1) with the requested revision in the TDM section of the DDOT report;
- Establish a permanent easement along the site's Monroe Street frontage and at the 9th Street/Monroe Street and 10th Street/Monroe Street intersections to include the full width of the DDOT standard sidewalk and tree box (minimum 12 feet from back of curb) so that DDOT can provide cohesive maintenance;
- Establish a perpetual easement for the area of the widened alley so that DDOT can provide cohesive maintenance for the entire alley; and
- Implement the following infrastructure improvements in public space, subject to DDOT approval:
  - Add intersection "daylighting" at the four intersections surrounding the project to increase visibility of pedestrians and slow down vehicles traveling to and from the site; and
  - Construct a concrete protective barrier along the bicycle lane on the south side of Monroe Street between each intersection and the end of the parking lane (Ex. 81).

Other DC Agency Responses

59. The Department of Small and Local Business Development (DSLBD) expressed no concerns about the Project in an email to OP (Ex. 80).

60. The Department of Energy and the Environment (DOEE) provided OP with written comments. DOEE supported the environmental design features of the Project, including the solar energy generation and all-electric, except emergency generation, and provided recommendations to assist the Applicant with incorporating strategies to improve energy performance and sustainability (Ex. 80).

ANC 5B Report

61. On June 11, 2025, ANC 5B filed a resolution in support of the Application (Ex. 77, 77A). The ANC 5B resolution noted that at a duly noticed public meeting on May 21, 2025, with a quorum present, ANC 5B voted 4-0-0 to support the PUD and related map amendment

application. The resolution stated that the development team has engaged with the community through multiple outreach efforts, including community meetings and input from local neighbors and organizations, resulting in significant support for the project's overall goals of revitalization, housing, and urban improvement. The resolution encourages ongoing community engagement throughout the project's development and review processes to ensure that the project aligns with community goals and addresses concerns effectively. ANC 5B supported the Application contingent upon the developer implementing the following four conditions to address community concerns:

- *Traffic, Safety, and Security Measures* – During the schematic design and development phases, the developer should seek community input regarding the safety, security, and aesthetic aspects of the alley. This should include, but is not limited to, pole locations, lighting, security barriers at both six townhomes and proposed development (fencing, walls, garage doors, pedestrian doors), cameras, pavement styles, sidewalk design for pedestrian access to the garage, and relocation of street drop-off from Monroe to 9th Street, N.E.;
- *Commercial Space and Economic Vitality* – The developer shall retain all proposed live-work units, except for approximately 2,000 square feet of space on Monroe Street shall be designated for retail use. The developer shall collaborate with the community – including but not limited to Councilmembers' offices, ANC, BNCA, and the broader community – to ensure the retail space's success. This includes establishing timelines and terms that exceed industry standards, based on comparable projects in similar DC neighborhoods. If, after extended and intensified efforts, the retail option is deemed non-viable through good faith and collaborative efforts in line with agreed-upon terms and timelines, the developer reserves the right to revert the space back to live-work or residential units;
- *Building Massing and Impact on Adjacent Homes* – The developer shall maintain the alley massing. The developer shall create front doors for all units facing Lawrence Street; and
- *Enhanced Community Amenities and Design* – The Developer shall consider and incorporate the following condition:
    - The Construction Management Agreement (CMA) should be developed collaboratively between the developer and the affected neighbors. All parties should reach consensus on the agreement, using the previously agreed-upon version (ca 2012) as a starting point and updating it to reflect any significant changes to the construction.

  The developer shall consider and incorporate the following suggestions, where feasible, enhancements to urban design and community benefits:
    1. Inclusion of more family-sized units (3 to 4 bedrooms) 10%; and
    2. Banner poles on Monroe Street with a "Gateway to Brookland" theme (Ex. 77 and 77A).

ANC 5F Report

62. On June 18, 2025, ANC 5F filed a resolution in support of the Application (Ex. 94). The ANC 5F resolution noted that at a duly noticed public meeting on June 17, 2025, with a quorum present, ANC 5F voted 5-0-0 to support the PUD and related map amendment application. ANC 5F's resolution stated that it supports with condition the relief requested in Z.C. Case No. 24-15 (901 Monroe Street, N.E.), said conditions being:
    - Secure further community input on final alley design, including pole locations, lighting, security barriers, cameras, pavement style, sidewalk design for pedestrian access, and relocation of street drop-off from Monroe to 9th Street, N.E.;
    - Retain all proposed live-work units except for approximately 2,000 square feet of ground floor space on Monroe Street which shall be designated for retail use, and collaborate with the community to ensure the retail space's success, and only after extended and intensified efforts are not successful, the developer may revert the space to live-work or residential units; and
    - Conduct community engagement on the construction plan to minimize negative impacts to affected neighbors, using the 2012 version as a starting point (Ex. 94).

Persons and Organizations/Local Businesses in Support

63. Numerous letters/e-mails of support were submitted into the record. In general, these letters noted their support for the Project's creation of additional housing and much needed affordable housing on an underutilized property across the street from a Metro station. These letters noted the ability of the additional residential density on the site to strengthen the local economy, enhance the livability of the neighborhood and to foster a more vibrant and sustainable commercial corridor in the Brookland community.

64. Included in these letters of support were letters from the Washington Area Bicyclist Association (Ex. 46), Deaf-Reach, Inc. (Ex. 62), and the owners of Annie's Hardware and Excel Pilates, DC (Ex. 37).

Opponent Parties

200 Footers

65. The 200 Footers submitted a detailed written analysis of its objections to the Application and provided testimony at the Public Hearing. The 200 Footers raised the following issues:
    - The requested spot zoning of the site to the MU-5B zone would be precedent setting, as a future MU-5B PUD could be up to 90 feet in this largely low-scale residential area and would be an unwelcome precedent and would clearly be even more inconsistent with the neighborhood scale (Ex. 109);
    - The 200 Footers proposed an alternate zone for the Commission's consideration, the MU-5A zone – which would have allowed a maximum building height of 70 feet and a maximum FAR of 4.2 (Ex. 109);
    - The 200 Footers noted that despite the language in the OP Setdown Report, the Project is not compatible with the existing scale, does not protect existing neighborhood character, the Project does not satisfy the setback requirements of the Brookland/CUA

Metro Station Small Area Plan and the Commission should consider the adverse effects on air and light on the low-scale rowhouses along 10th Street. The 200 Footers stated that the 75-foot building height creates a sheer wall effect and that the 6th floor setback will not alleviate this effect. This will not only disrupt the neighborhood's aesthetic, but it will also create an overwhelming presence looming over nearby residents and even the pedestrians passing by. The 200 Footers also noted that the Project will significantly reduce sunlight to adjacent homes, which not only affects residents' quality of life but also impacts the environment. The 200 Footers requested a reduction in massing and height of the Project along the side of the building adjacent to the 10th Street townhomes. In addition, the 200 Footers requested more thoughtful design attention be given to the Project's alley-facing façade (Ex. 109, 111, 112, 115);

- The 200 Footers noted that the proposal would be inconsistent with Transportation Element Policy T-1.1.8: Minimize Off-Street Parking because it will only include 54 parking spaces for 230 apartments, which will increase off-street parking (Ex. 109);
- The 200 Footers noted their disagreement with the widening of the alley off Lawrence Street and the safety and health hazards that would be created. They noted that children play in this dead-end alley and it serves as a community gathering space. The 200 Footers questioned whether the true impact of deliveries to the Project were addressed, especially since the CTR prepared by the Applicant occurred before the Applicant agreed to market approximately 1,800 square feet of retail use in the Project. The 200 Footers requested a more realistic traffic plan for the alley, or preferably, use the existing curb cut on 9th Street instead, which the Commission approved in 2012 (Ex. 109, 111, 112, 115);
- The 200 Footers stated that the Construction Management Plan proposed by the Applicant was not sufficient and fails to capture many of the protections that were necessary in the 2012 Construction Management Agreement between the Applicant and the 200 Footers. The 200 Footers noted that while the Construction Management Plan submitted in this Application incorporates a modern administrative structure and steers towards efficient communication, it lacks the detailed, enforceable measures found in the 2012 version. By merging the detailed protections of the 2012 version with the updated administrative framework of the version included in the Application, the final Construction Management Agreement can become the best of both worlds. It can safeguard the 200 Footers quality of life, protect the structural integrity of the homes, and compensate the 200 Footers for the losses they may incur (Ex. 109, 110); and
- The 200 Footers stated that the amenities package proposed by the Applicant was a miniscule amount in comparison to the financial benefits that the Applicant would receive from the Project and the amenities package included no amenities in response to any of the 200 Footer recommendations and no amenities that would mitigate the many adverse effects which would befall the 200-Footers. The 200 Footers noted that the most essential concerns and priorities for change were:
    - *Top adverse effects and priorities for change:* massive scale of 901 Monroe and resulting loss of sunlight; alley traffic and safety moving the ingress/egress to out

of the dead-end alley; and no opportunity for new residents to build equity in the neighborhood since all units are rental units; and

- *Priority Amenities:* publicly available greenspace, restaurants and retail, public maker space in the building, coverage of large shade trees, dog park, community garden, playground, gym/recreation space available to the neighbors (Ex. 109, 115).

Brookland Neighborhood Civic Association

66. The Brookland Neighborhood Civic Association provided a letter and testimony from its President, Dawn Amore (Ex. 44, 114) Ms. Amore noted that her testimony relates to feedback received from a Brookland Neighborhood Civic Association meeting held on April 15, 2025. She noted that the concerns related to scale, safety, security, traffic and community benefits are still outstanding. Those concerns are:

- Scale and Character: The primary issue is that the height (six stories) is inconsistent with the surrounding residential neighborhood, particularly affecting properties on 10th Street, N.E. due to loss of sunlight and compatibility with the surrounding neighborhood. Neighbors request a reduction in scale, with increased setbacks and a design that scales downward closer to adjacent streets to preserve neighborhood character;
- Health and Safety: The proposed sole vehicular entry and exit point via the Lawrence Street alley poses significant safety risks, particularly given the existing traffic congestion associated with nearby schools. Neighbors strongly advocate relocating the vehicle access to either 9th Street (it was designed – and DDOT approved – in the previous proposed Monroe Street development) or on Monroe Street to alleviate safety concerns and traffic bottlenecks. Additionally, concerns about adequate safety and security, including potential issues related to evacuation and vandalism risks, were underscored;
- Monroe Street Life: Community members emphasized the importance of foot traffic to activate Monroe Street, enhance pedestrian safety, and support local economic vitality. Stakeholders urged developers to reserve at least a modest portion (approximately 2,000 square feet) of ground floor space capable of future retail use to meet community needs and enhance street-level vibrancy; and
- Community Amenities: Community members request enhanced provisions for accessible green space, including more trees at ground level rather than primarily on upper floors. Additionally, there is strong community interest in increasing the availability of larger, family-sized residential units (3-4 bedrooms), as well as providing opportunities for partial tenant ownership, such as condominiums, to support long-term community stability. The community was pleased that the power lines on Monroe Street would be put underground. Additionally, the community request prioritizes actual project-related amenities to benefit the immediate neighbors instead of dollar contributions to unrelated non-profit organizations (Ex. 44, 114).

Persons in Opposition

67. The record includes several letters/e-mails of opposition to the Project (Ex. 12, 14-17, 20-22, 58, 59, 63, 66-68, 73-75, 84, 87, 93, 95, 101, 104, 105, 119, 127, 131). Many of these letters were submitted by individuals that became part of the 200 Footers Party in opposition and cite many of the opposition arguments and concerns raised by party opponents.

PUBLIC HEARING OF JUNE 23, 2025

68. On June 23, 2025, the Commission held a duly noticed public hearing in accordance with its rules and regulations. The Applicant presented one witness on behalf of the Applicant (Mr. Andrew Vincent, Chief Investment Officer of Horning) and three experts: Mr. Maurice Walters as an expert in architecture, Mr. Daniel Solomon as an expert in transportation analysis and engineering, and Mr. Shane Dettman as an expert in land use and zoning. The Commission accepted Mr. Walters, Mr. Solomon, and Mr. Dettman as experts in their respective fields. Thereafter, the Applicant's representatives and the experts presented testimony about the Project.

69. Mr. Vincent described the Applicant's history with the Property and goals for this development. Mr. Vincent noted the importance of locating housing density adjacent to public infrastructure, in this case across the street from a Metro Station, and the benefits that the Project will provide such as 36 affordable residential units. Mr. Vincent also detailed the robust and thorough community engagement process that was undertaken for this Application[10] (Tr. of June 23, 2025 public hearing, pp. 18-23).

70. Mr. Walters testified to the siting, massing, and appearance of the Project. Mr. Walters noted the breaking up of the massing of the building through setbacks and articulation. Mr. Walters also addressed the shadow studies that were presented to the Commission and the impacts that the Project will have on the 10th Street rowhouses (Tr. of June 23, 2025 public hearing, pp. 23-37).

71. Mr. Solomon testified that the Project is well served by transit including multiple bus lines as well as the Brookland/CUA Metro Station. Mr. Solomon discussed the vehicular and bicycle access to the building, as well as the traffic calming and safety measures that are being proposed. Mr. Solomon testified that in order to maintain slow vehicle speeds along the alley two speed bump assemblies are proposed. Mr. Solomon also noted that DDOT agreed with this proposal and that the exact locations of the speed bumps will be finalized during public space permitting. Mr. Solomon also testified that the Applicant has agreed to construct a concrete protective barrier along the bicycle lane on the south side of Monroe Street in front of the site, and the Applicant has agreed to add striping and flex posts at 12

[10] He also stated that, "[c]onsistent with 5B's condition regarding the use of the alley, during the schematic design completion and development phases of the project, we will seek input regarding the safety, security, and aesthetic aspects of the alley. We have already started that process and, in response, are adding modular speed bumps in the alley, which will be discussed in testimony from Mr. Walters and Mr. Solomon." June 23, 2025 hearing, at 21.

locations at the four intersections surrounding the site. In conclusion, Mr. Solomon stated that the Project minimizes impacts by providing short-term and long-term bicycle parking spaces, upgrading sidewalks around the site, providing access from a widened alley, and implementing a robust TDM Plan (Tr. of June 23, 2025 public hearing, pp. 37-40).

72. Mr. Dettman's testimony focused on the Project's consistency with the Comprehensive Plan. Mr. Dettman noted that the amendments that were made to the Comprehensive Plan in 2021 fully addressed the inconsistencies that were noted by the DC Court of Appeals for the prior PUD application approved on this site. Mr. Dettman testified that the proposed height and density of the Project, which are considerably below what can be achieved under a MU-5 PUD, is not inconsistent with the Future Land Use Map designation for the site and is a clear demonstration of how the Project is responsive to the surrounding context. Mr. Dettman also provided testimony addressing the Commission's request that the Applicant provide additional information on the zones that were considered by the Applicant as it was developing the Project. Mr. Dettman provided testimony regarding the Project's consistency with the Generalized Policy Map's designation of Neighborhood Conservation Area for the site. Mr. Dettman also addressed the relationship of Small Area Plans to the Comprehensive Plan, and specifically the 2009 Brookland/CUA Metro Station Small Area Plan. Mr. Dettman testified that pursuant to the Framework Element of the Comprehensive Plan, Small Area Plans provide supplemental guidance to the Commission only to the extent that they don't conflict with the Comprehensive Plan. In this case, Mr. Dettman noted how the FLUM designation for the site was amended after the 2009 adoption of the Brookland/CUA Metro Station Small Area Plan, and that the Small Area Plan's limitation of building height to 50 feet on the site is not consistent with the FLUM's designation of medium density mixed-use development on the site. Mr. Dettman also testified to the few potential inconsistencies that the Application may have with certain policies of the Comprehensive Plan. However, these potential inconsistencies are far outweighed by the Project's consistency with the FLUM, Generalized Policy Map, and numerous policies related to land use, housing, and development around Metrorail (Tr. of June 23, 2025 public hearing, pp. 40-57).

73. At the June 23, 2025 public hearing, OP noted its support for the Application. Mr. Matthew Jesick stated the project would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens. The proposed height and density are appropriate for a site directly across from a Metro station and the zone height and density are not inconsistent with the medium-density residential/moderate density commercial mixed-use designation of the Comprehensive Plan's Future Land Use Map, which the Council specifically amended to allow this form and intensity of development. Mr. Jesick also noted that the Project would further a number of written policies of the Comprehensive Plan through the utilization of a long-vacant lot, improving the appearance of Monroe Street, providing a connection in the urban fabric of the neighborhood, avoiding displacement, and providing affordable housing near transit and in close proximity to retail and amenities that new residents would support. The largest single benefit of the PUD is the inclusionary zoning, and the Applicant is providing more IZ gross floor area than required, 15% versus

10%. The Project would also provide a number of three-bedroom units, which is also considered a benefit of the PUD. OP finds that the benefits of the Project are commensurate with the degree of flexibility sought through the PUD. In conclusion, Mr. Jesick stated that OP finds that the PUD meets the criteria for approval and recommends that the Commission approve the application (Tr. of June 23, 2025 public hearing, pp. 124-134).

74. At the June 23, 2025 public hearing, DDOT testified it had no objection to the approval of the Application, with the four conditions noted in the DDOT report. Mr. Noah Hagen testified that the ANC and a group of neighborhood residents did express concerns to DDOT about the development providing all vehicle access from the existing alley. Mr. Hagen noted that it is DDOT's standard, that when available, all vehicle access is provided from an existing public alley instead of additional curb cuts and that DDOT reviewers would not recommend that the Applicant alter their proposal with a design that conflicts with DDOT standards. In response to questions from the Commission, Mr. Hagen noted that a 20-foot-wide alley is not an uncommon width for an alley and that such an alley providing access for 55 parking spaces and six rowhomes is not overloading the alley. Mr. Hagen also noted that the Applicant's Comprehensive Transportation Review estimated that at the peak hour in the morning and the afternoon about 23 vehicles would use the alley, on average one car every three minutes. In response to questions from the Commission and cross-examination from the 200 Footers regarding the impact of the potential retail use in the Project, Mr. Hagen noted that the potential of 1,800 square feet of retail use does not trigger a parking or loading requirement and DDOT does not expect additional facilities for such a potential use. In response to a cross-examination question from the 200 Footers regarding deliveries from USPS, Amazon, and Fed Ex, Mr. Hagen noted that those types of deliveries typically don't use a loading dock and it is expected those delivery truck drivers will park on side streets. Mr. Hagen also noted that five - six truck trips a day in the alley for deliveries, to residents or retail tenants, would not have an impact on overall alley traffic (Tr. of June 23, 2025 public hearing, pp. 105-124).

75. At the June 23, 2025, public hearing, ANC 5B04 Commissioner Amin testified in support of the Application. Commissioner Amin requested that the Commission approve this Application, based on the majority support from the residents of the impacted and surrounding community after an extensive public engagement process. Commissioner Amin stated that the ANC wanted to find the right balance for the project, meeting goals for equity and goals for the city while not being too large so that it would overpower the community. Commissioner Amin noted that the community was relieved that the Applicant pursued the PUD process rather than just a Zoning Map Amendment application, as it allows for a public engagement process that addresses things like construction management plans, waste management plans, pick-up and drop-off plans, parking for residents of the building, and RPP status. In regard to the potential for adding a new curb cut on 9th Street, Commissioner Amin noted that there was never a real clear consensus from the community as to whether it wanted a new curb cut on 9th Street (Tr. of June 23, 2025 public hearing, p. 134-154).

76. At the June 23, 2025 public hearing, ANC 5F Chairman Bishop-Henchman testified in support of the Application. Chairman Bishop-Henchman noted that this project was heard five times by ANC 5F and on all of these occasions they allowed for public comment from proponents and opponents. Chairman Bishop-Henchman noted the conditions of the ANC's resolution in support which sometimes overlap with ANC 5B's conditions. Chairman Bishop-Henchman also noted the location of the vehicular drop-off zone that is being provided on 9th Street rather than Monroe Street (Tr. of June 23, 2025 public hearing, pp. 154-161).

77. At the June 23, 2025 public hearing, the following individuals testified in support of the Application: Elizabeth Knox, John Leibovitz, Philip Tizzani, Richard Moller, David Nolan, Rory O' Sullivan, Nick Cheolas, and Simon Frewer. In general, these witnesses noted the importance of developing this property to provide additional housing and patrons for local businesses. These witnesses also lauded the process that the Applicant engaged in to seek community input and make changes to the Project in response to the community input. Ms. Knox noted this project brings much needed housing, both affordable and market rate, close to Metro. Mr. Leibovitz discussed his healthy dialogue with the Applicant and the compromises that were made that led to changes to the Monroe Street frontage. Mr. Tizzani highlighted ANC 5B's support of the Project and the retention of the alley massing, which he believed addressed some issues raised by the Commission. Mr. Tizzani also noted the support for the current density of the Project and that the loss of any units would represent a material loss to the majority of those in the community that want to see the Project move forward. Mr. Moller noted that he was interested in the economic development aspects of the Project and how the additional density will support a lot of businesses, especially along the 12th Street and Monroe Street corridors (Tr. of June 23, 2025 public hearing, pp. 161-182).

PUBLIC HEARING OF JULY 7, 2025

78. At the July 7, 2025 public hearing, the following individuals testified in support of the Application: Martin Weldon, Dale Scott Szpisjak, Benjamin Kasper, ANC 5A04 Commissioner Hermes, Gordon Chaffin (Exec. Director of the Friends of the Metropolitan Branch Trail), Michael Lambright, Steven Farole and Tony Tomeldon. Mr. Szpisjak supported the project as it would add an attractive building on a currently uninviting dead zone that will improve sidewalks and pedestrian realm, while the additional housing will provide a larger customer base for nearby businesses. Mr. Kasper noted that the additional housing density is important and the loss of two keystone restaurants in the neighborhood may not have happened if this project was already developed. Mr. Kasper also testified that he does not believe the Project is too large, just as ANC 5B agreed to retain the massing of the Project. Mr. Lambright noted that the Applicant has put significant effort and energy into community engagement and has frequently integrated community feedback into the Project. Mr. Farole testified that the addition of mixed use, residential and commercial development in this Project is consistent with the vision of the small area plan, the size of the building is consistent with the Future Land Use Map and the Comprehensive Plan, and

the Project has the unanimous support of the ANC (Tr. of July 7, 2025 public hearing, pp. 7-34).

79. At the July 7, 2025 public hearing, five witnesses (Barbara Kahlow, Lilian Noya, Julie Kurtz-Keller, Guy Durant, and Jamila Gleason) on behalf of the 200 Footers testified in opposition to the Application. Ms. Kahlow discussed the 200 Footers previous involvement with the potential development of the site. Ms. Kahlow testified that the Project is not compatible with the existing scale of the surrounding structures and is not protecting the existing neighborhood character. Ms. Kahlow requested a thorough discussion of the setbacks proposed in the Project. Ms. Kahlow testified that the Applicant should have proposed the MU-5A zone for this Application, which would have allowed only 70 feet of building height but would allow the same density. Ms. Kahlow noted the negative precedent of approving a MU-5B map amendment in an area south of Monroe Street. Ms. Kahlow also discussed the negative impacts of the widened alley and its proposed use, the need for a more enhanced Construction Management Agreement and the lack of meaningful public benefits in the Application (Tr. of July 7, 2025 public hearing, pp. 49-58).

80. Lilian Noya, admitted as an expert in architecture, testified to her concerns regarding the Project's design and request for changes to the building's massing, sunlight impact and traffic circulation. Ms. Noya noted that the height of the building creates an overwhelming presence looming over nearby residents. Ms. Noya also noted how the building will significantly reduce sunlight to the adjacent homes. Ms. Noya also testified that from an architectural and urban design standpoint the most problematic element of the Project is its exclusive reliance on the dead end alley for all vehicular access (Tr. of July 7, 2025 public hearing, pp. 58-63).

81. Julie Kutz-Keller testified to health and safety concerns related to the proposed use of the alley. Ms. Kurtz-Keller also discussed the results of a survey that was created by the 200 Footers and the Applicant's failure to respond to many elements of the survey. Ms. Kurtz-Keller also testified to the importance of using the previous construction management agreement as the basis for the new agreement (Tr. of July 7, 2025 public hearing, pp. 63-67).

82. Guy Durant testified to the Construction Management Agreement. Mr. Durant noted that the construction management agreement proposed by the Applicant was notably shorter and less comprehensive than the agreement agreed to in the previous application and fails to capture many of the protections that were necessary in 2012. Mr. Durant requested that the construction management agreement be revised (Tr. of July 7, 2025 public hearing, pp. 68-72).

83. Jamila Gleason testified to the inadequate response from the Applicant to the 200 Footers concerns regarding the Project, including, but limited to, the provision of community green space and mitigation of impacts on the 10th Street rowhouses. Ms. Gleason also testified to

the 200 Footers requests for more affordable housing than what has been offered, senior housing, retail space, community green space, and spaces to house local charitable organizations (Tr. of July 7, 2025 public hearing, pp. 72-79).

84. At the July 7, 2025 public hearing, Dawn Amore, President of the Brookland Neighborhood Civic Association, testified in opposition to the Application. Ms. Amore stated the Brookland Neighborhood Civic Association was not opposed to development on the site, but was requesting further assurances and improvements to the Project. Ms. Amore noted concerns related to scale and character. She testified that the height is inconsistent with the surrounding neighborhood and the neighbors request a reduction in scale with increased setbacks and a design that scales downward closer to adjacent streets. Ms. Amore also testified that the sole vehicular entry and exit point poses significant safety risks and the neighbors strongly advocate relocating the vehicle access to either 9th Street or Monroe Street. Ms. Amore requested that more definition be added to the process for the Applicant to seek and act on community input regarding the safety, security, and aesthetics of the alley. Ms. Amore noted that the Brookland Neighborhood Civic Association was excited about the potential inclusion of retail in the Project and would provide its support to advertise and market the space. In regard to community amenities, Ms. Amore testified that community members request enhanced provisions for accessible green space including more trees at street level, increasing the availability of larger family-sized units, and the potential for partial tenant ownership. Ms. Amore noted that the overall amount of community amenities was less than a recent PUD located at 8th and Jackson Streets (Tr. of July 7, 2025 public hearing, pp. 39-45).

85. At the July 7, 2025 public hearing, individuals and representatives of organizations testified in opposition to the Application. Alta Beals, a member of the 200 Footers, noted her concerns and the concerns of others that she had talked with regarding the height of the building and how it will drastically change the neighborhood skyline. Ms. Beals also noted her concerns with the single point of ingress and egress for traffic flow (Tr. of July 7, 2025 public hearing, pp. 98-101).

86. Joseph Keller testified that this process has lacked representation from critical members of the community, as this development process has undermined the platform of those who will bear the greatest burden, the 200 Footers (Tr. of July 7, 2025 public hearing, pp. 101-103).

87. John Feeley testified that the Applicant has not engaged in meaningful community discussion with the 200 Footers. Mr. Feeley also noted that the height and density proposed by the Project dwarfs the historic Luke C. Moore high school building built in 1891 and ignores the DCTV building built in 1835 (Tr. of July 7, 2025 public hearing, pp. 105-109).

88. At the July 7, 2025, public hearing, the Applicant provided rebuttal testimony by Mr. Vincent, Mr. Walters, and Mr. Dettman. Mr. Vincent testified to the engagement process that was undertaken with the 200 Footers, including meeting with them prior to filing the

Application, and the changes to the Project that were made in response to community input. Mr. Dettman refuted the allegation that this Application proposes Spot Zoning and testified as to how this Application is consistent with the Comprehensive Plan. In regard to the potential precedent of the MU-5B zone south of Monroe Street, Mr. Dettman noted that Subtitle X § 300.4 which specifically states that "PUD related map amendments establish no precedent for the Zoning Commission's consideration of permanent changes to the zoning of the PUD site or adjacent areas, or for consideration of future PUDs." Mr. Dettman also compared the PUD benefits and amenities of this project to the PUD mentioned by Ms. Amore (ZC Case No. 18-21) and noted that this Project includes more affordable housing (15% IZ compared to 12% IZ), has comparable open space, similar LEED requirements, similar RPP restrictions, and the financial contributions of this Project are larger than Case No. 18-21 on a per unit basis. Mr. Walters presented a photo simulation of the Project which provided a realistic perspective of how this building will interact with the surrounding buildings (Ex. 133, Tr. of July 7, 2025 public hearing, pp. 110-118).

POST HEARING SUBMISSIONS

89. On August 4, 2025, the Applicant filed a post-hearing submission, which addressed the Commission's requests for additional information (Ex. 135-135D). The Applicant's post-hearing statement addressed the following issues: potential for further "sculpting" of the building; changes made to the Project in response to community stakeholders; further details on shadow studies; ability to increase size of trees on Monroe Street; and additional details on construction management plan.

- The Applicant reviewed the possibility of additional "sculpting" of the building. The Applicant and its design team modified the fifth and six floors along the 10th Street frontage of the building. These modifications result in a loss of 268 square feet of gross floor area. The Applicant noted that it is important for the Commission to recognize that Horning and Menkiti are long-time owners and managers of affordable housing in Washington, DC, and collectively operate a portfolio of 2,081 affordable units. These organizations are proud of their commitment to affordable housing and deeply understand what these units mean to the families that occupy them and the communities they help thrive. The Horning and Menkiti team members are excited about this project's potential to create 36 new Inclusionary Zoning (IZ) units in Brookland. The Applicant is very familiar with the challenges of operating and building new affordable housing in the District of Columbia. As it has been well reported, the District of Columbia is well below its affordable housing production goals as enumerated in the Mayor's 2019 Housing Equity Report. As of 2024, the upper Northeast Planning Area, where this project is located, had only achieved 66% of the Mayor's goal. With construction starts down 79% in 2024, these goals seem further from being realized;

  The Applicant stated that the reality is that building affordable units can't come without a subsidy. These subsidies take a variety of forms, including direct subsidies such as tax credits or the Housing Production Trust Fund, or indirect subsidies like tax abatements. Unlike other methods of affordable housing production, the only subsidy available for units in the IZ program is rental income from other sources at the property,

namely the rents of the market-rate units, as IZ rents barely break even. It is critical to maintain building square footage, particularly on upper floors, to not only cover the costs of construction but also include a substantial IZ commitment at the property.

The reduction of residential gross floor area, through "sculpting", sharply impacts the Applicant's ability to finance the IZ units as it effectively removes a critical subsidy. Without the additional density on the upper floors, IZ units are no longer financeable. If upper floor space is lost, the Applicant must reduce the IZ commitment by a deeper level. Real estate development "math" can sometimes be complicated, but the math in this instance is simple: market rate units in this project will rent for double that of the IZ units. Therefore, to keep the project financeable, every square foot of sculpted area means the loss of two IZ square feet elsewhere in the building. To emphasize the point, 1,000 square feet of sculpting would come at the cost of a loss of nearly three IZ units. Despite these financial constraints, the Applicant is willing to move forward with the revised project with the loss of 268 square feet of residential gross floor area with no reduction in the affordable housing proffer of 15% of the residential gross floor area of the building (Ex. 135, 135A).

- The Applicant submitted materials showing the evolution of the Project since its initial conception, noting the changes made in response to comments from community stakeholders (Ex. 135, 135B);
- The Applicant noted that during the June 23, 2025, public hearing, the Commission requested additional details regarding the shadow studies that were prepared and presented to the Commission. Those additional details were provided (Ex. 135, 135C1, 135C2);
- The Commission asked whether the Applicant could install larger caliper street trees along Monroe Street due to the undergrounding of utilities on that street. The Applicant's design team confirmed that the caliper of street trees that it is proposing along Monroe Street complies with the caliper of trees that DDOT recommends for installation (Ex. 135); and
- In response to issues raised about the Construction Management Plan, representatives of the Applicant, the 200 Footers, and the Brookland Neighborhood Civic Association held an in-person meeting on July 21, 2025, to discuss the proposed Construction Management Plan. An agreement was reached between the Applicant and the 200 Footers Group regarding the Construction Management Plan. The Applicant's final Construction Management Agreement, signed and approved by the Applicant and the 200 Footers Group was submitted into the record (Ex. 135, 135D).

90. The 200 Footers filed a response to the Applicant's post-hearing submission on August 7, 2025, and stated that the Applicant's post-hearing submission only partially responds to the Commission's multiple requests for additional information. The 200 Footers state that the Applicant failed to: provide a discussion of the potential alternate zones; a reduction in overall building height; and fully sculpted design options to mitigate the blocked light and air for the six low-scale rowhouses which front on 10th Street. The 200 Footers also claim

that the Applicant failed to address requested clarifications regarding the location for drop-off/pick-ups by Lyft/Uber and the location for package deliveries by Amazon/Fed Ex/UPS and USPS. In conclusion, the 200 Footers recommended that the Commission ask the Applicant for further project changes to mitigate the serious adverse effects of the Application on the 200 Footers (Ex. 136).

91. On August 22, 2025, the 200 Footers submitted a draft order (Ex. 137), and the Applicant submitted a cover letter (Ex. 138) that attached a draft Order (Ex. 138A).

PROPOSED ACTION

92. At its September 11, 2025, public meeting, the Commission took proposed action to approve the Application. In its deliberation, the Commission stated it did not believe the architecture of the Project qualifies as "superior" so it does not qualify as a public benefit. The Commission asked the Applicant to explore additional sculpting changes to the Monroe Street façade and to provide additional information about the caliper size of the proposed street trees prior to final action; and set dates for the Applicant and other parties to provide the requested responses.

POST-PROPOSED ACTION SUBMISSIONS

93. The Application was referred to the National Capital Planning Commission on September 12, 2025 (Subtitle Z § 603.1(b)(2)) (Ex. 139).

94. The 200 Footers requested an extension of the deadline established by the Commission for its response to the Applicant's response to the Commission's requests made at the Commission's September 11th public meeting at which the Commission took proposed action (Ex. 140). The Commission's Secretary notified the 200 Footers that the Commission's Chair granted the requested extension, and responded to other points raised in the 200 Footers request (Ex. 140A. 140B).

95. On September 18, 2025, the Applicant submitted its initial list of proffers and draft conditions (Subtitle X § 308.2-.4) (Ex. 141). The 200 Footers submitted their response to the proffers on September 23, 2025 (Ex. 142).

96. On September 30, 2025, NCPC submitted a report stating that NCPC staff determined that the Application was exempt from NCPC review (Ex. 143).

97. On October 2, 2025, the Applicant submitted its response to the Commission's requests from proposed action (Ex. 144-144A):
    a. With respect to the Commission's request for consideration of additional articulation of the Monroe Street façade, the Applicant stated that it focused on the Commission's requests to add further articulation and materiality to the building's façade rather than the request to remove square footage. The Applicant stated it was making the following changes to the design:

- To refine the building's proportions, the sixth floor has been further articulated as an "attic" story. This treatment visually reduces the building's verticality and introduces a more defined 'top' to complement the base and middle, replacing the previous emphasis on the heavy corbeled cornice alone. While the building retains its transitional industrial character, the attic story subtly references classical tripartite composition, giving the facade a more resolved and balanced expression;
- The upper cornice has been further articulated, adding cast stone banding with increased corbeling, and changing bands of Brick No. 1 to Brick No. 2 for increased visible contrast;
- Additionally, at the sixth floor the ends/shoulders of the bays are articulated as pilasters with abstracted bases and capitals and inset brick panels carrying the cornice/entablature, further expressing the "attic" quality of the sixth floor;
- The spandrel between the fifth and sixth floors has been further articulated with a series of inset reveals inlayed with stack bond brick panels, and additional soldier course banding below the pilasters;
- Within the main body of the facade, the 2nd through 5th floors, the Applicant has changed window headers from soldier course brick to cast stone banding at the second and fourth floors to add more contrast in detailing. The second and fourth floor sill bands have been increased in height and are articulated as two bands, with increased projection in the upper band. The Brick No. 2 spandrels between the 2nd and 3rd floors and 4th and 5th floors continue to have a stack bond pattern for articulation, the new renderings show this more clearly than the previous "sketchier" renderings;
- The four-story red brick piers within the bays have received abstracted cast stone bases and capitals to express them as "colonnettes," adding scale articulation to the bays;
- At the main lobby entrance at the corner of Monroe and 9th Streets, the Applicant has clarified the ground floor base material by proposing a third brick color at the first floor, Brick No. 3, which has a black diamond-color with slightly iridescent glossed finish to highlight the corner. Brick No. 3 has been extended up to the sills of the second-floor windows for clarity and is capped with a dark cast stone band as a color break and material transition; and
- Muntins have been added to the transoms at the ground floor storefronts along Monroe (and returns at 9th and 10th Streets), as well as a soldier course header for additional detail and articulation at the pedestrian level.

b. With respect to the Commission's request for more information regarding the caliper size of the street trees, the Applicant stated that the caliper size it proposes is the largest size recommended by DDOT because larger ones do not do as well in the transplantation process as the size the Applicant is proposing, and that the trees it proposes will be approximately 15-20 feet tall and likely grow to 40-50 feet tall at maturity (Ex. 144).

c. The Applicant attached revised plans showing the changes (Ex. 144A-144A4).

98. On October 2, 2025, the Applicant submitted its final list of proffers and draft conditions, then on October 6, 2025, supplemented the submission after it noticed that it had inadvertently omitted several pages (Ex. 145, 145A).

99. On October 16, 2025, the 200 Footers responded to the Applicant's submission. The response noted that the architectural changes were more limited than the 200 Footers requested in their post-hearing submission and did not include a map amendment option to MU-5A, reduced height, and more sculpted design to reduce impacts on the 10th Street townhouses that border the Project. The response also addressed the Applicant's proffers and draft conditions, stating that it did not include all of the transportation mitigations the 200 Footers had requested, or the restriction of RPP from residential leases the 200 Footers had requested (Ex. 146).

FINAL ACTION

100. At its October 23, 2025 public meeting, the Commission took final action to approve the Application. In its deliberation, the Commission stated while it believed both the overall architecture and the setbacks provided in the revised plans were adequate to justify approval, it did not believe the architecture was "superior," or that the setbacks were "significant," as stated by the Applicant in its post proposed action submissions.

CONTESTED ISSUES

101. The following list is a summary of the contested issues raised by the opponents to the Project, including the 200 Footers and BNCA. It is not intended to be an exhaustive listing of all contested issues listed in the record:
    - Opposed to PUD-related map amendment, which would allow increased density and height, because it was alleged to be:
        - Spot zoning;
        - Precedent setting for the neighborhood; and
        - Opponents proposed that the Commission require the Applicant to reduce the size of the Project so that it could be approved with an MU-5A map amendment instead of what was proposed in the Application;
    - Expressed concerns about the Project's height and bulk, which was alleged to be inconsistent with neighborhood scale and character, and insufficiently setback from 10th Street townhouses, which raised the following related issues:
        - Inconsistency with Brookland/CUA Metro Station Small Area Plan in terms of height and setbacks; and
        - Adverse impacts to air and light on neighboring properties, particularly the 10th Street townhouses.
            - Requested a reduction in massing and height of the Project along the 10th Street side of the building; and
        - Negative impact on neighborhood character;
    - Requested more thoughtful design attention be given to the Project's alley-facing façade;

- Project would increase parking demand on nearby streets:
  - Adversely affect neighboring residents; and
  - The Project would be inconsistent with Comprehensive Plan Transportation Element Policy T-1.1.8: Minimize Off-Street Parking'
- Issues with the widening of the alley off Lawrence Street, and other adverse effects related to alley traffic:
  - Alleged the proposed vehicular entry and exit point via the Lawrence Street alley poses safety risks caused by the width of the alley and alley traffic;
  - Request for additional community input regarding alley issues related to safety, security, and aesthetics, also including potential issues related to evacuation and vandalism risks;
  - Adverse impacts from alley traffic to 10th Street townhouses; and
  - Questioned whether the true impact of deliveries to the Project were addressed, especially since the CTR prepared by the Applicant occurred before the Applicant agreed to market approximately 1,800 square feet of retail use in the Project;
- Construction Management Plan proposed by the Applicant was insufficient;
- Amenities package proposed by the Applicant was insufficient:
  - Community members request enhanced provisions for accessible green space, including more trees at ground level, increasing the availability of larger, family-sized residential units (3-4 bedrooms), as well as providing opportunities for partial tenant ownership, such as condominiums; and
  - Additionally, the community request prioritizes actual project-related amenities to benefit the immediate neighbors;
- Community members emphasized the importance of foot traffic to activate Monroe Street, enhance pedestrian safety, and support local economic vitality. Stakeholders urged developers to reserve at least a modest portion (approximately 2,000 square feet) of ground floor space capable of future retail use to meet community needs and enhance street-level vibrancy; and
- Alleged insufficient community outreach.

CONCLUSIONS OF LAW

AUTHORITY

1. Pursuant to the authority granted by the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended: D.C. Official Code § 6-641.01 (2018 Rep.)), the Commission may approve a Consolidated PUD consistent with the requirements of Subtitle X, Chapter 3, and Subtitle Z § 300, a PUD-related map amendment pursuant to Subtitle X § 303.12.

EVALUATION STANDARDS FOR APPROVAL OF PUD AND PUD-RELATED MAP AMENDMENT

2. Pursuant to Subtitle X § 300.1, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD (a) Results in a project superior to what would result from the matter-of-right standards; (b) Offers a commendable number or quality of meaningful

public benefits; and (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.

3. Pursuant to Subtitle X § 303.12: "A PUD-related zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD."

4. The Comprehensive Plan Act of 1984 (D.C. Law 5075; D.C. Official Code § 1-306.01(b)) established that the Comprehensive Plan's purposes are (i) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (ii) to guide executive and legislative decisions on matters affecting the District and its citizens (iii) to promote economic growth and jobs for District residents; (iv) to guide private and public development in order to achieve District and community goals; (v) to maintain and enhance the natural and architectural assets of the District; and (vi) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District.

5. Small Area Plans supplement the Comprehensive Plan "by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors." (10-A DCMR § 104.8). Small Area Plans are prepared with community input to provide more detailed planning guidance and typically are approved by resolution of the Council. Unless a Small Area Plan has been made binding on the Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Commission, and it does so only to the extent it does not conflict with the Comprehensive Plan (10-A DCMR § 224.5).

6. In determining whether a PUD is not inconsistent with the Comprehensive Plan, the Commission shall balance the various elements of the Comprehensive Plan. The D.C. Court of Appeals discussed this balancing test in its review of the PUD and related zoning map amendment for the redevelopment of the McMillan Reservoir Slow Sand Filtration Site (Z.C. Order No. 13-14(6)) (the "McMillan PUD"). In its decision affirming the Commission's approval of the McMillan PUD, the Court stated the following:

> 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 quotations 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 (Durant I),* 65 A.3d 1161, 1168 (D.C. 2013)). The Comprehensive Plan reflects numerous "occasionally competing policies and goals," and, "[e]xcept where specifically provided, the Plan is not binding." (*Id.).* at

> 1167-68 (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 consideration…." *Durant I*, 65 A.3d at 170." (*Friends of McMillan Park v. District of Columbia Zoning Comm'n,* 149 A.3d 1027, 1033-35 (D.C. 2016)).

7. Pursuant to Subtitle X § 304.3 and 304.4, in reviewing a PUD application, the Commission must "judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effect according to the specific circumstances of the case" and must find that the proposed development (i) is not inconsistent with the Comprehensive Plan and other adopted public policies and active programs related to the subject site; (ii) does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and (iii) includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted policies and active programs related to the subject site.

8. A PUD public benefit must "benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provision." (Subtitle X § 305.2). Each public benefit must (i) be a tangible and quantifiable item; (ii) measurable and able to be completed or arranged prior to issuance of a certificate of occupancy; and (iii) may primarily benefit a particular neighborhood or area of the city or service a critical city-wide need (Subtitle X § 305.3). Further, the majority of a PUD's public benefits should relate to the geographic area of the ANC in which the application is proposed (Subtitle X § 305.4). A project need only be particularly strong in one area or a few of the categories of public benefits listed in Subtitle X § 305 but must be acceptable in all proffered categories and superior in many in order for a project to qualify for approval (Subtitle X § 305.12).

Evidentiary Standards

9. The Applicant has the burden of proof to justify the granting of the Application according to the PUD evaluation standards (Subtitle X § 304.2). The Commission's findings in relation to a PUD must be supported by substantial evidence (*See Howell v. District of Columbia Zoning Comm'n*., 97 A.3d 579 (D.C. 2014)). Substantial evidence is defined as "such relevant evidence as a reasonable mind might accept as adequate to support" the conclusions contained herein (*D.C. Library Renaissance Project v. District of Columbia Zoning Comm'n.*, 73 A.3d 107, 125 (D.C. 2013)). The Applicant's filings, testimony, and

expert witness presentations are credible and thorough and reasonably adequate to support the Commission's analysis and conclusions contained herein. Accordingly, the Applicant has provided substantial evidence to demonstrate that the Project satisfies the relevant PUD evaluation standards and has carried its burden of proof sufficiently to allow the Commission to approve the Application.

Satisfaction of PUD Eligibility Standards (Subtitle X § 301.1).

10. The minimum area included within a proposed PUD must be no less than 15,000 square feet and all such area must be contiguous (Subtitle X § 301). The Application satisfies these minimum area and contiguity requirements (FF ¶ 6).

Consistency with the PUD Process, Evaluation Standards, and Comprehensive Plan

11. The Commission concludes that the approval of the Application is an appropriate result of the PUD process. The Commission concludes that the Project is a high-quality development that is superior to what could be constructed on the Property as a matter-of-right via the underlying zoning. The Commission finds that Project public benefits are meaningful and are commendable both in number and quality. The Commission finds that the Project advances the public health, safety, welfare or convenience (FF ¶¶ 34, 35). The Commission concludes that the Project is not inconsistent with the Comprehensive Plan or other adopted public policies applicable to the Property, including the Brookland/CUA Metro Station Small Plan (FF ¶¶ 24, 32, 41-48, 50-52). Therefore, this Commission concludes that the Project does not circumvent the Zoning Regulations and is not inconsistent with the Comprehensive Plan or such other adopted public policies. The Commission has reviewed the entire record and issued findings to support its conclusion that the Application satisfies the PUD evaluation standards (FF ¶¶ 32, 34-35, 37-39, 41-48, 50-52).

Not inconsistent with the Comprehensive Plan and other adopted public policies (Subtitle X DCMR § 304.4(a))

12. The Commission concludes the Application is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site for the following reasons (FF ¶¶ 41-52).

    a. The Project is not inconsistent with PUD site's designations on the FLUM and GPM and significantly advances a number of relevant, and significant Comprehensive Plan policies.
        - The Commission concludes that the Application significantly advances the policy directions of the FLUM. The PUD site is located within an area that is designated for Mixed Use (Moderate Density Commercial/Medium Density Residential) development on the FLUM, which was adopted by the D.C. Council as part of the

2021 Comp Plan amendment cycle.[11] The Commission concludes that the proposed PUD (including the related Zoning Map amendment to MU-5B) is fully consistent with the FLUM guidance, and in fact will resolve the inconsistency between the site's current low-density zoning and the site's current Mixed Use FLUM designation that was adopted by the Council in 2021. The Commission believes the proposed MU-5B zone is the most appropriate zone to achieve the type of moderate density commercial and medium-density residential mixed-use development that is contemplated under the current FLUM and applicable Comp Plan policy guidance. The Commission notes that the even more intensive MU-7 is mentioned as consistent with the Moderate Density Commercial FLUM designation in the Framework Element of the Comprehensive Plan, the Commission believes the MU-5B zone is more appropriate when considered together with applicable Comp Plan policy guidance and the context surrounding the PUD site, particularly the lower-scale residential uses to the south and southeast of the site. The Commission further concludes that the proposed PUD will replace a vacant site next to Metrorail with a new multi-family residential building, with live-work units and potentially retail uses, that will strengthen the mix of uses with the larger Mixed Use area around the Metrorail, and be consistent with the preference for residential use expressed in the PUD Site's specific Mixed Use designation (FF ¶¶ 43, 50).

- The Commission concludes that the Application significantly advances the policy directions of the GPM, which designates the PUD site as a Neighborhood Conservation Area. The Commission notes that the guiding philosophy of the Neighborhood Conservation Area designation is to conserve and enhance established neighborhoods but not preclude development to address city-wide housing needs. The Commission finds the Project's provision of approximately 233 new housing units, including affordable housing units, in a location with access to amenities and designed at a scale compatible with the area, advances Neighborhood Conservation Area policy direction and guidance, as discussed in more detail below (FF ¶¶ 44-50).
- When viewed through a racial equity lens, the Application is not inconsistent with the Comprehensive Plan. The Commission bases this conclusion on the Racial Equity Analyses provided by the Applicant and OP, inclusive of community outreach and engagement information from the Applicant and disaggregated race and ethnicity data for the UNE Planning Area from OP, as required by the Commission's racial equity tool. The Commission agrees with the statements of the Applicant and OP, that the Application would further a number of policies related to equity, including policies from the Upper Northeast, Land Use, Transportation, Housing, Environmental Protection, and Urban Design Plan elements. The Commission finds that the Applicant conducted sufficient community outreach and engagement regarding the Project and made changes to the Project in response to

[11] Under the 2006 Comp Plan, the PUD Site's previous FLUM designation was a combination of Mixed-Use (Moderate-Density Commercial/Moderate-Density Residential), Mixed-Use (Low Density Commercial/Low-Density Residential), and Low-Density Residential).

community input. The Commission finds that the disaggregated race and ethnicity data provided shows racial disparities in the UNE Planning Area and agrees with OP's conclusion that the Project could help alleviate some degree of inequality, especially regarding housing availability and the number of families that are housing-cost-burdened. The Commission also notes OP's conclusion that the Project would not have negative impacts related to racial equity when addressing the factors of: direct displacement, indirect displacement, housing, or access to opportunity and community (FF ¶¶ 42, 50).

- The Commission concludes the Application will also significantly advance several policies in the Comprehensive Plan's Land Use Element, namely:
  - Providing convenient access to Metrorail, priority bus routes, and bike routes and Capital Bikeshare stations for those that do not own an automobile;
  - Providing convenient access to the neighborhood shops and amenities at the Monroe Street Market and along the 12th Street corridor that can meet day-to-day needs;
  - Providing approximately 233 units of new mixed-income rental housing with a range of unit types;
  - Employing proven context-sensitive design strategies that are responsive to and compatible with adjacent lower-scale residential uses and neighborhood character; and
  - Making substantial improvements to surrounding public space that improve safety and character and facilitate pedestrian access to public transit (LU-1.4.5, LU-2.1.1, LU-2.1.3);

  (FF ¶¶ 45, 50).
- The Project will add approximately 233 units of new rental housing in proximity to the Brookland/CUA Metrorail station and near the Michigan Avenue corridor, which will ensure a variety of neighborhoods in every part of the District, accommodate population growth, and advance affordability, racial equity, and opportunity (LU-1.4.2, LU-1.4.6). Together with the Monroe Street Market PUD and other planned and proposed developments nearby,[12] the new housing provided by the Project will strengthen the Metrorail station as a neighborhood center and as an anchor for residential, economic and civic development within the Brookland neighborhood (LU-1.4.1) (FF ¶¶ 45, 50);
- In addition, the new housing provided by the Project, and particularly the new affordable housing, will further advance the District's efforts to meet its housing goals for the UNE Planning Area, a designated high cost/opportunity area, and the District as a whole. In 2019, the District published its Housing Equity Report, which set specific housing goals for each Comp Plan Planning Area. For the UNE

[12] The Commission has recently approved other rezonings and design review projects in the area. Including Zoning Map amendments to MU-2 for the property at 701 Michigan Avenue, NE (Z.C. 23-07) and at 700 Monroe Street, N.E. (Bennett Career Institute) (Z.C. 24-05), and a Voluntary Design Review project at the Brookland Shopping Center on 10th Street, N.E. (Z.C. 23-15) that contains approximately 337 new residential units and approximately 30,165 square feet of retail space.

Planning Area, the overall housing production goal is 6,900 units, and the affordable housing goal is 1,350 units. To date, approximately 5,167 new housing units have been produced in the UNE Planning Area, of which approximately 887 units are new or newly covenanted affordable units. These represent approximately 75% and 66% of the overall and affordable housing goals set for the UNE Planning Area, respectively. Of the approximately 233 units within the Project, 15% (or approximately 33 units) will be devoted to households earning no more than 60% MFI. Based on these numbers, the Project will contribute approximately 3.2% and 2.4% toward the District's housing and affordable housing goals for the UNE Planning Area, respectively (LU-1.4.3, LU-1.4.4). In addition to increasing access to housing around the Brookland/CUA Metrorail station, the Project will have numerous other land use benefits. It will increase access to employment opportunities, neighborhood serving retail and other amenities, education and other institutional uses, and recreational uses, all of which are in proximity to the PUD Site and/or easily accessible via nearby transit. The Project's proximity to multiple modes of public transit and the site's walkability have caused the Applicant to minimize the amount of parking, which minimizes the need for building residents to use an automobile, reduces traffic impacts on surrounding uses, and has other environmental benefits (LU-1.4.2);

- The Commission concludes that the Application advances policies of the Transportation Element. The Applicant is only providing 54 at-grade parking spaces off the public alley, which will also have access to EV charging stations (T-1.1.8, T-5.2.2). This amount of parking equates to a parking ratio of approximately 0.23 per dwelling unit, which is consistent with DDOT's preferred parking ratio for a project of this size and location relative to Metrorail. The Project's parking area will also provide EV charging equipment. The Project will also invest in pedestrian-oriented transportation improvements through reconstruction of the public streetscape that surrounds the PUD Site to DDOT standards. (T-1.1.4). These upgrades will facilitate safe pedestrian circulation between the Project and surrounding neighborhood to the Metrorail, the Monroe Street Market development and 12th Street corridor, and nearby institutional campuses (T-2.4.1) (FF ¶¶ 45, 50);
- The Commission further concludes that the Application significantly advances many policies of the Housing Element of the Comprehensive Plan. The Project will provide approximately 233 new housing units (market rate and affordable) which will help meet the needs of present and future residents at a location and density that are consistent with the GPM, FLUM, and numerous policies contained in the UNE, Land Use, Transportation, Housing, and Urban Design Elements (H-1.1.1, H-1.1.2, H-1.3.2). The PUD Site is currently vacant and has been for approximately 11 years due to a lengthy appeal of the previously approved PUD, a prolonged Comp Plan amendment process, and significant economic challenges caused by the COVID pandemic that continue to burden real estate markets. The Applicant will eliminate the PUD site's current severe underutilization and unsightly appearance with a new multi-family building that will activate the site with new higher-density

housing that is immediately adjacent to the Brookland/CUA Metrorail site, including setting aside 15% of the Project to housing for households earning no more than 60% MFI (H-1.1.3, H-1.2.1, H-1.2.2, H-1.2.7, H-1.2.9). Through the increased residential density that is possible by the Council's approval of the 2021 Comp Plan/FLUM amendments, the Project will bring a substantial amount of mixed-income housing (including dedicated affordable housing for the life of the Project) to the UNE Planning Area, which is a recognized high-cost area (H-1.1.8, H-1.2.11, 1.3.1, H-2.1.6). The Project will also provide family-sized housing (i.e., approximately 12, three-bedroom units) on a site that is proximate to transit, schools, public facilities, recreation, and neighborhood-serving amenities (H-1.1.9) (FF ¶¶ 45, 50);

- The Commission believes that Application significantly advances several policies of the Environmental Protection Element. The vacant PUD Site is partially impervious and contains no sustainable stormwater management. This condition will be replaced with a sustainably designed Project that will be designed to achieve LEED Gold certification and will include solar power generation on the roof of the building. In addition to the environmental benefits from being a transit-oriented development, the Project will also employ several sustainable strategies that will help reduce urban heat island effect, tree canopy retention, sustainable landscaping, and energy efficiency. These include, but are not limited to, a significant amount of green roof; bioretention; street trees that meet or exceed DDOT tree box standards; stormwater management that meets or exceeds DOEE standards; and efficient heating, cooling, and plumbing systems (E-1.1.2, E-2.1.2, E-2.1.3, E-3.2.7, E-4.1.2E-4.1.3). The Project will help mitigate elevated ambient heat temperatures and reduce untreated storm water runoff through the use of vegetated roofs and on-site storm water retention or pre-discharge treatment (E-4.4.1). Additionally, the Project is providing a parking ratio that is consistent with DDOT's preferred parking ratio for a multi-family building near Metrorail which will help improve the District air quality by promoting walkability and use of transit. The Project will also promote the use of electric vehicles by providing EV charging capacity within the Project's parking area (E-5.1.9) (FF ¶¶ 45, 50);
- The Commission concludes that the Application advances policies of the Urban Design Element. The Project will strengthen the visual qualities of the Brookland neighborhood by replacing a vacant, underutilized site that is in proximity to the Brookland/CUA Metrorail station and proximate to the Monroe Street Market development with an appropriately scaled residential building that balances the District's need for more housing, particularly near Metrorail, with the need for compatibility with the surrounding context (UD-2.2.1). The PUD Site is located at a transition point between the Metrorail station and larger-scale residential, commercial, institutional, and mixed-use development to the north and west (including the Monroe Street Market development), and lower-scale single family homes to the south and east. The proposed PUD design has been informed by these differing scales and development types. As described in the Brookland SAP, the

area surrounding the PUD Site does not necessarily possess a strong architectural character that consistently exhibits a particular architectural style. Rather, the architectural style of the Brookland neighborhood has substantial variation due to construction historically taking place as individual construction projects rather than tract development. Notwithstanding, the massing, articulation, and materials of the Project are informed by the scale and aesthetic of the surrounding context without mimicking the existing architecture (UD-2.2.2). In response to the context around the PUD Site, the Project incorporates multiple massing reduction strategies around the perimeter of the building that are specifically encouraged in the Comp Plan (including massing step downs, massing setbacks, ground level setbacks, varied roof heights and facade widths, and bay projections), which together successfully avoid overpowering contrasts in height and scale with surrounding buildings (UD-2.2.4, UD-2.2.5, UD-4.2.1, UD-4.2.4) (FF ¶¶ 45, 50);

- The Commission also concludes that the Application will advance policies of the Upper Northeast ("UNE") Area Element. The Project adheres to UNE and other Comp Plan policy guidance on neighborhood conservation and compatibility (UNE-1.1.1, UNE-1.1.2, UNE-1.1.3) The proposed design is responsive to the visual and spatial qualities of the surrounding context, which varies around all four sides of the PUD site, and to the lower-scale rowhomes immediately adjacent to the PUD site along 10th Street. The proposed design, which as discussed above is fully consistent with the FLUM, employs various design strategies such as ground-level and upper-level setbacks, projections, courtyards, façade articulation, and a context-sensitive material palette that work together to achieve a successful degree of compatibility with the surrounding context and the adjacent rowhomes (UNE-2.6.1) (FF ¶¶ 45, 50);

b. The Commission acknowledges that the Application is potentially inconsistent with several Comprehensive Plan policies and other adopted public policies:

- The Applicant, OP, and opponents raised several potentially inconsistent Comprehensive Plan policies and inconsistency with the Brookland SAP:

1. Inconsistency with Brookland SAP Sub-Area recommendation regarding building heights.

The Commission concludes that the Project is inconsistent with the Brookland SAP recommendation that limits building heights east of the WMATA/CSX tracks within the Monroe Street Sub-Area to 50 feet. The Commission further concludes that this inconsistency is superseded by other Comprehensive Plan policies, must notably the Council's decision to increase the site's FLUM designation significantly in 2021, which was after the SAP was adopted, and therefore constitutes a clear policy choice to favor higher density and height on the Site.

The Commission begins by noting that the Brookland SAP grew out of the 2006 Comp Plan. In fact, the preparation of the Brookland SAP was

specifically discussed in the UNE Element of the 2006 Comp Plan, stating "[t]he Office of Planning is scheduled to conduct a comprehensive study of the area surrounding the Metro station during 2006 and 2007, …the goal of the study is to guide future development in the station vicinity in a manner that respects the low density scale of the nearby residential area (particularly the area along 10th Street, N.E. and east of the 10th Street, N.E.), mitigates parking and traffic impacts, and improves connections to nearby institutions and shopping areas."[13] Additionally, the 2006 Comp Plan UNE Element and Implementation Element contained a specific action to prepare a small area plan for the Brookland Metro station area.[14] The recommendations of the Brookland SAP were incorporated into the Comp Plan during the D.C. Council's 2010 Comp Plan amendment cycle (FF ¶¶ 47-48).

Since approval of the Brookland SAP and its incorporation into the Comp Plan in 2006, the Comp Plan has been amended. Specifically, in 2021, the D.C. Council adopted amendments to the Comp Plan, including amendments to the PUD Site's FLUM designation to support medium-density mixed use development, and policy changes to support mixed-use development on vacant and underused property in the vicinity of the Metrorail station. These amendments are critical to addressing this apparent inconsistency (FF ¶¶ 47-48).

The Framework Element states, "unless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission on and it does so only to the extent it does not conflict with the Comprehensive Plan." (*See* 10-A DCMR § 224.5). Additional language from the Implementation Element states that "a Small Area Plan provides supplemental guidance to the Comprehensive Plan, unless incorporated into the Comprehensive Plan by a D.C. Council act." (*See* 10-A DCMR § 2503.1). This guidance is important in the context of the Brookland SAP and the Project, where the Brookland SAP recommendation to limit building height to 50 feet conflicts with the PUD Site's current FLUM designation of Mixed Use (Moderate Density Commercial/Medium Density Residential) (FF ¶¶ 47-48).

Specifically, prior to the 2021 Comp Plan amendments, the PUD Site's FLUM designation supported moderate density mixed-use and low-density residential development. Under the previous guidance provided in the Framework Element, the moderate density mixed use portion of this designation generally did not exceed five stories (2006 Comp Plan § 225.9).

[13] 2006 Comp Plan, UNE Element, Section 2.6
[14] 2006 Comp Plan, UNE Element, UNE-2.6.A (Brookland Metro Small Area Plan)

However, the zones that are referenced in the individual moderate density commercial and medium density residential components of the PUD Site's FLUM designation (i.e., MU-5, MU-7, and RA-3) all permit matter-of-right building heights that far exceed 50 feet. Thus, limiting development on the PUD Site to 50 feet based upon the Brookland SAP recommendation would prevent the Applicant's ability to implement the D.C. Council's amendment to the site's FLUM designation, as well as other policy amendments that promote increased residential density and redevelopment of underutilized sites in proximity to Metrorail to meet citywide housing goals (FF ¶¶ 47-48).

Therefore, the Commission concludes that the inconsistency is superseded by newer guidance provided in the current Comp Plan.

The Commission concludes to the extent that the Application is still considered inconsistent with the SAP notwithstanding the FLUM amendment, this potential inconsistency is outweighed by the policies advanced by the Project that are discussed in section 12a above.

2. Potential inconsistency with Brookland SAP Sub-Area Recommendation Regarding Stepbacks:

   The Commission concludes that the Project is potentially inconsistent with the Brookland SAP Plan recommendation that states: "Buildings in the subarea should step back in height at a ratio of one half (1/2) to one (1) above 50 feet."

   The OP Setdown Report states this recommendation conflicts with the Project, which would have a height of 75 feet, with step backs beginning at approximately 60 feet on the 10th Street and Lawrence Street facades (FF ¶ 50). However, the Application asserts that the Project adheres to the recommended ratio above 50 feet (FF ¶ 47). Opponents to the Project also alleged that the Project is inconsistent with this provision.

   The Commission believes that this guidance is superseded by the subsequent FLUM amendment for the same reasons discussed in section 12b1 above. Nonetheless, out of an abundance of caution, the Commission also finds, to the extent that there is a potential inconsistency, it is outweighed by the policies advanced by the Project that are discussed in section 12a above.

3. Inconsistency with UD-4.2.3: Continuity and Consistency of Building Frontages.

   The Commission concludes that the Application is inconsistent with UD-4.2.3: Continuity and Consistency of Building Frontages, which states:

"Maintain the established frontage lines of streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid placing new construction that extends beyond the existing facade line unless it significantly benefits the public life of the street. Where existing facades are characterized by an established pattern of windows and doors or other elements, new construction should complement the established rhythm."

The Project is inconsistent with this particular policy along 10th Street where the proposed building façade extends beyond the existing row dwellings to the immediate south, and to a lesser extent along Lawrence Street. Given the location of the adjacent rowhouses to the south of the Project, the result of this inconsistency is primarily on north-south views along the block (FF ¶ 41, 48).

The Commission concludes that the inconsistency with this particular urban design policy is outweighed by the policies advanced by the Project that are listed in Conclusion of Law 12a above.

4. Potential inconsistency with T-1.1.8: Minimize Off-Street Parking.

Opponents to the Application argued that the Project was inconsistent with the referenced Transportation Element Policy because it only includes 54 on-site parking spaces for approximately 230 units, which they believe will lead to an increase off-street parking by residents and visitors.

The Commission concludes that the Application is not inconsistent with T-1.1.8: Minimize Off Street Parking, which states:

An increase in vehicle parking has been shown to add vehicle trips to the transportation network. In light of this excessive off-street vehicle parking should be discouraged.

The Commission agrees with the Opponents that the Project's 54 on-site parking spaces are less than the approximately 230 units. However, the number of spaces is within DDOT's preferred parking ratio for a multi-family building near Metro.

Therefore, the Commission concludes the Project will not result in *excessive* off-street vehicle parking because the Project does not have an *excessive* amount of parking. Given the Project's close proximity to Metro and other transit, the Commission is encouraged that residents of the Project may be less inclined to own cars and therefore believes it has an *appropriate* amount of parking.

Out of an abundance of caution, the Commission further concludes that to the extent to which the Project's off street parking is potentially inconsistent with

Comprehensive Plan policies that discourage on-street vehicle parking, the Commission finds these inconsistencies are outweighed by the policies advanced by the Project that are listed in Conclusion of Law 12a above.

5. Compatibility with existing scale and protecting neighborhood character.
Opposition witnesses stated that the Project was inconsistent with Comprehensive Plan policies that provide that new development should be compatible with the existing scale of the neighborhood, and that a guiding principle of the Brookland Neighborhood Plan was protecting existing neighborhood character.

The Commission takes note that there are actually several different relevant CP Policies that refer to compatibility to existing scale, and protecting neighborhood character, in the record of this case. They are the description in the Land Use Element of the Neighborhood Conservation Area of the Generalized Policy Map, several Upper Northeast Area Element policies, and one of the guiding principles of the Brookland Small Area Plan.

The Commission concludes to the extent that the Application is inconsistent with any of the policies that speak to the compatibility with existing scale and protecting neighborhood character, these inconsistencies are outweighed by the policies discussed immediately above that are advanced by the Project that are listed in Conclusion of Law 12a above.

a. Generalized Policy Map description of Neighborhood Conservation Area.
One relevant policy is the description of the Neighborhood Conservation Area in the Comprehensive Plan's Generalized Policy Map which states in relevant part that new development should be compatible with the existing scale, natural features, and character of each area.

The PUD Site is located within a Neighborhood Conservation Area ("NCA") on the GPM. As described in § 225.4 of the Framework Element, NCAs have little vacant or underutilized land and are generally residential in character. Land uses and community character in NCAs are anticipated to be maintained over the next 20 years, and changes that occur will typically be modest in scale and consist primarily of infill housing, public facilities, and institutional uses. While major changes in density over current conditions are not expected, some new development and reuse opportunities are anticipated, and can support conservation of neighborhood character guided by Comp Plan policies and the FLUM. The guiding philosophy in NCAs is to "conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist." (10-A DCMR 225.2). The Framework Element

states that the "diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the [FLUM] and [Comp Plan] policies."

While the Commission acknowledges the Project is significantly larger than surrounding buildings, the Commission concludes that proposed PUD is mostly consistent with the GPM as it is: (i) fully consistent with the uses and density contemplated by the FLUM, (ii) consistent with Comp Plan policy guidance related to increasing density, and particularly housing density, near Metrorail, and with policy guidance regarding compatibility with surrounding lower-scale residential areas, (iii) compatible with the diversity of land uses and building types found in the surrounding area, and (iv) compatible with the existing scale and character of the area because of the way it is carefully sculpted to respond to the townhouses on 10th Street. The Commission notes that "compatible" scale is not the same as "equal or lesser" scale (FF ¶¶ 44, 50, 66, 69, 85, 93).

b. UNE Area Element policies

There are several Upper Northeast Area Element policies that refer to ensuring compatibility of new development with existing residential development, or preserving neighborhood or residential character. The Project mostly complies with these policies. Despite this, the Commission believes that the height and density of the Project is greater than in existing uses in the immediate vicinity, so the Application is somewhat inconsistent with them.

They are:

Policy UNE-1.1.1: Neighborhood Conservation Encourage growth while enhancing the neighborhoods of Upper Northeast, such as Michigan Park, North Michigan Park, University Heights, Woodridge, Brookland, Queens Chapel, South Central, Lamond-Riggs, and Arboretum. The residential character of these areas should be preserved while allowing new housing opportunities for all incomes. Places of historic significance, gateways, parks, and important cultural and social places should likewise be preserved and enhanced.

The Commission believes the Project is largely consistent with this policy. The Project is almost entirely residential, so preserves the residential character of the area. The Project also provides new housing opportunities that are both market rate and affordable.

Policy UNE-1.1.2: Compatible Infill Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially-zoned properties exist. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low-income, as well as those of moderate and higher incomes.

The Commission believes the Project is consistent with this policy. The Project is almost entirely residential. The Commission believes it is compatible with surrounding residential uses, despite it being taller and denser than surrounding development. The Project also provides new housing opportunities that are both market rate and affordable.

Policy UNE-1.1.3: Metro Station Development Capitalize on the presence of the Metro stations at Rhode Island Avenue, Brookland-CUA, and Fort Totten, to provide new transit-oriented housing, community services, and jobs. New development around each of these three stations is strongly supported. Locating higher-density housing near Metro stations minimizes the impact of cars and traffic that would be expected if the residents lived farther from high-capacity transit. The District will coordinate with WMATA to make the design, density, and type of housing or other proposed development at these stations is compatible with surrounding neighborhoods; respects community concerns and feedback; and serves a variety of household incomes. Development shall comply with other provisions of the Comprehensive Plan regarding the compatibility of new land uses with established development, such as existing production, distribution, and repair (PDR) uses. Development shall also comply with other Comprehensive Plan guidance regarding the provision of appropriate open space, management of mobility, and public services (2408.4)

The Commission believes the first underlined clause indicates that this policy is intended to apply only to WMATA owned property, which the Application is not. Nonetheless, the Commission considered the language in the second underlined sentence and believes the proposed primarily residential and limited commercial uses in the proposed development are compatible with the uses in the surrounding development, which includes residential and commercial uses.

Policy UNE-2.6.1: Brookland/CUA Metro Station Area Encourage mixed-use development on vacant and underused property in the vicinity of the Brookland-CUA Metro station, including the parking lot east of the

station. Special care should be taken to preserve the existing low-scale residential uses along and east of 10th Street, N.E., retain the number of bus bays at the station, and develop strategies to deal with overflow parking and cut through traffic in the station vicinity.

The Commission believes that the Application is consistent with this policy because of the care the Applicant has taken to pull back the building from the townhouses on 10th Street and sculpt it to minimize its impact. The Commission nonetheless acknowledges that the development is significantly taller and denser than the low-scale residential uses so will have some adverse impact on the existing low-scale residential uses along and east of 10th Street, N.E. (FF ¶¶ 6, 8, 18, 24, 46, 66, 85, 93).

c. Brookland Small Area Plan guiding principles
The PUD is located in the area covered by the Brookland/CUA Metro Station Small Area Plan (SAP), a 2009 Council-adopted plan that studied the portions of the Brookland and Edgewood neighborhoods immediately surrounding the Brookland metro stop. Guiding principles of the SAP include protecting existing neighborhood character, creating an active pedestrian neighborhood with a variety of housing types for all income levels, and promoting quality in the design of buildings and public spaces (p. 2). The subject site falls within the "Monroe Street Sub-Area" of the SAP. The vision for Monroe Street is for "a revitalized, tree-lined urban street, connecting Brookland from west to east with retail, residential and cultural and arts uses" (p. 6)."

The proposed PUD is consistent with the intent of these guiding principles. As detailed above, the Project has been designed in a manner that effectively balances policy guidance on increasing housing density around Metrorail to address citywide hosing goals and protecting neighborhood character. The Project will provide approximately 233 new rental housing units (including affordable housing), and has been designed with numerous setbacks, projections, façade articulations, and material differentiation to complement the surrounding neighborhood character and be sensitive to adjacent lower-scale residential uses (FF ¶¶ 47, 48, 50, 61, 62, 68).

Nonetheless, the Commission acknowledges that the Project will be significantly larger in scale than nearby buildings, and therefore will change the character of the neighborhood.

The Commission concludes to the extent that the Application is inconsistent with any of the policies that speak to the compatibility with existing scale and protecting neighborhood character, these

inconsistencies are outweighed by the policies advanced by the Project that are listed in Conclusion of Law 12a above.

6. Alleged insufficient community outreach.
Several opponents raised the issue in their comments and testimony about what they considered to be insufficient community outreach by the Applicant.

The Commission's racial equity tool obligates the Applicant to provide an analysis of the requested zoning action through a racial equity lens that includes a detailed discussion of community outreach and engagement efforts, and the Commission to evaluate how the community outreach and engagement inform/change the zoning action.

The Applicant submitted a thorough Comprehensive Plan Racial Equity Analysis that addressed all elements of the racial equity tool, including addressing the process that the Applicant undertook with regard to community outreach and engagement. The Application listed the community meetings and outreach efforts the Applicant conducted. The Applicant supplemented this list with its pre-hearing statement. These submissions reflect that the Applicant conducted many meetings and other outreach efforts to the affected community.

In response to this outreach and the feedback it received from the community, the Applicant made several changes to the Project, including:
- Removing the potential 10th Street curb cut from the Project;
- Reallocation of Parking Spaces to Provide More Compact Spaces;
- Restriction of Residential Parking Permits for Residents of the Project;
- Development and Construction Management Plan (and further changes to the plan in response to additional feedback);
- Additional "sculpting" of the building to lessen impacts on the 10th Street townhouses; and
- Changes to building materials.

(FF ¶¶ 8n.1, 24-25, 31, 42, 50, 57-58, 71-85, 93).

The Commission believes that the Applicant's community outreach was sufficient and the Applicant listened to the community comments and incorporated them into the Project in a good faith manner. The Commission therefore concludes the Applicant met its community outreach obligations under the racial equity tool. Accordingly, the Commission concludes that there is no potential inconsistency related to community outreach.

c. The Commission concludes that because the Project advances so many significant Comprehensive Plan policies, and is consistent with the density guidance on the FLUM, any potential inconsistencies are outweighed.

The Commission concludes that the actual and potential inconsistencies with the Comprehensive Plan policies discussed above in Conclusion of Law 12b above, or mentioned in the record of this case, are more than outweighed by ways in which the Project advances the policies that are listed and discussed in Conclusion of Law 12a above.

Simply put, the Comprehensive Plan has many policies supporting additional density to promote the development of housing and affordable housing in proximity to Metrorail stations and other forms of public transportation. The Future Land Use Map calls for higher density on this Property. This guidance more than outweighs the policies that suggest that the density and height on this Property should be more restricted. The Project is taller and denser than surrounding buildings, but this density is appropriate for the location.

No unacceptable project impacts, and all impacts are either favorable, capable of being mitigated, or acceptable given the public benefits of the Project (Subtitle X § 304.4(b)).

13. The Commission concludes that the Project does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities, and that all the Project's impacts are either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project (FF ¶¶ 37-40, 50, 53-54, 61-86, 93).

a. The Project has many favorable impacts.
The Commission analyzed the impacts of the Project and concludes these impacts are mostly favorable.

The Project will benefit the area by facilitating the long-planned redevelopment of an underutilized lot near a Metrorail Station with a transit-oriented development that will tie the communities west of the Metrorail/CSX train tracks to the 12th Street, N.E. retail core of the Brookland neighborhood. The Project will result in the creation of approximately 36 units of affordable housing reserved for individuals making up to 60% MFI.

The Project has a favorable land use impact on the surrounding area because it will create a transit-oriented development that prioritizes housing, including affordable housing, on the Property. The Project's addition of new housing and affordable housing is a favorable impact. The Project creates new, high-quality, transit-accessible housing units on an underutilized parcel. The addition of new housing also has favorable impacts by adding residents to support the nearby commercial uses. The Project's inclusion of affordable units has favorable impacts because it helps address the District's ongoing affordable housing shortage in an inclusive, mixed-income community. The Project's addition of new housing units helps buffer increasing housing costs, insofar as increasing the supply of housing is widely understood to damper rent increases.

The Project will include improvements to the streetscape along Monroe and 9th Streets. These improvements include a significant widening of the sidewalk along Monroe Street and undergrounding of utility poles that will dramatically improve the pedestrian experience.

The Project also has favorable economic impacts on the neighborhood and the District more generally. The Project will have a stabilizing and positive effect on the economy of Ward 5 and the District as a whole. The introduction of new residential uses contributes patrons for the existing retail uses along the existing retail corridors of 12th Street, N.E. and along the 700 and 800 blocks of Monroe Street, N.E. in the Monroe Street Market project. The Project will have positive tax revenue effects for the District, estimated to include increased real estate taxes of approximately $760,000 per year.

The Project has favorable impacts on the culture of the surrounding area and on public safety. The Project will replace an existing vacant lot with a building that will add many new residents who will contribute to the immediate neighborhood and the District in diverse and meaningful ways. The design of the Project adds street activity, promotes "eyes on the street", adds quality lighting, and makes other improvements all of which have positive effects on crime deterrence.

The Project will meet the Green Area Ratio and current stormwater management requirements, which currently does not occur on the Property. In addition, the Project will include solar power generation on the roof of the building using a ballasted photovoltaic and green roof system (FF ¶¶ 34-35, 37-40, 50, 65-67, 85).

b. The Commission concludes that the height and bulk of the building will cause adverse impacts to the light and air available to neighboring properties, and impact the character of the neighborhood, but these impacts are acceptable given the public benefits of the Project.

The Commission acknowledges that the building's height, mass, and shadows will have adverse impacts, and that these impacts will be most acutely felt by the 10th Street townhouses. The Commission further acknowledges that the presence of the relatively large building will affect the character of the neighborhood. However, the Commission concludes that these impacts are mitigated somewhat by the architectural setbacks and sculpting of the building, the location proximate to the busy Metrorail and bus station, and the features of the Project that improve the public space around the building. The Commission concludes that these impacts do not rise to an unacceptable level.

The building contains setbacks and sculpting to mitigate the impacts of the height and density. The building is setback approximately 15 feet from the closest property line to the south, as well as the public alley that separates the PUD site from the rear lot lines of the rowhomes. Additionally, the top floor of the building is set back approximately seven feet along the east facing façade. At the south facing facades closest to the adjacent rowhomes, the top floor is setback an additional six feet from the shared property line for a total setback of 21 feet, 6 inches. In response to the request of the Commission, the Applicant provided further sculpting of the building by modifying the fifth and sixth floors along the 10th Street frontage of the building. These modifications resulted in the loss of 268 square feet of gross floor area. Along Lawrence Street (with the top floor set back approximately 11 feet, 6 inches), the primary façade of the building is set back approximately five feet from the property line, which is also punctuated by four-story bay projections that reduce the building's scale and establish a clear residential expression that relates to nearby rowhomes. Individual residential unit stoops were added to two ground floor apartments along Lawrence Street, in response to comments from community stakeholders, to enliven the street level experience (FF ¶¶ 11-17, 28, 48, 50, 66, 85, 93).

The increased height and density will allow for additional housing at a key location, long vacant, which allow for additional eyes on the street to reduce crime, and provide patronage to nearby retail businesses. This additional density and height is appropriate at this location because of its proximity to the Metrorail and bus station located diagonally across the street from the Project at its Northwest corner at Monroe and 9th Streets. The Council acknowledged this by increasing the density called for in the Future Land Use Map for the Site (FF ¶¶ 6, 8, 11-16, 27, 39, 43).

The building design is attractive and the Project includes a generous public space in front of the building along Monroe Street and undergrounding of utilities which will further mitigate the impact of the height and density on neighborhood character (FF ¶¶ 9, 24).

As a result, the Commission concludes that these impacts that remain do not rise to an "unacceptable" level. The Commission concludes that these impacts are at least partially mitigated by the benefits of the additional density discussed above. The Commission further concludes that these impacts are acceptable given the quality of the public benefits of the Project (FF ¶¶ 37-40, 53-54, 61-86, 93).

The Commission concludes that the Project will cause adverse impacts related to the increase of vehicular traffic caused by the Project, particularly related to the widening and intensification of use of the public alley, but these impacts do not rise to an unacceptable level, will be partially mitigated, and are acceptable given the quality of the public benefits of the Project.

Opponents of the Application expressed concerns about the Project's impacts related to traffic circulation, use of the proposed alley, alley security and aesthetics, traffic congestion, demand for street parking, and adverse effects pertaining to package delivery and ride sharing. Opponents expressed further concern that the sole vehicular entry and exit point poses safety risks and the neighbors strongly advocate relocating the vehicle access to either 9th Street or Monroe Street. Opponents requested that more definition be added to the process for the Applicant to seek and act on community input regarding the safety, security, and aesthetics of the alley.

The Commission acknowledges that the increase in vehicular traffic caused by increased vehicular traffic will have a variety of adverse impacts but concludes that these impacts do not rise to an unacceptable level, the adverse effects are mitigated somewhat but not completely, and that these residual impacts are acceptable given the public benefits of the Project.

The Commission was convinced by the Applicant's traffic expert and testimony from DDOT that the alley can adequately accommodate the number of peak hour trips and deliveries. The Applicant agreed to abide by a traffic demand management program for the life of the Project and a further construction management program during the construction phase to mitigate adverse impacts. The Commission further notes that the number of parking spaces for the Project is modest given its size, and the Project's access to public transit and walkable amenities will further mitigate impacts. The Commission nonetheless acknowledges that the noise and other impacts related to the increased vehicular traffic in the expanded alley will adversely affect the 10th Street neighbors. Similarly, the large number of units in the building will inevitably lead to increased parking demand in the immediate vicinity (FF ¶¶ 10, 25, 31, 37-39, 45, 53-54, 67, 70, 95).

With respect to package deliveries, the Commission found the testimony credible that those types of deliveries typically don't use a loading dock, it is expected those delivery truck drivers will park on side streets, and therefore that the expected number of deliveries would not have an impact on overall alley traffic (FF ¶ 70). The Commission concludes that parking for these deliveries will have some adverse impacts on the availability of street parking spaces, but this is not an unacceptable impact. Similarly, the Commission concludes that there will inevitably be an increase in the number of pick-ups and drop-offs from ride sharing and that this will lead to an increase in traffic congestion, but does not believe that this will rise to an unacceptable level.

With respect to potentially relocating the alley access point, the Commission credits the testimony from DDOT that it prefers the use of existing cub cuts, and that it would likely not approve a new curb cut that deviates from this standard. With respect to the comment regarding community input, the Commission notes that the Applicant did engage with the community prior to filing the Application, and the changes to the

Project that were made in response to community input. The Commission further concludes that the Applicant did consider community input regarding the safety, security and aesthetics of the alley. Finally, the Applicant stated at the hearing that it will engage with community regarding safety, security and alley aesthetics as the Project moves through the development phase and given the good faith way the Applicant has conducted its community engagement the Commission believes it will continue to engage in good faith after the PUD is approved (FF ¶¶ 8n.1, 25, 31, 37, 42, 53-54, 57, 67, 71-74, 85).

With respect to the alleged safety risks of the alley entry point, the Commission notes that it believes that the increase in additional traffic in the alley does not rise to an unacceptable level because of the likely number of trips, and the safety risks are at least partially mitigated by virtue of the fact that the Applicant agreed to install speed bump assemblies to reduce speeds in the alley, and striping and flex posts at all four corners surrounding the site (FF ¶¶ 25, 31, 37-38, 53-54, 67, 70).

The Commission found the testimony by DDOT at the hearing that the width of the alley was not an uncommon width for an alley further bolstered its conclusion that the alley traffic would not cause an undue safety risk, nor would it cause adverse impacts related to safety, security, or aesthetics (FF ¶ 70).

The Commission acknowledges that the intensification of the alley use caused by the Project will adversely impact the 10th Street townhouses. It concludes that this is acceptable given the benefits of the Project.

The Project includes specific public benefits that are not inconsistent with the Comprehensive Plan and other adopted public policies (Subtitle X § 304.4(c), 305).

14. The Commission concludes the Project includes specific public benefits and project amenities that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site and comply with Subtitle X § 305 requirements.

The Project includes several public benefits that significantly advance several important Comprehensive Plan policies:

- The Project takes a significantly underutilized site and creates a thoughtfully planned, transit-oriented development;
- The Project creates housing that exceeds the amount that would have been required through matter-of-right development under existing zoning;
- The Project will setback from adjacent public streets;
- The Project includes twelve three-bedroom units. All such three-bedroom units constitute public benefits;
- The Project includes 15% of the residential gross floor area of the building as affordable units;

- The Project will provide a number of environmental benefits, including solar power generation on the roof of the building using a ballasted photovoltaic and green roof system. The Project will be designed to achieve LEED Gold certification;
- The Project will include improvements to the streetscape along Monroe Street and 9th Streets. These improvements include the significant widening of the sidewalk along Monroe Street (meeting DDOT standards) and the undergrounding of utilities along Monroe Street, which will allow for the installation of larger street trees and the removal of inactive utility poles on 9th Street. The Applicant noted that the anticipated cost of the undergrounding of the utilities will be approximately $1,000,000; and
- The Applicant created a public benefits package in consultation with ANC 5A04 Commissioner Ra Amin which included financial contributions to Greater Brookland Intergenerational Village (GBIV), Washington Area Bicyclist Association (WABA), Casey Trees, and Deaf-Reach, Inc. The public benefits package also included a financial contribution for a study to activate the land surrounding the Brooks Mansion.

(FF ¶¶ 34-36, 45-47).

15. The Commission concludes that the Applicant demonstrated public benefits in the following categories:

- Site planning, and efficient and economical land utilization (*id*. § 305.5(c)). Subtitle X § 305.5(c) states that site planning and efficient and economical land use are considered a public benefit of a PUD. Here, the Project takes a significantly underutilized site and creates a thoughtfully planned, transit-oriented development;
- Housing and affordable housing (*id*. § 305.5(f)(3), (g)). Pursuant to Subtitle X § 305.5(f)(3), the production of units with three or more bedrooms is considered a public benefit of a PUD Project. The Project includes twelve three-bedroom units. All such three-bedroom units constitute public benefits. Pursuant to Subtitle X § 305.5(g), the production of housing that exceeds the amount that would have been required under the IZ provisions is a public benefit of a PUD. The Project includes 15% of the residential gross floor area of the building as affordable units. The IZ Regulations only require 10% of the residential gross floor area be reserved as affordable units;
- Environmental and sustainable benefits (*id*. § 305.5(k)). The Project will provide a number of environmental benefits, including solar power generation on the roof of the building using a ballasted photovoltaic and green roof system. The Project will be designed to achieve LEED Gold certification;
- Streetscape Plans (*id*. § 305.5(l). Subtitle X § 305.5(l) states that streetscape plans are considered to be public benefits and project amenities of a PUD. The Project will include improvements to the streetscape along Monroe Street and 9th Streets. These improvements include the significant widening of the sidewalk along Monroe Street (meeting DDOT standards) and the undergrounding of utilities along Monroe Street, which will allow for the installation of larger street trees and the removal of inactive utility poles on 9th Street. The Applicant noted that the anticipated cost of the undergrounding of the utilities will be approximately $1,000,000;

- Uses of Special Value (*id*. § 305.5(q)). Subtitle X § 305.5(q) lists uses of special value to the neighborhood or the District of Columbia as a whole as public benefits and project amenities of a PUD. The Applicant created a public benefits package in consultation with ANC 5A04 Commissioner Ra Amin which included financial contributions to Greater Brookland Intergenerational Village (GBIV), Washington Area Bicyclist Association (WABA), Casey Trees, and Deaf-Reach, Inc. The public benefits package also included a financial contribution for a study to activate the land surrounding the Brooks Mansion; and
- Other Public Benefits Which Substantially Advance the Comprehensive Plan (*id*. § 305.5(r)). The proposed Project is consistent with many of the District's policy goals and objectives. The Zoning Regulations provide that elements of a project that advance the Comprehensive Plan and related policies are public benefits.
(FF ¶ 35).

PUD balancing test (Subtitle X § 304.3).

16. The Commission has judged, balanced, and reconciled the relative value of the public benefits and project amenities offered, the degree of development incentives requested[15] and any potential adverse effects, in this case and concludes that despite there being some potential adverse effects, particularly on the directly adjacent neighbors along 10th Street, the balance tips in favor of approval:
    a. Public benefits
        As discussed above in Conclusions of Law 12a, 14-15, the Commission concludes that the Project had many valuable public benefits. The benefits and amenities provided by the Application are both commensurate with the degree of flexibility requested and superior to the benefit that could be derived from a matter of right development on the site. The Commission notes that the Applicant proffered superior urban design and architecture as a Project public benefit and amenity (FF ¶ 35). The Commission concludes that the Project's architecture is not superior and not a public benefit. Without including superior architecture, the Commission concludes that the Application's proffered benefits and amenities are substantial, and more than sufficient to meet the PUD balancing and justify the requested flexibility and any unmitigated potential adverse effects of the Project.
    b. Development incentives
        The Commission notes that the Application requests a PUD-related map amendment to the MU-5B zone, which is considered flexibility against which public benefits of the PUD are weighed (FF ¶ 33, 11-X DCMR § 303.11). For the reasons stated above in Conclusions of Law 12a and 14, the Commission finds the PUD related map amendment to the MU-5B zone appropriate for the PUD site, and justified based on the Project public benefits and amenities. The Commission notes that the Project is consistent with all development standards of the MU-5B zone and requires no

[15] The Commission notes that it considered the PUD-related map amendment to be form of flexibility against which it weighed the benefits pursuant to 11-X DCMR § 303.11.

additional zoning relief (FF ¶ 33). Further as noted above by the Applicant and OP, this Application does not seek any additional height or density allowed under a MU-5B PUD than is permitted in the MU-5B zone as a matter-of-right (FF ¶ 33, 51).

c. Potential adverse effects

As discussed more fully above in Conclusions of Law 13b and 13c, the Commission concludes that the Project will have adverse effects related to the height and bulk of the building, and the increase in vehicular traffic caused by the Project, particularly in the alley, and that these adverse effects will be felt most acutely by the 10th Street townhouses. The Commission concludes that these adverse impacts/effects are acceptable given the public benefits of the Project.

d. Conclusion

The Commission has judged, balanced, and reconciled the value of the public benefits and project amenities, the development incentives, and the potential adverse effects, and concludes the balance tips in favor of approval.

17. Opponents to the Application raised several other issues that relate to the PUD balancing test that the Commission would like to directly address, and state why they were not persuasive:

a. 200 Footers testified to a lack of meaningful public benefits in the Application, and that the proffered PUD public benefits and amenities are "inadequate and inconsistent with DC law … since none of the amenities accrue to the immediately adversely impacted community."

The Commission concludes that many of the public benefits accrue to the immediately impacted community.

The Project's public benefits and amenities that the Commission believes will accrue to the impacted community include the significant affordable housing component of 15% of the Project's residential gross floor area dedicated as IZ, the provision of family-sized (three-bedroom) units, the undergrounding of utilities along Monroe Street, the setting back of the building from adjacent public streets, and a community benefits and amenities package (FF ¶¶ 34-35).

The benefits package also includes financial support to the Greater Brookland Intergenerational Village to expand intergenerational community events and support year-round programming and operations.

- GBIV will use this financial contribution to sustain and expand inclusive, intergenerational community events such as Front Porch Fridays, Fall Fest, Holiday Meal Giveaway, and the Summer Solstice Celebration;
- GBIV will use this financial contribution to directly support local businesses and community partners by sourcing food, beverages, services, event space, vendors, and supplies from within the Brookland and Ward 5 Areas; and
- The financial contribution will allow GBIV to continue to employ local Brookland area residents.

(FF ¶¶ 25, 35, 71).

The benefits package also includes financial support to Casey Trees for a Brookland community tree planting event. And financial support to Deaf-Reach, Inc. for main

office facility capital improvements. Deaf-REACH, Inc.'s services include housing, counselling, case management, and day programs. These services are provided by deaf and hard of hearing staff in a deaf-friendly environment. Deaf-REACH Inc.'s main facility is located at 3722 12th Street, N.E. in the heart of Brookland's longstanding commercial corridor. The funding provided by the Applicant will allow for necessary improvements to the facility, including the retrofitting of accessibility features for all client-facing spaces and upgrading kitchen and bathroom facilities (FF ¶¶ 25, 35, 71).

The benefits package also includes financial support for a study to examine activation of the land surrounding Brooks Mansion. Brooks Mansion is a key cultural and historical landmark in Brookland, Ward 5, and Washington, DC. The land surrounding the Brooks Mansion is currently used for surface parking and fenced-off grass areas and remains underutilized. This space represents a prime opportunity for community activation and engagement. The Applicant's financial contribution will fund a study exploring potential uses for this land. The study will focus on small-scale park concepts and developing a vision for long-term community engagement. The study will be prepared by an architectural and/or planning firm with experience in public space planning. The study will include a site analysis, a community engagement process, concept development ideas, a feasibility and cost analysis, and the preparation of a final report (FF ¶¶ 25, 35, 71).

The Commission concludes these benefits will accrue to the impacted community.

Further, the Commission finds the Applicant's proposal for the activation of Monroe Street, with the introduction of live-work units and potential for approximately 1,800 square feet of retail use at the corner of 10th and Monroe Streets, to be a significant improvement to the Project and helps ensure the Project's consistency with the goals and policies of the Comprehensive Plan and the Brookland/CUA Metro Station Small Area Plan[16] (FF ¶ 25).

b. 200 Footers expressed a concern that the construction management agreement proposed by the Applicant was notably shorter and less comprehensive than the agreement agreed to in the previous application.

After this comment was expressed, the Applicant met with the 200 Footers and other stakeholders and agreed to a more comprehensive construction management agreement (FF ¶ 85).

The terms of the new agreement are included as conditions of this Order. Accordingly, the Commission concludes that the Applicant fully addressed this concern.

c. In regard to community amenities, BNCA testified that it requested enhanced provisions for accessible green space including more trees at street level, increasing the availability of larger family-sized units, and the potential for partial tenant ownership.

[16] The Commission notes that this was an additional proffer added during the pendency of the Application in response to a request by the community and noted in the BNCA submissions. The Commission finds that this proffer substantially meets the request noted in the BNCA submission to reserve approximately 2,000 sq. ft. of ground floor space capable of further retail to meet community needs.

The Commission considered the Applicant's proffered benefit package and judges it to be sufficient, and that no further benefits are required to justify approval. Accordingly, the Commission concludes that additional public benefits suggested by BNCA or others are not necessary.

Comprehensive public review

18. This Commission must undertake a "comprehensive public review" of the PUD application "in order to evaluate the flexibility or incentives requested in proportion to the proposed public benefits." (Subtitle X § 300.5). The Commission concludes the opposition issues that were raised by the 200 Footers, the Brookland Neighborhood Civic Association, and other opponents of the Project were considered by the Commission through a comprehensive public review process.

The Commission has reviewed the entire record and has identified and examined the concerns and statements about the Project raised by the persons in opposition and District agencies in the above Conclusions of Law. The Commission has appropriately considered the substantial evidence presented by the Applicant. The Commission grants appropriate weight to the reports and testimony of the various reviewing District agencies and the ANCs. There are no items in the record that the Commission has excluded from its consideration notwithstanding in some instances this Order does not contain precise citation to such items. The Project warrants the development incentives in light of the Project's substantial public benefits. The Commission concludes that the Project's development incentives are warranted in light of the Project's public benefits and the Project's overall consistency with the Comprehensive Plan. Accordingly, the Application satisfies the PUD requirements.

Other issues

19. The opponents raised a number of other issues that do not fit squarely within the applicable PUD and related map amendment legal test that the Commission would like to explicitly address in this Order:

a. 200 Footers requested a thorough discussion of the setbacks proposed in the Project at the hearing.

In a pre-hearing submission and at the July 7, 2025, hearing, the 200 Footers requested that there be a robust discussion of setbacks at hearing (FF ¶¶ 61, 75).

The Commission ensured that there was an extensive discussion of setbacks at the hearings.

In addition, at the conclusion of the July 7 hearing, the Commission requested that the Applicant consider additional "sculpting" of the building in response to concerns, and to provide additional information about the shadow studies that were presented to the Commission at the hearings. The Applicant made additional design changes in response to this request (FF ¶¶ 85, 93);

b. The 200 Footers claimed that the DDOT failed to require a Transportation Impact Analysis despite the large number of person and vehicle trips revealed in the 200-Footer Group's cross examination of the DDOT witness.

The 200 Footers raised the issue of the sufficiency of DDOT's analysis in light of the number of trips generated by the residential, retail and deliveries to the Project (FF ¶¶ 61, 86).

The Commission is satisfied that it received sufficient analysis from the Applicant, DDOT, and the parties and individuals who testified at the hearing to evaluate the potential adverse impacts of the Project and that no additional analysis is required[17] (FF ¶¶ 53-54, 70).

As discussed above Conclusions of Law 13 and 16, the Commission concluded that there will be adverse impacts and effects, but that they did not rise to the unacceptable level, that they are partially mitigated, and those impacts that are not completely mitigated are acceptable given the public benefits of the Project.

c. 200 Footers claimed that the Applicant had failed to specify the locations for and to address the traffic and parking consequences of package deliveries and ride sharing pick-ups and drop-offs.

200 Footers claimed that the Applicant had failed to specify the locations for and to address the traffic and parking consequences of package deliveries and ride sharing pick-ups and drop-offs.

The Commission credits the testimony from DDOT that package deliveries typically do not use a loading dock and it is expected those delivery truck drivers will park on side streets. DDOT also noted that a Project this size typically averages five to six truck trips a day in the alley for deliveries, to residents or retail tenants, and this number of deliveries would not have an impact on overall alley traffic (FF ¶¶ 53-54, 70).

With respect to ride sharing, the Commission believes that the Project will result in additional pick-ups and drop-offs, which could result in potential adverse impacts, but based on similar developments already existing throughout the District, they will not cause unacceptable adverse impacts. The Commission therefore concludes that no additional information and/or analysis is necessary for it to evaluate the potential adverse impacts of the Project.

d. The Commission concludes granting the Application is not spot zoning because it is consistent with the Comprehensive Plan

[17] In response to questions from the Commission and cross-examination from the 200 Footers regarding the impact of the potential retail use in the Project, Mr. Hagen noted that the potential of 1,800 square feet of retail use does not trigger a parking or loading requirement and DDOT does not expect additional facilities for such a potential use. In response to a cross-examination question from the 200 Footers regarding deliveries from USPS, Amazon, Fed Ex, Mr. Hagen noted that those types of deliveries typically don't use a loading dock and it is expected those delivery truck drivers will park on side streets. Mr. Hagen also noted that five - six truck trips a day in the alley for deliveries, to residents or retail tenants, would not have an impact on overall alley traffic. There was some confusing testimony and potentially conflicting information presented about whether the total number of various trips that would trigger a higher level of DDOT review according to its internal guidelines, but the Commission is satisfied that there was sufficient analysis presented to it by the Applicant and DDOT for the Commission to satisfy its obligation under the Zoning Regulations.

The 200 Footers conceded that the Project is consistent with the Comprehensive Plan's FLUM, but nonetheless alleged that the PUD and related map amendment, "are undesirable Spot Zoning since only one Lot in one Square is upzoned."

Spot zoning is by definition the (1) zoning of a single property or small parcel in common ownership – and (2) must be inconsistent with the city's comprehensive plan (*Daro Realty v. Dist. Of Columbia Zoning Comm.*, 581 A.2d 295 (D.C. 1990)).

The rezoning in this case does not meet that standard because, as discussed more fully above in Conclusion of Law 12, the Application is not inconsistent with the Comprehensive Plan. The zoning therefore does not meet the second element of the spot zoning test.

In this case, the Property is a single, very large, parcel that is co-extensive with the area designated on the Comprehensive Plan's Future Land Use Map[18] for more intense development than the surrounding properties (FF ¶¶ 6, 43). The Commission is obligated to follow the policy guidance of the Comprehensive Plan,[19] which is enacted by the District Council.[20]

For the reasons discussed above in Conclusion of Law 12, the Commission has concluded that the Application is consistent with the Comprehensive Plan.

Therefore, because the zoning is consistent with the Comprehensive Plan, this is not spot zoning.

e. 200 Footers belief that the PUD Site is more appropriate for the MU-5A zone as an alternative-which would allow a maximum building height of 70 feet and a maximum FAR of 4.2

200 Footers argued that because at present, the highest intensity zones east of the railroad tracks and south of Monroe Street, N.E. are lower than the PUD-related map amendment in the Application, that the Commission therefore should not approve the Application, or approve it with a different map amendment than was applied for, lest the Commission set a "negative precedent."

The Commission does not find this persuasive for several reasons.

The Commission judges each application individually and applies the appropriate legal standard which is set forth above in the Conclusions of Law 2-8. The standard does not include a provision capping the intensity of zoning at the present level.

---

[18] As part of the 2021 Comprehensive Plan amendment cycle, the Council amended the Future Land Use Map designation for the Property, which is a single property that takes almost the entirety of the square, save for the 10th Street townhouses (Comprehensive Plan Amendment Act of 2021, D.C. Law 24-20, D.C. Official Code § 1–306.02(f) (2021)). This amendment increased the density guidance for the Property on the FLUM from Mixed Use (Moderate Density Commercial/Moderate Density Residential), Mixed-Use (Low Density Commercial/Low Density Residential), and Low Density Residential) to its current Mixed-Use (Moderate Density Commercial / Medium Density Residential) designation.

[19] The Zoning Commission is obligated under the District's Charter to zone in a manner that is not inconsistent with the Comprehensive Plan (D.C. Code § 6-641.02 (Home Rule Act, Pub. L. 93-198, Title IV, § 492(b)(1)) (zoning "shall not be inconsistent with the comprehensive plan")).

[20] The District of Columbia Council is responsible for enacting the District's Comprehensive Plan by legislative act, following preparation of the District's elements and policies by the Mayor (*See* D.C. Official Code § 1-204.23 (2001)).

Nor does the standard require the Commission compare the Application to some hypothetical "better" application that has different features21.

The Commission has analyzed the relevant provision of the Comprehensive Plan and concluded that the Project is not inconsistent with the comprehensive Plan for the reasons discussed above in Conclusion of Law 12.

Finally, a PUD-related zoning map amendment is valid only in combination with and contingent upon a project being built and operated under the conditions of a PUD approval. PUD-related map amendments establish no precedent for the Zoning Commission's consideration of permanent changes to the zoning of the PUD site or adjacent areas or for consideration of future PUDs (Subtitle X § 300.4).

20. The Commission is required to give "great weight" to the issues and concerns of the affected ANC. D.C. Code § 1-309.10(d)(3)(A). The ANC recommendations that are entitled to "great weight" are the ANC's recommendations set out in a written report submitted pursuant to D.C. Official Code § 1–309.10(d)(1) and Subtitle Z § 406.2 (*see also* Friendship Neighborhood Coalition v. District of Columbia Bd. of Zoning Adjustme nt, 403 A.2d 291, 295 (D.C.1979)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)):

a. The Commission has considered the written testimony from ANC 5B, FF ¶ 57. The report stated the ANC supported the Application, but listed a number of conditions of its support, which are listed again below followed by the Commission's response:

- *Traffic, Safety, and Security Measures* – During the schematic design and development phases, the developer should seek community input regarding the safety, security, and aesthetic aspects of the alley. This should include, but is not limited to, pole locations, lighting, security barriers at both six townhomes and proposed development (fencing, walls, garage doors, pedestrian doors), cameras, pavement styles, sidewalk design for pedestrian access to the garage, and relocation of street drop-off from Monroe to 9th Street, N.E.

  Commission response: At the June 23, 2025, hearing, the Applicant agreed to seek this community input as it makes future design decisions as this Project moves to the development phase. The Commission believes that the Applicant has engaged with the community in good faith throughout the Application process, and so believes the Applicant will honor its word and therefore does not believe that an additional condition requiring future consultation on this issue is necessary;

- *Commercial Space and Economic Vitality* – The developer shall retain all proposed live-work units, except for approximately 2,000 square feet of space on Monroe Street shall be designated for retail use. The developer shall collaborate with the

[21] *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").

community – including but not limited to Councilmembers' offices, ANC, BNCA, and the broader community – to ensure the retail space's success. This includes establishing timelines and terms that exceed industry standards, based on comparable projects in similar DC neighborhoods. If, after extended and intensified efforts, the retail option is deemed non-viable through good faith and collaborative efforts in line with agreed-upon terms and timelines, the developer reserves the right to revert the space back to live-work or residential units.

Commission response: The Applicant agreed to retain the live work units and set aside 1,800 sq. ft. of retail space and market it for a reasonable amount of time. This Order contains conditions memorializing these commitments;

- *Building Massing and Impact on Adjacent Homes* – The developer shall maintain the alley massing. The developer shall create front doors for all units facing Lawrence Street.

  Commission response: The Applicant retained the alley massing in the Project and created front doors for all but one of the units facing Lawrence Street. The Commission considers this to be substantially meeting the ANC's request and believes that the omission of the door from the corner unit is a small difference that honors the spirit of the ANC's advice;
- *Enhanced Community Amenities and Design* – The Developer shall consider and incorporate the following condition:
  - The Construction Management Agreement (CMA) should be developed collaboratively between the developer and the affected neighbors. All parties should reach consensus on the agreement, using the previously agreed-upon version (ca 2012) as a starting point and updating it to reflect any significant changes to the construction.

  The developer shall consider and incorporate the following suggestions, where feasible, enhancements to urban design and community benefits:
  - Inclusion of more family-sized units (3 to 4 bedrooms) 10%; and
  - Banner poles on Monroe Street with a "Gateway to Brookland" theme (Ex. 77 and 77A).

  Commission response: The Applicant agreed to a construction management agreement that satisfies the terms stated. The Applicant did not include the additional community benefits, but the Commission believes the existing community benefits and amenities are more than sufficient to justify approval. The Commission concludes that the Applicant appropriately engaged in dialogue with the ANC 5B, and ANC 5B supports the Project. The Commission affords the requisite great weight to the ANC's written submission.

b. The Commission also acknowledges the support of the Application from ANC 5F, which was granted party status in support of the Application. ANC 5F's issues and concerns were substantially the same as three of the concerns stated by ANC 5B.
   - Secure further community input on final alley design, including pole locations, lighting, security barriers, cameras, pavement style, sidewalk design for pedestrian access, and relocation of street drop-off from Monroe to 9th Street, N.E.

Commission response: At the June 23, 2025, hearing, the Applicant agreed to seek this community input as it makes future design decisions as this Project moves to the development phase. The Commission believes that the Applicant has engaged with the community in good faith throughout the Application process and so believes the Applicant will honor its word and therefore does not believe that an additional condition requiring future consultation on this issue is necessary;

- Retain all proposed live-work units except for approximately 2,000 square feet of ground floor space on Monroe Street which shall be designated for retail use, and collaborate with the community to ensure the retail space's success, and only after extended and intensified efforts are not successful, the developer may revert the space to live-work or residential units.

  Commission response: The Applicant agreed to retain the live work units and set aside 1,800 sq. ft. of retail space and market it for a reasonable amount of time. This Order contains conditions memorializing these commitments; and
- Conduct community engagement on the construction plan to minimize negative impacts to affected neighbors, using the 2012 version as a starting point (Ex. 94).

  Commission response: The Applicant agreed to a construction management agreement that satisfies the terms stated. This Order contains a condition requiring the Applicant to abide by the agreement.

21. The Commission notes that BNCA raised a number of opposition issues that overlap with the issues raised by the ANCs. Specifically, that the scale and height of the Project is inconsistent with the surrounding area; that condition language is necessary regarding coordination on safety measures for the alley; that ground floor retail space of approximately 2,000 square feet is encouraged to meet community needs and enhance street vibrancy; and the community requests that benefits are enhanced to include more family sized units, partial tenant ownership, and prioritizing immediate neighbors instead of dollar contributions (FF ¶¶ 62, 80) The Commission concludes that it has responded to BNCA's concerns, based on the responses provided above in Conclusion of Law 20.

22. The Commission is also required to give great weight to the written reports of OP (D.C. Code § 6-623.04; Subtitle Z § 405.9). The Commission has reviewed the OP Setdown Report, the OP Hearing Report and heard testimony from OP and finds that OP supported the Application (FF ¶¶ 19, 50-52). The Commission gives great weight to OP's support of the Application and concurs with OP's conclusions and findings with respect to the Project's consistency with the Comprehensive Plan, including through a racial equity lens; the Brookland/CUA Metro Station Small Plan, to the extent the policies and guidance have not been superseded by subsequent changes to the Comprehensive Plan); and satisfaction of the PUD evaluation standards. Overall, the Commission finds OP's recommendation in support of the Application persuasive and concurs in that judgment.

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 Application for a consolidated PUD, subject to the following guidelines, conditions, and standards:

A. PROJECT DEVELOPMENT

1. The Project shall be constructed in accordance with the plans and materials dated April 1, 2025 (Ex. 24A1-24A3), as modified in the materials included in the post-hearing submission dated August 4, 2025 (Ex. 135A) (the "**Plans**").

2. The Property shall be subject to the requirements of the MU-5B zone.

3. **Prior to the issuance of a Certificate of Occupancy for the Project**, the Applicant shall provide evidence that it has made improvements to the streetscape along Monroe Street and 9th Streets as shown on pages 4, PUD 011, and PUD 012 of Exhibit 24A1 and page PUDL1 of Exhibit 24A3. These improvements shall include the significant widening of the sidewalk along Monroe Street (meeting DDOT standards) and the undergrounding of utilities along Monroe Street, which will allow for the installation of larger street trees and the removal of inactive utility poles on 9th Street.

4. Proposed Retail Space. The Applicant will market the approximately 1,800 square feet of space located at the intersection of Monroe and 10th Streets, NE (depicted as "L/W 4" and "L/W 5" on the plans submitted as page 033 in Exhibit 24A2) for retail use for a period of at least 18 months, consisting of 12 months prior to the opening of the Project and six months after the opening of the Project. The term "opening" shall be considered the date the first Certificate of Occupancy is issued for the Project.
   a. Actions to be Taken to Market and Lease the Space. The Applicant shall take commercially reasonable actions to market the Retail Space for retail use and will offer the Retail Space to potential tenants with terms and conditions that are commercially reasonable in the immediate submarket. The Applicant shall accept referrals of potential retail tenants from members of the surrounding community;
   b. Restrictions on Potential Tenants in Retail Space. The Applicant will not market the Retail Space to a cannabis retailer;
   c. Notice to Interested Parties. The Applicant will notify Advisory Neighborhood Commission 5B and the Brookland Neighborhood Civic Association when marketing of the Retail Space has commenced. The Applicant will also notify these organizations if the time period noted above expires and the Retail Space is marketed for Live/Work space;

d. Ability to Return Retail Space to Live/Work Space. If the Applicant is not able to find an appropriate tenant to occupy the Retail Space within the time period noted above, it shall be able to lease the Retail Space as a Live/Work Unit(s); and

e. Ability to Lease. These proposed conditions of approval do not preclude the Applicant from seeking a possible future modification of the Application to allow additional retail use along Monroe Street.

5. The Property shall be subject to the requirements of the MU-5B zone.

6. The Applicant shall have flexibility from the Final Plans in the following areas:

a. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the Order;

b. Exterior Materials - Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the Order;

c. Exterior Details - Location and Dimension: To make minor refinements to locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or the design shown on the plans approved by the Order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, skylights, windows, bays, and other architectural elements;

d. Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus 10%; except that (1) the total square footage of the residential units shall not be reduced, and (2) the number of units and the square footage reserved for affordable housing shall not be reduced;

e. Parking Layout: To make refinements to the approved parking configuration, including layout and number of parking spaces of plus or minus 10%, so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;

f. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division, provided the exercise of such flexibility does not impact the widening of the sidewalk along Monroe Street, the undergrounding of utilities along Monroe Street, and the removal of inactive utility poles along 9th Street;

g. Signage: To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the Order and are compliant with the DC Signage Regulations; and

h. Sustainable Features: To vary the approved sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the minimum required for LEED standard specified by the Order.

B. PUBLIC BENEFITS

1. **For the life of the Project**, the Project shall provide housing, including affordable housing as set forth in the following chart:

Residential Unit Type	Total Residential Gross Floor Area ("GFA")	Units (Type)	Affordable Control Period
Total	251,241 sf of GFA 179,283 net square feet	233	
Market Rate	152,390 net square feet	197 (41 live-work, studios, and junior one-bedrooms; 114 one-bedroom and one-bedroom with den; 32 two-bedrooms; and 10 three-bedrooms)	
IZ	26,893 net square feet (15% of Residential GFA, at 60% MFI	36 (7 live-work, studios, and junior one-bedrooms; 20 one-bedroom and one-bedroom with den; 7 two-bedrooms; and 2 three-bedrooms)	Life of Project

2. **Prior to the issuance of a certificate of occupancy for the Project**, the Applicant shall demonstrate that it has registered the Project with the USGBC to commence the LEED Gold certification process by furnishing a copy of its LEED Gold certification application to the Zoning Administrator. The building permit

application shall indicate that the Project has been designed to achieve at least the minimum number of points necessary to achieve Gold certification.

3. **For the life of the Project,** the Applicant shall maintain the solar panels and green roof on the building.

4. **Prior to the issuance of the first certificate of occupancy for the Project**, the Applicant shall provide written evidence to the Zoning Administrator that it has made the following contributions, and that the items or services funded have been or are being provided:
   i. $30,000 to the Greater Brookland Intergenerational Village (GBIV) to expand intergenerational community events and support year-round programming and operations:
      - GBIV will use this financial contribution to sustain and expand inclusive, intergenerational community events such as Front Porch Fridays, Fall Fest, Holiday Meal Giveaway, and the Summer Solstice Celebration;
      - GBIV will use this financial contribution to directly support local businesses and community partners by sourcing food, beverages, services, event space, vendors, and supplies from within the Brookland and Ward 5 Areas; and
      - The financial contribution will allow GBIV to continue to employ local Brookland area residents;
   ii. $25,500 to the Washington Area Bicyclist Association (WABA) to host a League Certified Instructor seminar and youth and adult community bike riding classes:
      - WABA will hold a class to train League Certified Instructors and then teach three learn to ride and/or bicycle safety classes in the Brookland community for youth and adults;
   iii. $15,000 to Casey Trees for a Brookland community tree planting event:
      - Casey Trees will collaborate with Horning DC, The Menkiti Group, and a local landowner (such as Catholic University of America) to organize an impactful tree planting event engaging up to 50 Brookland community volunteers;
   iv. $25,000 to Deaf-Reach, Inc. for main office facility capital improvements:
      - Deaf-REACH, Inc.'s services include housing, counselling, case management, and day programs. These services are provided by deaf and hard of hearing staff in a deaf-friendly environment. Deaf-REACH Inc.'s main facility is located at 3722 12th Street, N.E. in the heart of Brookland's longstanding commercial corridor; and
      - The funding provided by the Applicant will allow for necessary improvements to the facility, including the retrofitting of accessibility features for all client-facing spaces and upgrading kitchen and bathroom facilities; and

v. $30,000 for a study to examine activation of the land surrounding Brooks Mansion:

- Brooks Mansion is a key cultural and historical landmark in Brookland, Ward 5, and Washington, DC. The land surrounding the Brooks Mansion is currently used for surface parking and fenced-off grass areas and remains underutilized. This space represents a prime opportunity for community activation and engagement. The Applicant's financial contribution will fund a study exploring potential uses for this land. The study will focus on small-scale park concepts and developing a vision for long-term community engagement. The study will be prepared by an architectural and/or planning firm with experience in public space planning. The study will include a site analysis, a community engagement process, concept development ideas, a feasibility and cost analysis, and the preparation of a final report.

C. CONSTRUCTION MITIGATION

1. The Applicant will undertake the following actions to mitigate any adverse impact on adjacent properties resulting from construction activity related to the development of the project.
   a. Alley Construction Logistics: The north-south public alley behind the six abutting 10th Street row-houses is the only ingress and egress route for the car driveways of these residents and their porches, living rooms, and bedrooms face this 10-foot alley and are the sole means of their essential air and light on that side. The Applicant will endeavor to minimize construction disruption in the north-south public alley with the objective of not having closures last longer than a day. Any closure of the public alley lasting longer than one hour for construction activities will come with advance notice of at least forty-eight (48) hours. This public alley shall never be used for staging. For purposes of this CMA, staging is defined as "use of any portion of said public alley for construction-related purposes, such as a construction trailer, construction equipment, a materials trailer, building materials and other related uses by the Applicant;
   b. Traffic and Construction Control Plan: Vehicular ingress and egress will be only through approved, permitted construction entrances to be approved by DDOT. The Applicant will minimize truck and vehicle queuing (which is deemed to be waiting for more than 15 minutes) or idling in the 3400 blocks of 9th and 10th Street and the 900 blocks of Lawrence and Kearney Streets. Nor are workers' vehicles allowed to queue or idle in the residential areas before the 7:00 a.m. or 8:00 a.m. start of the construction day. However, vehicles may regularly queue along the northernmost section of 9th Street on the east side of the street. There will be one or more regulated construction entrances for workers on foot, especially after the building superstructure is up. The Applicant will seek to have flagmen positioned on 9th, 10th, and Lawrence Streets to direct the flow of construction traffic and to maintain the public's

safety in this residential area, subject to a DDOT approved Traffic Construction Plan.

i. Throughout construction, the Applicant agrees to ensure safe pedestrian access around the perimeter of the site. The Applicant agrees to develop and implement (after approval by DDOT) a plan for temporary pedestrian and vehicular circulation during construction. At a minimum, the plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other features necessary to ensure safe pedestrian and vehicular travel around the site during construction; and

ii. The Applicant agrees to notify all adjacent property owners as well as all property owners facing the property across perimeter streets in writing or, if mutually agreeable, by e-mail, at least 48 hours in advance of any street or alley closure of more than one hour duration on any street, "emergencies" excepted, with "emergencies" as jointly defined by the Applicant and the 200-Footers Group;

c. Construction Trucks: The Applicant will minimize the use of 9th,10th, Lawrence, or Kearney Streets as construction truck or construction-related truck thoroughfares. There should be no construction truck parking along the 3400 blocks of 9th and 10th Streets and the 900 blocks of Lawrence and Kearney Streets;

d. Construction Parking: Parking for construction workers will be provided within the fenced boundaries of the construction site. Construction personnel will be encouraged to utilize mass transit, including Metro rail and Metro bus. Parking by construction personnel along the 3400 blocks of 9th and 10th Streets and the 900 blocks of Lawrence and Kearney Streets will not be permitted. Construction personnel can utilize short-term parking in the Brookland-CUA Metro parking lot or park elsewhere off-site and be shuttled to the site;

e. Site Management:

i. *Fence:* Once construction commences, a six foot high construction fence with privacy fabric will be erected to screen construction activities and debris from the nearby affected properties. All construction trailers, all construction materials, and all equipment, and portable toilets will be located and always retained on the Applicant's property behind the construction fence for the duration of the construction. The construction fence will shield the trailers and portable toilets from the neighborhood and residential areas;

ii. *Odors*: The Applicant will use best efforts to minimize noxious odors emanating from the construction site;

iii. *Lighting*: Ongoing temporary on-site lighting during construction will be erected for the site to provide lighting for safety and security. No generators will be used at night to provide temporary site lighting. The Applicant will keep the lighting directed into the site only and not impact the surrounding community. In addition, the Applicant will maintain current lighting in the North-South alley at all times, subject to temporary construction needs;

iv. *Electrical Generators:* All electrical generators and compressors will be turned off at the end of each day's construction activities, i.e., by 7:00 p.m.;

v. *Stormwater Management*: The Applicant will maintain temporary stormwater management systems throughout the Project's construction until such time as the permanent facilities are constructed, approved and functioning such that there shall be no adverse water impacts on the adjacent neighborhood; and

vi. *No Disruption of Services to Property Owners in Square 3829:* The Applicant will work with all relevant utility providers to assure that construction activity on the 901 Monroe Street Property will minimize the disruption of utility, cable or phone services to other property owners within Square 3829, and that this will occur at no cost to the Square 3829 Property Owners;

f. Hazardous Waste, Hazardous Materials and Pollutants: The Applicant shall not use, generate, manufacture, store, transport or dispose of, on or over the construction area any flammable liquids, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or any other "hazardous materials" as defined under Federal or DC law. However, materials that are commonly used in the construction of mixed-use projects such as the project proposed by the Applicant are not subject to this provision #6. The Applicant does not anticipate that any blasting will be required, however, should blasting be required the Applicant shall notify the Neighborhood Contact Person (discussed in provision #10) at least 48 hours prior to any blasting. The Applicant shall also give 48 hours' notice to the Neighborhood Contact Person prior to the commencement of Foundation work;

g. Rodent Infestation: The Applicant will enact a substantive rodent abatement/rodent control program during pre-construction and while construction activity is occurring on the 901 Monroe Street Property. Rodents are deemed to include rats, possums, raccoons, snakes, etc. Upon receipt of any rodent complaint, rodent damage and/or rodent issues from 200 Footers up until completion of project, the Applicant will immediately address with a professional pest control company;

h. Cleanliness: The Applicant will require the continuous removal of rubbish and construction debris during the normal construction day and during any other periods of work. During construction activities, there will be a dumpster on-site (*i.e.,* inside of the fence) for the removal of trash and construction debris. The dumpster will remain contained and not overflow onto the ground. The removal and replacement of the dumpster will take place during normal working hours on Monday through Saturday. The Applicant will undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period (see provision #7). All back-fill trucks will be covered before proceeding from the Applicant's property onto city streets.

The areas adjacent to the site will be policed on days of construction activity by the contractor and will always remain clean of any trash or debris resulting from construction activities. The Applicant will ensure regular cleaning of construction debris from the north-south alley and all surrounding streets (i.e., 9th, 10th, and Lawrence).

- At the end of each work day during construction, the Applicant agrees to ensure that any streets used for hauling construction materials and the entrance to the construction site are free of mud, dirt, trash, dust and debris from the construction activity and that all streets adjacent to the construction site are free of construction trash and debris; and
- The Applicant agrees to report the presence of potholes adjacent to the site to relevant authorities during the construction period;

i. Work Hours and Workers: The normal construction work-week will be Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 8:00 a.m. to 4:00 p.m. The Applicant will make good faith efforts to limit the work that could disturb the residents of the neighborhood to weekdays, except where limitations on work during the week require work on Saturdays to meet the requirements of construction teams for a 40-hour work week. No Sunday work hours will be utilized:
   i. *Trucks:* All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the Applicant's property during the foregoing hours. The Applicant agrees to minimize queuing (which is deemed to be waiting for more than 15 minutes), idling, standing, or parking of delivery trucks on the 3400 blocks of 9th and 10th Streets and the 900 blocks of Lawrence or Kearney Streets. However, regular queueing may occur on the northernmost section of 9th Street on the east side of the street;
   ii. *Workers:* Workers will not loiter or play loud music and will be encouraged not to talk loudly on 9th, 10th, Lawrence, and Kearney Street; and
   iii. *Noise* (also see provision n)*:* There will be no noise generating activities prior to the start of the work day. There will be no start-up or idling of equipment prior to the start of the workday. Indoor construction activity, defined as activity occurring entirely within a structure fully enclosed on all sides by insulated exterior walls, windows and or doors shall end at midnight each day, and any such activity that occurs after 7:00 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The Applicant agrees to place a minimum of one (1) sign per street-front around the perimeter indicating the permissible hours of construction, to place additional signage within construction field offices, and to provide a written copy of the permissible hours and rules of construction to all subcontractors prior to the start of their work;

j. Communication: The Applicant shall designate a representative (the "Representative") to be the key contact for interaction with members of the community (especially the 200 Footers) regarding construction. The Representative will have a local office, cell, and voice mail and be accessible during all business hours. The Representative will respond to all community queries within the same business day (Monday-Saturday). In addition, the Applicant will provide an emergency point of contact who can be reached 24 hours a day for construction concerns. The name of the key contact and his or her telephone numbers will be conspicuously posted on the Applicant's property at all times. The Applicant will work with residents of 10th Street, N.E. whose homes are adjacent to the

development site, residents of 9th Street, N.E. whose homes are directly across the street from the 901 Monroe Street Property, and residents of the 900 block of Lawrence Street, N.E., to designate a contact person ("Neighborhood Contact Person"), who may change from time to time, to represent the surrounding community. The initial Neighborhood Contact Person shall be designated by the community and will be determined prior to the start of construction activity on the Property. The Neighborhood Contact Person will receive and disseminate information from the Applicant to the community. The Applicant shall provide to the Neighborhood Contact Person, and keep updated, the names of and pertinent information about the Representative, the designee and emergency contact including their cell phone numbers. The community may also designate an alternate Neighborhood Contact Person, who will receive information related to construction activity and represent the community in the absence of the primary Neighborhood Contact person:

i. The Applicant's designated Representative shall: (a) receive notice of violations of the Construction Management Plan/Agreement; (b) respond to the person who reported the violation within the same business day (Monday-Saturday); (c) act to remedy the violation as soon as possible; (d) correspond with the Neighborhood Contact Person to explain the complaint, proposed remedy, and timeframe for resolution of the problem; and (e) maintain a log of all complaints received and the steps taken to address the complaints (this log shall be continually available for inspection by the 200 Footers);

ii. Before commencing any clearing, or grading activities, the Applicant shall hold a meeting with the 200 Footers to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Applicant further agrees to meet with the 200 Footers should the exigencies of construction require modifications to any details specified herein. In addition, the Applicant shall meet with the 200 Footers periodically during the construction activities and shall meet with the 200 Footers, at a minimum, once every three months in order to review status/resolution of any construction or construction management issues from the prior quarter and provide an overview of major work for the upcoming quarter; and

iii. Copies of the plans shall be available and permits posted on the construction site and provided to each subcontractor before its work commences;

k. Contractors. The Applicant will enforce contractor compliance with all rules and regulations described herein with all such conditions included in all general and sub-contractor oral and written contracts. The Applicant will require that all contractors and subcontractors use only licensed vehicles and that they comply with all DC traffic laws and regulations;

l. Pre- and Post-Construction Surveys. The Applicant will hire an independent testing and inspection firm. Prior to commencement of work on the Property, the Applicant will reach out to the owners of adjacent properties to inquire if such owners wish to have their property and all improvements on the property thoroughly surveyed

by an independent professional. The owners of the following properties will be contacted: the rowhouses on the west side of 9th Street in Square 3829W, the six rowhouses on the west side of 10th Street in Square 3829, the properties in the 900 block of Lawrence Street (907-919 Lawrence Street) on the south side of Lawrence Street in Square 3830, 1000 Monroe Street in Square 3881, and 901 Newton Street in Square 3827. The owners of these properties are hereby called "Adjacent Owners." The surveys will include photographs and video evidence of the condition of each surveyed Adjacent Owner property. After substantial completion of the excavation and construction work on the Property, a final survey of each interested Adjacent Owner property (with photographs and video evidence) will be undertaken by the same independent professional. The surveys are intended to provide the Applicant and each participating Adjacent Owner a reference point from which to determine the effect, if any, that construction activity on the Property had on each Adjacent Owner's property. The surveys will be performed at the Applicant's sole cost and expense. Each survey report shall be provided to the Applicant and to the Adjacent Owner. If the Applicant is not permitted access to an Adjacent Owner property, the Applicant is not required to perform the above-noted survey for that particular Adjacent Owner property.

Should the Applicant become aware of any cracks that develop in improvements on the Surveyed Properties during construction, a program of crack monitoring administered by a qualified independent company shall be put in place immediately;

m. Responsibility for Damage to Adjacent Owner Property. The Applicant agrees to repair, at its own expense, any damage to the property or improvements thereon of an Adjacent Owner, which is proximately caused by the construction activity on the Property. All repairs shall be commenced within 60 days of the Applicant and the Adjacent Owner agreeing upon the necessary and appropriate repairs. Prior to beginning the pre-construction survey, the name and firm's biographical information will be provided to the owners of the Surveyed Properties. Any damage to adjacent properties that is valued less than $5,000, as agreed upon by Applicant and Adjacent Owner, shall be repaired by the Applicant commencing within three business days (Monday-Saturday) unless Applicant and Adjacent Owner jointly agree to monetary reimbursement instead of repairs;

n. Noise (see also provision i.iii.). The Applicant will not permit any activity on the Applicant's property which generates sound levels in excess of eighty decibels (80 db.) measured 25 feet from edge of site per DC Department of Buildings' Noise Regulation Handbook. Additionally, all electrical generators and compressors will not be turned on before 7:00 a.m. on weekdays and 8:00 a.m. on Saturdays and will be turned off by 7:00 p.m. All exterior work and interior work at any hour shall not exceed eighty decibels (80 db.). At all times, workers will be prohibited from playing loud music and will be encouraged not to talk loudly on 9th, 10th, Lawrence, and Kearney Streets;

o. Permits (see also provision j.iii.). All plans and permits will be on-site as required under the DC Construction Code and available for inspection by the community;

p. Tree Protection and Replacement. The Applicant agrees to implement a tree protection plan which will designate any trees proposed to be saved by the Applicant. These trees may be located on the 901 Monroe Street Property. The tree protection plan shall be prepared by a certified arborist or a horticultural professional with demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved by DDOT prior to the issuance of a clearing, grading or demolition permit;

q. Crane Swing Agreements. The Applicant shall endeavor to enter into agreements with each property owner should there be crane swings above its adjacent property;

r. Maintenance Prior to Construction. The Applicant agrees to maintain the site in a clean, safe and well-maintained condition prior to the issuance of a clearing, grading or demolition permit; and

s. Post-Completion Cleanup. The Applicant will work with the 200-Footers Group to determine the terms at a later date.

2. **Prior to the issuance of the first certificate of occupancy for the Project,** the Applicant shall provide the Zoning Administrator with information showing that the Applicant has completed the following pedestrian and safety improvements, subject to DDOT approval:

   a. The Applicant recorded a permanent easement along the site's Monroe Street frontage and at the 9th Street/Monroe Street and 10th Street/Monroe Street intersections to include the full width of the DDOT Standard sidewalk and tree box (minimum 12 feet from back of curb) so that DDOT can provide cohesive maintenance **for the life of the Project**;

   b. The Applicant recorded a permanent easement for the area of the widened alley so that DDOT can provide cohesive maintenance for the entire alley **for the life of the Project**; and

   c. The Applicant funded and constructed the following infrastructure improvements in public space, subject to DDOT approval:

      i. Add intersection "daylighting" at the twelve locations at the four intersections surrounding the project identified below (which shall be constructed of flexiposts and striping) to increase visibility of pedestrians and slow down vehicles traveling to and from the site:

         1. Monroe Street & 9th Street, N.E.;
            a. Southeast and southwest corners (9th Street only)
         2. Lawrence Street & 9th Street, N.E.;
            b. Northeast and northwest corners (9th Street only)
            c. Northeast and southeast corners (Lawrence Street only)
         3. Lawrence Street & 10th Street, N.E.;
            d. Northwest and southwest corners (Lawrence Street only)
            e. Northeast and northwest corners (10th Street only)
         4. Monroe Street & 10th Street, N.E.;
            f. Southeast and southwest corners (10th Street only)

ii. Install two TAPCO speed bump assemblies in the public alley adjacent of the Property with a gap of at least two feet provided between the speed bumps; and
iii. Construct a concrete protective barrier along the bicycle lane on the south side of Monroe Street between each intersection and the end of the parking lane.

3. **For the life of the Project**, the Applicant shall implement the following Transportation Demand Management program:
a. Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit or commercial lease and charge a minimum rate based on the average market rate within a quarter mile. Only hourly, daily, weekly or monthly rates will be charged. Free parking, validation, or discounted rates will not be offered for retail customers;
b. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
c. The Transportation Coordinator will conduct an annual commuter survey of building employees and residents on-site, and report TDM activities and data collection efforts to goDCgo once per year;
d. The Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to 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;
e. The Transportation Coordinator will subscribe to goDCgo's residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
e. Provide residents and employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
f. Offer a SmarTrip card and one complimentary Capital Bikeshare coupon good for a free ride to every new resident within the first two years of occupancy or until the building achieves 90% residential occupancy, whichever occurs sooner;
g. Provide, at no charge to and use by any tenant of the building or employee thereof, 12 short- and 80 long-term bicycle parking spaces;
h. Long-term bicycle storage rooms will accommodate non-traditional sized bikes including cargo, tandem, and kids' bikes, with a minimum 5% of spaces (minimum 4) being designed for longer cargo/tandem bikes (10'x3'), a

minimum of 10% of spaces (minimum 8) will be designed with electrical outlets for the charging of electric bikes and scooters. A minimum of 50% of the spaces (minimum 40) will be located horizontally of the floor. There will be no fee to the employees for the use of the bicycle storage room. There will be no fee to the residents for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle storage room;

i. Install a minimum of two electric vehicle (EV) charging stations;

j. 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;

k. Post all transportation and TDM commitments on building website, publicize availability, and allow the public to see what has been promised; and

l. Residents of the Project will not be permitted to obtain a Residential Parking Permit.

5. **Following the issuance of a Certificate of Occupancy for the Project**, the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case.

D. MISCELLANEOUS

1. No building permit shall be issued for the Project until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of Zoning Legal Division and the Zoning Administrator (the "PUD Covenant"). The PUD Covenant shall bind the Applicant and all successors in title to construct and use the Site in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of OZ;

2. The PUD shall be valid for a period of two years from the effective date of this Order. Within such time an application shall be filed for a building permit, with construction to commence within three years of the effective date of this Order; and

3. In accordance with the 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 also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

FINAL ACTION:
VOTE (October 23, 2025): 3-0-2 (Gwen Wright, Anthony J. Hood, and Robert E. Miller to approve; Joseph S. Imamura, and Tammy Stidham not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, Order 24-15 shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 31, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

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.

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