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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council passes Law 26-179, Fiscal Year 2027 Local Budget Act of 2026
- D.C. Council schedules a public hearing on the HealthCare Facilities Regulation Amendment Act of 2026 (Bill 26-0799)
- D.C. Council schedules a public hearing on the Health Benefit Exchange Authority Technical Amendment Act of 2026 (Bill 26-0809)
- D.C. Council schedules a public hearing to discuss Career and Technical Education and the Advanced Technical Centers
- D.C. Council schedules a public hearing to discuss the use of technology in schools
- D.C. Council schedules a public roundtable to discuss the Office of the State Superintendent of Education's Division of Student Transportation
- Commission on the Arts and Humanities announces funding availability for FY 2027 Color the Curb: School Safety Project and FY 2027 Juried Exhibition Grant
- Department of Health announces funding availability for the High-Need Healthcare Career Scholarship Program
- DC Public Library updates its meeting room use regulations
- DC Office of the Tenant Advocate publishes the District of Columbia Tenant Bill of Rights.

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.).

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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.

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DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-176

"Architect and Engineer Good Samaritan Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-173 on First Reading and Final Reading, on March 3, 2026, and March 31, 2026, respectively. Following the signature of the Mayor on April 24, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-306 and was published in the May 1, 2026 edition of the D.C. Register (Vol. 73, page 006817). Act 26-306 was transmitted to Congress on July 27, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-306 is now D.C. Law 26-176, effective September 5, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
July	27,28,29,30,31
August	3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-177

"Union Wesley Way Designation Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-551 on Final Reading on May 5, 2026. Following the signature of the Mayor on May 29, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-330 and was published in the June 5, 2026 edition of the D.C. Register (Vol. 73, page 008183). Act 26-330 was transmitted to Congress on July 27, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-330 is now D.C. Law 26-177, effective September 5, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
July	27,28,29,30,31
August	3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-178

"Education Code Adjustments Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-430 on First Reading and Final Reading, on May 5, 2026, and June 30, 2026, respectively. Following the signature of the Mayor on July 22, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-375 and was published in the August 7, 2026 edition of the D.C. Register (Vol. 73, page 011074). Act 26-375 was transmitted to Congress on August 3, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-375 is now D.C. Law 26-178, effective September 15, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-179

"Fiscal Year 2027 Local Budget Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-659 on First Reading and Final Reading, on June 9, 2026, and June 23, 2026, respectively. Following the signature of the Mayor on, pursuant to Section 404(e) of the Charter, the bill became Act 26-379 and was published in the August 7, 2026 edition of the D.C. Register (Vol. 73, page 011124). Act 26-379 was transmitted to Congress on August 3, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-379 is now D.C. Law 26-179, effective September 15, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA PROPOSED LEGISLATION

B26-0798 Health-Care Decisions Amendment Act of 2026

Intro. 09-16-2026 by Chairman Mendelson and referred to the Committee on Health

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B26-0799 HealthCare Facilities Regulation Amendment Act of 2026

Intro. 09-16-2026 by Chairman Mendelson and referred to the Committee on Health

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B26-0801 Chevy Chase Civic Site Surplus Declaration and Disposition Approval Act of 2026

Intro. 09-16-2026 by Chairman Mendelson and referred sequentially to the Committee on Facilities, and Committee on Human Services

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B26-0802 Pied-à-Terre Property Tax Amendment Act of 2026

Intro. 09-16-2026 by Councilmember Frumin and referred to the Committee of the Whole

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B26-0803 Uniform Assignment for Benefit of Creditors Act of 2026

Intro. 09-16-2026 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

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B26-0804 Law Enforcement Cadet Pathways Expansion Amendment Act of 2026

Intro. 09-17-2026 by Councilmember T. White and referred to the Committee on Judiciary and Public Safety

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B26-0805 Public Inconvenience Fee Sunset Amendment Act of 2026

Intro. 09-17-2026 by Councilmembers T. White, and Bonds and referred to the Committee on Transportation and the Environment

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B26-0806 Mary Cuthbert Way Designation Act of 2026

Intro. 09-17-2026 by Councilmembers T. White, and Bonds and referred to the Committee of the Whole

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B26-0807 Constance “Connie” Mobley Way Designation Act of 2026

Intro. 09-17-2026 by Councilmembers T. White, Bonds, and Silverman and referred to the Committee of the Whole

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B26-0808 Green Workforce Pilot Amendment Act of 2026

Intro. 09-21-2026 by Councilmembers Frumin, Lewis George, Silverman, Bonds, and Allen and referred to the Committee on Human Services

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B26-0809 Health Benefit Exchange Authority Technical Amendment Act of 2026

Intro. 09-21-2026 by Councilmember Henderson and referred to the Committee on Health

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B26-0810 Veola Jackson Way Designation Act of 2026

Intro. 09-21-2026 by Councilmember Allen and referred to the Committee of the Whole

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PR26-0789 Council Period 26 Committee Membership Amendment Resolution of 2026

Intro. 09-21-2026 by Chairman Mendelson and referred to the Retained by the Council

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PR26-0804 University of the District of Columbia Contract No. PO-GF-2026-C-0019 with Ellucian Company LLC Approval Resolution of 2026

Intro. 09-16-2026 by Chairman Mendelson and referred to the Retained by the Council with comments from the Committee of the Whole

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PR26-0805 Transfer of Jurisdiction of Portions of Squares 1177, 1178, and 1179 and a Portion of 35th Street, NW, S.O. 26-01542, Approval Resolution of 2026

Intro. 09-17-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0806 Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2026

Intro. 09-18-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0807 Historic Preservation Review Board Gabrielle Miller Confirmation Resolution of 2026

Intro. 09-18-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0808 Citizen Review Panel Elizabeth Mohler Reappointment and Redesignation Resolution of 2026

Intro. 09-21-2026 by Chairman Mendelson and referred to the Committee of the Whole

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COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HUMAN SERVICES
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER MATTHEW FRUMIN, CHAIRPERSON,
COMMITTEE ON HUMAN SERVICES,

ANNOUNCES A PUBLIC HEARING ON

B26-0720, the "Fletcher-Johnson
Surplus Declaration and Disposition Approval Act of 2026"

B26-0740, the "Georgetown Boathouse
Surplus Declaration and Disposition Approval Act of 2026"

Wednesday, October 14, 2026
10:00 a.m.
Room 412 of the John A. Wilson Building and Zoom Virtual Platform

Watch live at:
https://dccouncil.gov/hearings/
https://www.youtube.com/@cmfrumin

On Wednesday, October 14, 2026, Matthew Frumin, Chairperson of the Committee on Human Services, will convene a Public Hearing on B26-0720, the "Fletcher-Johnson Surplus Declaration and Disposition Approval Act of 2026", and B26-0740, the "Georgetown Boathouse Surplus Declaration and Disposition Approval Act of 2026". The hearing will be held in a hybrid format, in both Room 412 of the John A. Wilson Building and on the Zoom virtual platform, beginning at 10:00 a.m.

B26-0720, the "Fletcher-Johnson Surplus Declaration and Disposition Approval Act of 2026", was referred to the Committee on Facilities and the Committee on Human Services on July 14, 2026. The stated purpose of B26-0720 is to declare surplus and authorize the disposition by the Mayor of District-owned real property located at 4650 Benning Road, SE, and known for tax and assessment purposes as Lot 0802 in Square 5344.

B26-0740, the "Georgetown Boathouse Surplus Declaration and Disposition Approval Act of 2026", was referred to the Committee on Facilities and the Committee on Human Services on July 14, 2026. The stated purpose of B26-0740 is to declare surplus and authorize the disposition by the Mayor of District-owned or administered real property known for tax and assessment purposes as Lots 805, 812, and 813 in Square 1179.

The Committee invites the public to provide oral and written testimony. Members of the public may sign up to testify using the Hearing Management System at https://lims.dccouncil.gov/hearings/. **Online registration will close on October 13, 2026, at 10:00 a.m.** If you cannot register to testify online, please contact Daniel Sagrera, Legislative Assistant at the Committee on Human Services, at (202) 724-8078 or dsagrera@dccouncil.gov.

Registered witnesses will receive an e-mail from the Committee with instructions on how to testify and register for a Zoom link before the hearing. The first representative to speak on behalf of an organization will have five (5) minutes to testify. Subsequent representatives of the same organization will have three (3) minutes to testify. All other members of the public will have three (3) minutes to testify. Advisory Neighborhood Commissioners will have five (5) minutes to testify.

Witnesses who anticipate needing spoken language interpretation or who require closed captioning are asked to communicate with the Committee about how it can best help them participate as soon as possible. If a witness who requires accommodations to participate reaches out to the Committee **fewer than five (5) business days before the hearing, it may no longer be possible to arrange for an accommodation.** An alternative may be offered.

All witnesses are strongly encouraged to provide written testimony by uploading it to the Hearing Management System. **The record will close for all forms of testimony at the end of the business day on Wednesday, October 28, 2026.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER CHRISTINA HENDERSON, CHAIRPERSON
COMMITTEE ON HEALTH
ANNOUNCES A PUBLIC HEARING

ON

B26-0799 - HealthCare Facilities Regulation Amendment Act of 2026
B26-0809 - Health Benefit Exchange Authority Technical Amendment Act of 2026

ON

Wednesday, October 14, 2026, 11:00 a.m.
Hybrid in Room 500 and Virtual via Zoom
To Watch Live:
https://dccouncil.gov/council-videos/
https://www.christinahendersondc.com/live
https://www.youtube.com/@cmchenderson

Councilmember Christina Henderson, Chair of the Committee on Health, announces a public hearing on B26-0799 - HealthCare Facilities Regulation Amendment Act of 2026, B26-0809 - Health Benefit Exchange Authority Technical Amendment Act of 2026. The hearing will be held on Wednesday October 14, 2026, 11:00 a.m., hybrid in Room 500 of the John A. Wilson Building, and Virtual via Zoom.

The stated purpose of B26-0799 is to amend several statutes governing the oversight, licensure, and regulation of health care facilities and entities in the District to strengthen patient safety, modernize regulatory authority, and improve transparency and accountability across the health care system. Specifically, the bill would amend the Healthcare and Community Residence Facility and Homecare Licensure Act of 1993, the Medical Malpractice Amendment Act of 2006, the Health Services Planning Program Re-establishment Act of 1996 and related provisions to District law.

The stated purpose of B26-0809 is to amend the Health Benefit Exchange Authority Establishment Act of 2011 to clarify the Health Benefit Exchange Authority's independent personnel authority, clarify expertise for executive board membership, make ethics and conflicts of interest requirements consistent with applicable District-wide law, and make other technical clarifying edits.

Witnesses may appear either in-person or virtually using the Zoom platform. Unless otherwise stated in pre-hearing instructions, witnesses will have 5 minutes to speak if they are representing an organization, and 3 minutes if they are speaking for themselves. The public should sign up at https://lims.dccouncil.gov/Hearings by 5pm on Monday, October 12, 2026. **Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding.** We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. If you have additional questions, please email Ange Joseph, Legislative Assistant at acjoseph@dccouncil.gov.

Testimony should be submitted through the Council's Hearing Management System https://lims.dccouncil.gov/hearings in advance of the roundtable. Testimony will be publicly accessible upon Committee review. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted through the Hearing Management System. The record will close at 5:00pm on Wednesday, October 28, 2026.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Career and Technical Education and the Advanced Technical Centers
on
Wednesday, October 21, 2026, 2:30 p.m.

Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Career and Technical Education and the Advanced Technical Centers. The public hearing will be held at **2:30 p.m. on Wednesday, October 21, 2026.**

The Committee of the Whole is interested in whether, when, and how to expand education in skilled trades such as construction, plumbing, and HVAC, as well as what obstacles complicate skilled trades pathways (e.g., full-time employment, school credits, promotion opportunities).

Related, the Office of the State Superintendent operates two Advanced Technical Centers (ATCs) focused on healthcare and cybersecurity, allowing students to earn college credits through college-level coursework and hands-on, professional training. A few local education agencies offer secondary education in skilled trades. The Committee is interested in testimony about the ATCs—their strengths and weaknesses and how they can be improved.

Those who wish to testify must register using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings by **5:00 p.m. on** Monday, October 19, 2026. **Testimony is limited to three minutes**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding by emailing cow@dccouncil.gov. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. Witnesses will receive instructions on how to participate by Zoom prior to the hearing. If you have additional questions, please get in touch with Hannah Kozik, Legislative Policy Advisor, at (202) 724-8137 or hkozik@dccouncil.gov.

Public witnesses will participate in-person or virtually via the Internet on the Zoom Video Conference platform. Those who wish to submit testimony for the record may do so by using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings or by leaving a voicemail at (202) 430-6948 (up to 3 minutes which will be transcribed). Testimony will be publicly accessible upon Committee review. **The record will close at 5:00 p.m. on Wednesday, November 4, 2026**.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Technology in Schools
on
Friday, October 9, 2026, 10:00 a.m.

Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Technology in Schools. The public hearing will be held at **10:00 a.m. on Friday, October 9, 2026.**

Over the past few years, there has been a growing concern regarding the increasing use of technology and screen time in schools across the District of Columbia. Parents, educators, and policymakers alike are raising questions about how digital tools are being integrated into classrooms and what impact this may have on students' learning and well-being. The Committee of the Whole is particularly interested in understanding how schools are utilizing technology to educate students in the district, as well as how screen time is being monitored, managed, and balanced with other instructional practices. While the foregoing concerns both sectors, this hearing is also an opportunity for testimony commenting on the annual District of Columbia Public Schools' Technology Plan as well as the use of online student assessment tools (e.g., i-Ready).

Those who wish to testify must register using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings by **5:00 p.m. on** Wednesday, October 7, 2026. **Testimony is limited to three minutes**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding by emailing cow@dccouncil.gov. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. Witnesses will receive instructions on how to participate by Zoom prior to the hearing. If you have additional questions, please get in touch with Aliyah McNeely, Legislative Policy Advisor, at (202) 724-7130 or amcneely@dccouncil.gov.

Public witnesses will participate in-person or virtually via the Internet on the Zoom Video Conference platform. Those who wish to submit testimony for the record may do so by using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings or by leaving a voicemail at (202) 430-6948 (up to 3 minutes which will be transcribed). Testimony will be publicly accessible upon Committee review. **The record will close at 5:00 p.m. on Friday, October 23, 2026**.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HUMAN SERVICES
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER MATTHEW FRUMIN, CHAIRPERSON,
COMMITTEE ON HUMAN SERVICES,

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

The Eligibility Determination Process at the
Virginia Williams Family Resource Center

Thursday, October 8, 2026
10:00 a.m.
Room 500 of the John A. Wilson Building and Zoom Virtual Platform

Watch live at:
https://dccouncil.gov/hearings
https://www.youtube.com/@cmfrumin

On Thursday October 8, 2026, Matthew Frumin, Chairperson of the Committee on Human Services, will convene a Public Oversight Roundtable on the eligibility determination process at the Virginia Williams Family Resource Center ("Virginia Williams"). The roundtable will be held in a hybrid format, in both Room 500 of the John A. Wilson Building and on the Zoom virtual platform, beginning at 10:00 a.m.

The Department of Human Services (DHS) operates Virginia Williams, which serves as the central intake office for District families seeking homeless services. Eligible families without a safe place to stay the night they present at Virginia Williams are referred to emergency shelter, while eligible families with a safe place to stay are referred to the Homelessness Prevention Program (HPP). A shelter referral may lead to future placement in the District's family rapid re-housing program or to connection with subsidized permanent housing.

HPP, meanwhile, is a 90-day program that offers services like mediation and flexible financial assistance to end and prevent episodes of homelessness. According to DHS, "By offering targeted services and flexible supports, HPP works to stabilize families before they enter the shelter system. The program also provides diversion services for families who have already been displaced, helping them secure safe temporary housing outside of shelter while receiving supportive services that lead toward longer-term stability and permanent housing."

Throughout its oversight of DHS, the Committee has heard concerns from residents and legal services providers about the process used to determine eligibility for homeless services generally

and for specific programs at Virginia Williams. Applicants have described the eligibility determination process as invasive, unfair, and inconsistently applied, especially in novel or complex circumstances. They contend that DHS has struggled to appropriately place families fleeing uninhabitable apartments, families with pending court cases or eviction dates, and families for whom the question of a safe place to stay is close or complicated. Applicants' narratives demonstrate that the work of making eligibility determinations is sensitive and challenging, and that eligibility workers must be supported by robust training and thoughtful collaboration.

Residents and advocates have also expressed concerns about the role and efficacy of HPP. DHS has come to increasingly rely on HPP as a cost-effective means of preventing, and sometimes ending, episodes of homelessness. In FY25, the number of families participating in HPP was more than twice the number of families who entered shelter. This laudable focus on averting the trauma of homelessness, however, must be supported by data demonstrating that HPP sustainably prevents, rather than merely delays, homelessness.

This roundtable presents the opportunity to evaluate whether the decisions made at Virginia Williams, including whether to place families in HPP, accurately reflect families' eligibility; are fair and consistent; and set families up for long-term housing stability.

The Committee invites the public to provide oral and written testimony. Members of the public may sign up to testify using the Hearing Management System at https://lims.dccouncil.gov/hearings. **Online registration will close at 10:00 a.m. on Tuesday, October 6, 2026.** If you cannot register to testify online, please contact humanservices@dccouncil.gov.

Registered witnesses will receive an e-mail from the Committee with instructions on how to testify and register for a Zoom link before the roundtable. The first representative to speak on behalf of an organization will have five (5) minutes to testify. Subsequent representatives of the same organization will have three (3) minutes to testify. All other members of the public will have three (3) minutes to testify. Advisory Neighborhood Commissioners will have five (5) minutes to testify.

Witnesses who anticipate needing spoken language interpretation or who require closed captioning are asked to communicate with the Committee about how it can best help them participate as soon as possible. If a witness who requires accommodations to participate reaches out to the Committee **fewer than five (5) business days before the hearing, it may no longer be possible to arrange an accommodation.** An alternative may be offered.

All witnesses are strongly encouraged to provide written testimony by uploading it to the Hearing Management System. **The record will close for all forms of testimony at the end of the business day on Thursday, October 22, 2026.**

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

The Office of the State Superintendent of Education's Division of Student Transportation

on
Wednesday, November 4, 2026, 9:30 a.m.

Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on the Office of the State Superintendent of Education's Division of Student Transportation. The public roundtable will be held at **9:30 on Wednesday, November 4, 2026.**

The Office of the State Superintendent of Education's Division of Student Transportation (OSSE-DOT) is responsible for providing safe, reliable, and efficient transportation services for nearly 4,000 eligible District students with disabilities. During the 2025-2026 school year, the Committee of the Whole held one public oversight hearing and convened two roundtables on OSSE-DOT to understand the division's ongoing challenges, and its efforts to address them. In summer 2026, OSSE-DOT piloted a new bus tracking system ("Busware") that equips each bus with a GPS-enabled tablet and provides families with immediate information. OSSE-DOT projects a full rollout of the Busware system before January 2027. This roundtable will examine Busware's implementation and the division's ongoing efforts to address operational challenges and improve transportation services for students with disabilities.

This hearing is limited to invited witnesses and agency representatives; however anyone may submit written testimony**.** A separate hearing on the topic of special education generally, will be held later the same day; that hearing will be open to anyone who registers. Those who wish to submit testimony for the record may do so by using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings or by leaving a voicemail at (202) 430-6948 (up to 3 minutes which will be transcribed). Testimony will be publicly accessible upon Committee review. **The record will close at 5:00 pm on Wednesday, November 18, 2026.** If you have additional questions, please contact Hannah Kozik, Legislative Policy Advisor, at (202) 724-8137 or hkozik@dccouncil.gov.

COUNCIL OF THE DISTRICT OF COLUMBIA

CONSIDERATION OF TEMPORARY LEGISLATION

B26-779, Ballpark Bonds Loan Repayment Temporary Amendment Act of 2026,

B26-781, Food & Friends Property Tax Exemption Temporary Amendment Act of 2026,

B26-783, Broadband Price Transparency Regulation Temporary Amendment Act of 2026,

B26-786, Peer-to-Peer Car Sharing Rental Vehicle Sales Tax Clarification Temporary Amendment Act of 2026,

B26-788, Community Schools Task Force Temporary Amendment Act of 2026,

B26-790, Duke District BID Grantmaking Temporary Amendment Act of 2026, and,

B26-792, Extension of Substance Use and Targeted Outreach Grants Temporary Amendment Act of 2026.

These temporary measures were adopted on September 22, 2026. A final reading on these measures will occur on October 6, 2026.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications

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

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

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

GBM 26-0060 Grant Budget Modification as of September 2, 2026

RECEIVED: 14-day review begins September 21, 2026

GBM 26-0061 Grant Budget Modification as of September 15, 2026

RECEIVED: 14-day review begins September 21, 2026

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 26-0151: Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $236,000 within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary Wednesday September 16, 2026. The funds are needed to provide funding in support of H-1B visa initiatives for eligible international educators.

RECEIVED: 14-day review begins Thursday September 17, 2026

Reprog. 26-0152: Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $13,259,475 from multiple agencies to the Metropolitan Police Department (MPD) was filed in the Office of the Secretary Wednesday September 16, 2026. The funds are needed to cover higher than planned operational overtime costs, additional overtime costs for special events associated with the approval of the recently approved collective bargaining agreements, and uncollected reimbursements for Special Operations Detail overtime.

RECEIVED: 14-day review begins Thursday September 17, 2026

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF RE-REFERRED PROPOSED LEGISLATION

The following bills were published as referred legislation, but the legislation has now been re-referred:

B26-769 "Soccer Stadium Redevelopment and Maintenance Act of 2026"

Re-referred to the Committee of the Whole with comments from the Committee on Human Services.

B26-774 "Dram Shop Clarification and Liquor Liability Insurance Amendment Act of 2026"

Re-referred sequentially to the Committee on Health and Committee on Judiciary and Public Safety.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 25, 2026
Protest Petition Deadline:	November 9, 2026
Roll Call Hearing Date:	November 30, 2026
Protest Hearing Date:	January 13, 2027
License No.:	ABRA-137372
Licensee:	601 Indiana LLC
Trade Name:	AC Hotel Washington DC National Mall
License Class:	Retailer's Class "B" 25%
Address:	601 Indiana Avenue, N.W.
Contact:	Matthew Minora: (202) 625-7700, mminora@malliosobrien.com

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 30, 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 **January 13, 2027 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class B (25%) beer and wine store license located entirely inside of a hotel. This location will have no street access.

HOURS OF OPERATION

Sunday through Saturday 12am – 12am (24-Hour Operations)

HOURS OF ALCOHOLIC BEVERAGE SALES

Saturday through Sunday 6am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 25, 2026
Protest Petition Deadline:	November 9, 2026
Roll Call Hearing Date:	November 30, 2026
Protest Hearing Date:	January 13, 2027

License No.:	ABRA-137370
Licensee:	601 Indiana LLC
Trade Name:	AC Hotel Washington DC National Mall
License Class:	Retailer's Class "C" Hotel
Address:	601 Indiana Avenue, N.W.
Contact:	Matthew Minora: (202) 625-7700, mminora@malliosobrien.com

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 30, 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 **January 13, 2027 at 1:30 p.m.**

NATURE OF OPERATION
A class "C" Hotel with 122 rooms. Sidewalk Café with 45 seats and Total Occupancy Load of 55. Entertainment Endorsement to provide live entertainment inside the premises only. Holiday Extension of Hours Endorsement.

HOURS OF OPERATION FOR INSIDE PREMISES
Sunday through Saturday 12am – 12am (24-Hour Operations)

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES
Sunday through Saturday 6am – 1 am

HOURS OF OPERATION FOR THE SIDEWALK CAFÉ
Sunday through Thursday 6am – 12am, Friday and Saturday 6am – 1am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFÉ
Sunday through Thursday 8am – 12am, Friday and Saturday 8am – 1am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES
Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-075795 **License Class/Type: B / Retail - Grocery**

Applicant: Lusk Corporation
Trade Name: Eddie's Carryout
SMD: 5D08

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

1251 BLADENSBURG ROAD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	12 pm - 1 am	12 pm - 12 am
Monday:	10:30 am - 12 am	10:30 am - 12 am
Tuesday:	10:30 am - 12 am	10:30 am - 12 am
Wednesday:	10:30 am - 12 am	10:30 am - 12 am
Thursday:	10:30 am - 12 am	10:30 am - 12 am
Friday:	10:30 am - 1 am	10:30 am - 12 am
Saturday:	10:30 am - 1 am	10:30 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-077168 **License Class/Type: B / Retail - Grocery**

Applicant: DSAY Corporation
Trade Name: Adams Market
SMD: 6A03

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

700 F STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7:30 am - 9 pm	10 am - 9 pm
Monday:	7:30 am - 9 pm	9 am - 9 pm
Tuesday:	7:30 am - 9 pm	9 am - 9 pm
Wednesday:	7:30 am - 9 pm	9 am - 9 pm
Thursday:	7:30 am - 9 pm	9 am - 9 pm
Friday:	7:30 am - 9 pm	9 am - 9 pm
Saturday:	7:30 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-060722 **License Class/Type: B / Retail - Grocery**

Applicant: Friendly David's Market Inc.
Trade Name: Friendly Food Market
SMD: 6D08

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

1399 HALF STREET SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	9 am - 9 pm
Monday:	8 am - 10 pm	9 am - 9 pm
Tuesday:	8 am - 10 pm	9 am - 9 pm
Wednesday:	8 am - 10 pm	9 am - 9 pm
Thursday:	8 am - 10 pm	9 am - 9 pm
Friday:	8 am - 10 pm	9 am - 9 pm
Saturday:	8 am - 10 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-060167 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Whole Foods Market Group LLC

Trade Name: Fresh Fields Whole Foods Market

SMD: 2F03

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

1440 P STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-001688 **License Class/Type: B / Retail - Grocery**

Applicant: Amko International, Inc.
Trade Name: Capitol Supermarket
SMD: 2F08

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

1231 11TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 8 pm	9 am - 8 pm
Monday:	9 am - 9pm	9 am - 9pm
Tuesday:	9 am - 9pm	9 am - 9pm
Wednesday:	9 am - 9pm	9 am - 9pm
Thursday:	9 am - 9pm	9 am - 9pm
Friday:	9 am - 9pm	9 am - 9pm
Saturday:	9 am - 8:30 pm	9 am - 8:30 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-060453 **License Class/Type: B / Retail - Grocery**

Applicant: Teshome Chekole

Trade Name: Town & Country Market

SMD: 4C01

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

823 UPSHUR STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am - 12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-086916 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Whole Foods Market Group LLC

Trade Name: Whole Foods Market

SMD: 2A08

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

2201 I STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-092449 **License Class/Type: B / Retail - Grocery**

Applicant: Each Peach, LLC
Trade Name: Each Peach Market
SMD: 1D05

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

3068 MOUNT PLEASANT STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-098903 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: 11th House LLC

Trade Name: Odd Provisions

SMD: 1A06

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

3301 11TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	7 am - 10 pm
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-101289 **License Class/Type: B / Retail - Grocery**

Applicant: JSSI-Pine LLC

Trade Name: Northeast Supermarket

SMD: 5D05

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

1201 MOUNT OLIVET ROAD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-103124 **License Class/Type: B / Retail - Class B**

Applicant: Four Brothers, LLC
Trade Name: Rioja Market
SMD: 1C03

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

1824 COLUMBIA ROAD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	9 am - 12 am
Monday:	7 am - 12 am	9 am - 12 am
Tuesday:	7 am - 12 am	9 am - 12 am
Wednesday:	7 am - 12 am	9 am - 12 am
Thursday:	7 am - 12 am	9 am - 12 am
Friday:	7 am - 12 am	9 am - 12 am
Saturday:	7 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-104505 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Whole Foods Market Group LLC

Trade Name: Whole Foods Market

SMD: 6C01

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

600 H STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11:30 pm	7 am - 11:30 pm
Monday:	7 am - 11:30 pm	7 am - 11:30 pm
Tuesday:	7 am - 11:30 pm	7 am - 11:30 pm
Wednesday:	7 am - 11:30 pm	7 am - 11:30 pm
Thursday:	7 am - 11:30 pm	7 am - 11:30 pm
Friday:	7 am - 11:30 pm	7 am - 11:30 pm
Saturday:	7 am - 11:30 pm	7 am - 11:30 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-109870 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Whole Foods Market Group LLC

Trade Name: Whole Foods Market Group

SMD: 8F03

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

101 H STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-115987 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Whole Foods Market Group LLC

Trade Name: Whole Foods Market

SMD: 1B04

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

967 FLORIDA AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-117995 **License Class/Type: B / 25 Percent**

Applicant: RLJ III - HS Washington, DC Lessee, LLC

Trade Name: Suite Shop

SMD: 2F05

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

1475 MASSACHUSETTS AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-118660 **License Class/Type: B / 25 Percent**

Applicant: B9 Select Navy TRS LLC

Trade Name: Courtyard Washington Capitol Hill/Navy Yard

SMD: 8F03

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

140 L STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 - Hours	6am - 1am
Monday:	24 - Hours	6am - 1am
Tuesday:	24 - Hours	6am - 1am
Wednesday:	24 - Hours	6am - 1am
Thursday:	24 - Hours	6am - 1am
Friday:	24 - Hours	6am - 1am
Saturday:	24 - Hours	6am - 1am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-121685 **License Class/Type: B / 25 Percent**

Applicant: Sunstone K9 Lessee, Inc.

Trade Name: The Westin Washington DC Downtown

SMD: 2C04

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

999 9TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6am - 2am	7am - 12 am
Monday:	6 am - 2am	7am - 12 am
Tuesday:	6am - 2am	7am - 12am
Wednesday:	6am - 2am	7am - 12am
Thursday:	6am - 2am	7am - 12am
Friday:	6am - 3am	7am - 12am
Saturday:	6am - 3am	7am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-122966 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Whole Foods Market Group LLC

Trade Name: Whole Foods Market

SMD: 4A03

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

7130 12TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	7 am - 10 pm
Monday:	7 am - 10 pm	7 am - 10 pm
Tuesday:	7 am - 10 pm	7 am - 10 pm
Wednesday:	7 am - 10 pm	7 am - 10 pm
Thursday:	7 am - 10 pm	7 am - 10 pm
Friday:	7 am - 10 pm	7 am - 10 pm
Saturday:	7 am - 10 pm	7 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
9/25/2026

Notice is hereby given that:

License Number: ABRA-135923 **License Class/Type: B / Retail - Class B**

Applicant: Dreaming Out Loud, Inc.

Trade Name: Dreaming Out Loud, Inc.

SMD: 8A06

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

1303 MARION BARRY AVENUE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/9/2026

A HEARING WILL BE HELD ON:
11/30/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street, N.E., Washington, DC 2000

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	9 am - 10 pm
Monday:	8 am - 10 pm	9 am - 10 pm
Tuesday:	8 am - 10 pm	9 am - 10 pm
Wednesday:	8 am - 10 pm	9 am - 10 pm
Thursday:	8 am - 10 pm	9 am - 10 pm
Friday:	8 am - 12 am	9 am - 12 am
Saturday:	8 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date:	September 18, 2026
Protest Petition Deadline:	November 2, 2026
Roll Call Hearing Date:	November 23, 2026
Protest Hearing Date:	January 6, 2027**

License No.:	ABRA-136719
Licensee:	District Reserve, LLC
Trade Name:	N/A
Registration/License Type:	Medical Cannabis Retailer
Address:	1606 K Street N.W.
Contact:	MD Abu Naser; 202-779-1184; Patwary4975@icloud.com

WARD 2 ANC 2C SMD 2C02

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **1606 K Street N.W.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program), objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for November 23, 2026, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **January 6, 2027** at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations **at 1606 K Street N.W.** The proposed facility with approximately 5,100 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products to registered patients in Washington, D.C.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 9 am – 10 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 10 am – 9 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date:	**September 25, 2026
Protest Petition Deadline:	**November 9, 2026
Roll Call Hearing Date:	**November 30, 2026

License No.:	ABRA-099379
Licensee:	District Taco, LLC
Trade Name:	District Taco
License Class:	Retailer's Class "C" Restaurant
Address:	1919 M Street, N.W.
Contact:	Chris Medhurst: (202) 340-6702, cmedhurst@districttaco.com

WARD 2 ANC 2B SMD 2B06

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 **November 30, 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 for a Change of Hours to operations/alcohol service indoors and for the Sidewalk Café.

CURRENT HOURS OF OPERATION INSIDE THE PREMISES AND FOR THE SIDEWALK CAFÉ
Sunday 10am – 9pm, Monday through Friday 7am – 10pm, Saturday 10am – 9pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE THE PREMISES
Sunday 10am – 9pm, Monday through Friday 8am – 10pm, Saturday 10am – 9pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFÉ
Sunday 11am – 9pm, Monday through Friday 11am – 10pm, Saturday 11am – 9pm

PROPOSED HOURS OF OPERATION INSIDE THE PREMISES AND FOR THE SIDEWALK CAFÉ
Monday through Thursday 7am – 2am, Friday 7am – 3am, Saturday and Sunday 10am – 3am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE THE PREMISES AND FOR THE SIDEWALK CAFÉ
Sunday 10am – 2am, Monday through Thursday 8am – 2am, Friday 8am – 3am, Saturday 10am – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	**August 28, 2026
Protest Petition Deadline:	**October 13, 2026
Roll Call Hearing Date:	**November 2, 2026

License No.:	ABRA-099379
Licensee:	District Taco, LLC
Trade Name:	District Taco
License Class:	Retailer's Class "C" Restaurant
Address:	1919 M Street, N.W.
Contact:	Chris Medhurst: (202) 340-6702, cmedhurst@districttaco.com

WARD 2 ANC 2B SMD 2B06

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 **November 2, 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 for a Change of Hours to operations/alcohol service indoors and for the Sidewalk Café.

CURRENT HOURS OF OPERATION INSIDE THE PREMISES AND FOR THE SIDEWALK CAFÉ
Sunday 10am – 9pm, Monday through Friday 7am – 10pm, Saturday 10am – 9pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE THE PREMISES
Sunday 10am – 9pm, Monday through Friday 8am – 10pm, Saturday 10am – 9pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFÉ
Sunday 11am – 9pm, Monday through Friday 11am – 10pm, Saturday 11am – 9pm

PROPOSED HOURS OF OPERATION INSIDE THE PREMISES AND FOR THE SIDEWALK CAFÉ
Monday through Thursday 7am – 2am, Friday 7am – 3am, Saturday and Sunday 10am – 3am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE THE PREMISES AND FOR THE SIDEWALK CAFÉ
Sunday 10am – 2am, Monday through Thursday 8am – 2am, Friday 8am – 3am, Saturday 10am – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 25, 2026
Protest Petition Deadline:	November 9, 2026
Roll Call Hearing Date:	November 30, 2026
License No.:	ABRA-127000
Licensee:	Good Sunday, LLC
Trade Name:	La Bonne Vache
License Class:	Retailer's Class "D" Restaurant
Address:	3265 Prospect Street, N.W
Contact:	Ari Wilder: (202) 262-1940, ari@chaplinsdc.com

WARD 2 ANC 2E SMD 2E03

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 November 30, 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
Licensee is requesting a Sidewalk Café Endorsement with 3 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES
Sunday through Saturday 8am – 10pm

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN
Sunday through Saturday 10am – 6pm

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ
Sunday through Saturday 8am – 10pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	September 25, 2026
Protest Petition Deadline:	November 9, 2026
Roll Call Hearing Date:	November 30, 2026
Protest Hearing Date:	January 13, 2027
License No.:	ABRA-137057
Licensee:	Yosief, LLC
Trade Name:	Piazza Bar & Lounge
License Class:	Retailer's Class "C" Restaurant
Address:	2010 9th Street, N.W.
Contact:	Jeff Jackson: (202) 251-1566, jjharlem112@gmail.com

WARD 1 ANC 1B SMD 1B02

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 November 30, 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 **January 13, 2027, at 1:30 p.m.**

NATURE OF OPERATION
New Retailer's Class "C" Restaurant with a Seating Capacity of 88 and a Total Occupancy Load of 88.

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

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**
****READVERTISEMENT**

Placard Posting Date:	September 18, 2026
Protest Petition Deadline:	November 2, 2026
Roll Call Hearing Date:	November 23, 2026
Protest Hearing Date:	January 6, 2027**

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

WARD 2 ANC 2E SMD 2E02

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **1658 33rd Street N.W.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program), objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for November 23, 2026, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **January 6, 2027** at 1:30 p.m.** All hearings before the Board are conducted virtually.

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

HOURS OF OPERATION FOR RETAILER
Sunday – Saturday 9 am – 10 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC
Sunday – Saturday 10 am – 10 pm

HOURS OF DELIVERY FOR RETAILER
Sunday – Saturday 9 am – 9 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date:	September 11, 2026
Protest Petition Deadline:	October 26, 2026
Roll Call Hearing Date:	November 16, 2026
License No.:	ABRA-132943
Licensee:	**Theater Alliance of Washington DC
Trade Name:	**Theater Alliance
License Class:	Retailer's Class "D" Multipurpose
Address:	340 Maple Drive, S.W.
Contact:	Samba R. Pathak: (202) 241-2539, business@theateralliance.org

WARD 6 ANC 6D SMD 6D04

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 November 16, 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

Requesting a Class Change from a Retailer's Class "D" Multipurpose to a Retailer's Class "C" Multipurpose. Request to Expand the Total Occupancy Load of the Establishment from 126 to 346.

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

Sunday through Saturday 10am -11pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	September 11, 2026
Protest Petition Deadline:	October 26, 2026
Roll Call Hearing Date:	November 16, 2026

License No.:	ABRA-132943
Licensee:	**Theatre Alliance of Washington DC
Trade Name:	**Theatre Alliance
License Class:	Retailer's Class "D" Multipurpose
Address:	340 Maple Drive, S.W.
Contact:	Samba R. Pathak: (202) 241-2539, business@theateralliance.org

WARD 6 ANC 6D SMD 6D04

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 November 16, 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

Requesting a Class Change from a Retailer's Class "D" Multipurpose to a Retailer's Class "C" Multipurpose. Request to Expand the Total Occupancy Load of the Establishment from 126 to 346.

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

Sunday through Saturday 10am -11pm

DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

AMENDED NOTICE OF HEARING

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

The District of Columbia Board of Ethics and Government Accountability will hold a hearing at the Board of Ethics and Government Accountability, 1030 15th Street, NW, Suite 700 West on October 1, 2026 at 12:00 p.m., and to be continued as may be necessary in **Case No. 26-0004-F In re Cleo Subido.**

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

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) 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 § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); and the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to amend 19 DCMR §§ 805 - 806 to update the Library's Use of Meeting Room regulations.

Final action to adopt these rules was taken on September 15, 2026. Notice of Proposed Rulemaking was published on August 14, 2026 at 73 DCR 011402. No comments were received in response to the Notice, and no changes have been made to this rulemaking.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended as follows:

Section 805, USE OF MEETING ROOMS: MARTIN LUTHER KING MEMORIAL LIBRARY, is renamed and amended to read as follows:

805 FREE USE OF STUDY ROOMS AT DC PUBLIC LIBRARY

805.1 Study rooms are library spaces designated for individual or small group activities that do not create unreasonable noise or interfere with the normal operation of the library.

805.2 DCPL offers study rooms free of charge.

805.3 DCPL retains the right to cancel or terminate any reservation for a study room that is not being used consistent with the provisions of this section and other applicable laws.

805.4 Customers must have a reservation to use a study room. A library account is required to make a reservation. Reservations are not final until the customer receives confirmation from the Library. The Library reserves the right to deny reservations if they are not consistent with the provisions of this section and other applicable laws.

805.5 Study room reservations are granted on a first-come, first-served basis no more than sixty (60) days ahead of time. To ensure equitable use of library facilities, the Library reserves the right to limit usage to two (2) times per day, for up to three (3) hours per reservation. This limit may not be circumvented by individuals using different library account numbers or names. A reservation may count toward the limit if a customer fails to show up to a reservation or cancels within eight (8) hours of the reservation start time. The Library will assume a customer has failed to show up to a reservation if they fail to check in with DCPL staff within fifteen (15) minutes of their reservation start time.

805.6 Study rooms may be reserved by customers 13 years of age or older.

805.7 Customers must set up and clean up within the time allotted for their reservation. Customers must return rooms to starting condition before leaving. DCPL reserves the right to refuse future reservations to any person who fails to comply with this requirement.

805.8 The number of people in a study room at one time shall not exceed the established capacity of the room.

805.9 The Library reserves the right for staff to enter a study room at any time.

805.10 The Library reserves the right to change, cancel or deny reservations and modify requirements to meet Library operations, protect Library property, ensure safety or in the event of emergencies.

805.11 The customer making a reservation assumes full responsibility for the conduct of attendees. Customers using Library spaces must follow all laws and regulations,

including Section 810, Code of Conduct Policy. Customers shall be fully responsible for damage inflicted on library property. The Library reserves the right to cancel study room privileges of the customer who booked the study room and bar customers from the Library if Library property is not cared for properly or if they violate guidelines, agreements or laws above.

805.12 Customers are required to secure their personal property and must not leave their personal property unattended while using study rooms. Customers are responsible for any loss, damage or theft to personal property that results from the Customer's neglect of their property or leaving property unattended. DCPL staff may search and remove unattended property.

805.13 Customers who are barred from DCPL facilities shall not be permitted to reserve study rooms at DCPL locations.

Chapter 806, USE OF MEETING ROOMS IN THE D.C. PUBLIC LIBRARY BRANCHES, is renamed and amended to read as follows:

806 USE OF MEETING ROOMS AT DC PUBLIC LIBRARY

806.1 To the extent DCPL permits customers to reserve DCPL conference rooms, the following regulations shall apply to those spaces in addition to spaces DCPL designates as Meeting Rooms.

806.2 DCPL offers Meeting Rooms free of charge when:

(a) the meeting is open to the general public;

(b) the meeting is a civic, educational, or cultural meeting;

(c) admission to the meetings are free of charge;

(d) the meeting is not for a commercial purpose, including but not limited to selling a product or service; and

(e) there is no exchange of money or any other thing of value.

806.3 DCPL is non-partisan and meeting rooms may not be used for political rallies, campaign, campaign events or events for or against a specific ballot issue or candidate.

806.4 Meeting Rooms may be reserved for a charge in accordance with 19 DCMR 820 when any of the conditions in Section 806.02 are not met.

806.5 Customers must have a reservation to use a meeting room. A library account is required to make a reservation. Reservations are not final until the customer receives confirmation from the library. The Library reserves the right to deny reservations if they are not consistent with the provisions of this section and other applicable laws. DC Public Library does not endorse user viewpoints expressed in meeting rooms.

806.6 Meeting room reservations are given on a first-come, first-served basis no more than sixty (60) days ahead of time. To ensure equitable use of library facilities, the library reserves the right to limit usage to three (3) consecutive hours in one room per group and no more than three (3) meetings per thirty (30)-day period throughout the library system. This limit may not be circumvented by individuals using different library account numbers or names on behalf of the same group. A reservation may count toward the limit if a customer fails to show up to a reservation or cancels within eight (8) hours of the reservation start time.

806.7 Meeting rooms may be reserved by customers 18 years of age or older.

806.8 Customers must set up and clean up within the time allotted for their reservation. Customers must return rooms to starting condition before leaving. DCPL reserves the right to refuse future reservations to any person or organization who fails to comply with this requirement. If the reservation schedule allows, and at DCPL's discretion, customers may be allowed to access a reserved meeting room no more than 15 minutes before the reservation's scheduled start time and depart no more than 15 minutes after the reservation's scheduled end time.

806.9 Food and uncovered beverages may not be consumed in meeting rooms unless specifically authorized in advance by the library location manager or their designee.

806.10 Alcohol is never permitted for public use in meeting rooms unless approved in advance by the Executive Director of the DC Public Library or their designee.

806.11 The number of people attending a meeting at one time shall not exceed the established capacity of the room.

806.12 The Library reserves the right for staff to enter a meeting room at any time.

806.13 The Library reserves the right to change, cancel or deny reservations and modify requirements to meet library operations, protect library property, ensure safety, or in the event of emergencies.

806. 14 Customers using Library spaces must follow all laws and regulations, including Section 810, Code of Conduct Policy. Customers shall be fully responsible for damage inflicted on library property. The Library reserves the right to cancel meeting room privileges of the customer who booked the meeting room if Library property is not cared for properly or if they violate guidelines, agreements or laws above. The customer making a reservation assumes full responsibility for the conduct of meeting attendees.

806.15 Customers are required to secure their personal property and must not leave their personal property unattended while using meeting rooms. Customers are responsible for any loss, damage or theft to personal property that results from the Customer's neglect of their property or leaving property unattended. DCPL staff may search and remove unattended property.

806.16 Customers who are barred from DCPL facilities shall not be permitted to reserve meeting rooms at DCPL locations.

DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 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 intent to adoption, on an emergency basis, of the following amendments to Chapter 65 (Pharmacists) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations ("DCMR") and to Chapter 1 (Protection of Public Health), Chapter 2 (Communicable and Reportable Diseases, and Chapter 32 (Nursing Facilities) of Subtitle B (Public Health and Medicine) of Title 22 (Health).

This rulemaking updates on an emergency basis, and proposes to update on a final basis, regulations to authorize healthcare providers in the District to order and administer immunizations and vaccinations based on guidelines from any competent medical or public health organization designated by the Director of the Department of Health (Director's Guidelines), in addition to those recommended by the Advisory Committee on Immunization Practices (ACIP), a federal advisory committee within the Centers for Disease Control and Prevention based upon, in part, the statutory amendments made by the Community Health Amendment Act of 2026 (D.C. Law 26-105). Specifically, this rulemaking updates on an emergency basis, and proposes to update on a final basis, the existing rules by: authorizing pharmacists to administer additional immunizations and vaccinations designated by the Director of the Department of Health; authorizing the Department of Health to notify persons of due dates for additional immunizations designated by the Director of the Department of Health; clarifying the standards to be followed for subsequent doses of a vaccine; revising the regulations regarding the dosing guidelines applicable to immunizations children under seven years of age are required to receive before entry to school or a child development center, students aged 7 to 17 are required to receive before entry to school, child care facility, or post high school program, and students 18 or older are required to receive before entry into a school or post high school program; updating the regulations regarding the administration of pediatric diphtheria tetanus vaccines to students under 7 years of age and of Hepatitis B immunoglobulin and Hepatitis B vaccine to newborns whose mothers test positive for Hepatitis B Surface Antigen; revising the regulation mandating vaccines that nursing facilities must have available for each resident based upon the Director's Guidelines in addition to those recommended by ACIP; and amending the standards regarding the provision of influenza and pneumococcal immunizations at nursing facilities. The Director's Guidelines will be published on the Department of Health's website.

Emergency action is necessary for these amendments to be in place prior to August 23, 2026, the first day of the District of Columbia Public Schools's 2026-2027 academic year. If the regulations are not in place by the above-referenced date, health providers may be restricted from providing vaccinations based upon the recommendations by a competent medical or public health organization designated by the Director of the Department of Health potentially causing confusion and children to not be properly vaccinated by the beginning of the academic year and increasing the risk of outbreaks of preventable diseases, which directly threatens community immunity and

places vulnerable populations at high risk. Because of the potential harms, this emergency rulemaking is necessary for the immediate preservation of public peace, health, safety, and welfare.

This emergency rulemaking was adopted on August 30, 2026 and became effective immediately. The emergency rules will remain in effect for one hundred twenty (120) days, until December 28, 2026, unless superseded, repealed, or published as a final rulemaking in the *District of Columbia Register*, whichever occurs first.

The Director also gives notice of the intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *District of Columbia Register*.

Chapter 65, PHARMACISTS, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 6512, ADMINISTRATION OF IMMUNIZATIONS AND VACCINATIONS BY PHARMACISTS, is amended as follows:

Subsection 6512.7(c)(6) is amended to read as follows:

(6) Any person aged three (3) and older with parental consent, or valid identification if eighteen (18) or older or otherwise capable of consenting to the vaccination pursuant to Section 2 of the Consent for Vaccinations of Minors Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-312; D.C. Official Code § 7-1653.01), for any vaccination that the Advisory Committee on Immunization Practices ("ACIP") recommends according to ACIP's standard immunization schedule, any vaccination that ACIP recommends that has been officially adopted by the Director of the Centers for Disease Control and Prevention, or any vaccination that is recommended by a competent medical or public health organization designated by the Director of the Department of Health through a public notice issued pursuant to Section 101 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11)(A); and

Chapter 1, PROTECTION OF PUBLIC HEALTH, of Title 22-B, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Section 129, IMMUNIZATION: REPORTS AND GENERAL PROVISIONS, is amended as follows:

Subsection 129.7(c) is amended to read as follows:

(c) The Department may use or disclose individually identifiable immunization information without the consent of the person to whom the information

pertains to notify the following individuals or entities of due dates for immunizations or missed or overdue immunizations according to the schedule recommended by the Advisory Committee on Immunization Practices (ACIP), or a competent medical or public health organization designated by the Director of the Department of Health through a public notice issued pursuant to Section 101 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11)(A)), to the following:

(1) The person;

(2) The person's parent or guardian;

(3) The person's health care provider or insurer;

(4) A child development facility in which the person is enrolled;

(5) A school in which the person is enrolled; and

Subsection 129.9 is amended to read as follows:

129.9 A vaccine administered five (5) or more days before the minimum interval or age shall not be counted as a valid dose and shall be repeated as age and interval-appropriate. Subsequent doses shall be repeated or spaced, as age and interval appropriate, in accordance with §§ 130 through 154, and the recommendations of ACIP or a competent medical or public health organization designated by the Director of the Department of Health through a public notice issued pursuant to Section 101 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11)(A)), if applicable.

Subsection 130.1 of Section 130, REQUIRED IMMUNIZATIONS FOR STUDENTS UNDER SEVEN (7) YEARS OF AGE, is amended to read as follows:

130.1 Before a child under seven (7) years of age enters school or a child development center, the parent or guardian of the child shall have the child immunized according to the requirements in Sections 131 through 137. The doses of immunization shall follow the guidelines of the Department of Health, effective July 18, 2024, which are available on the Department's website at https://dchealth.dc.gov/immunization. The Director strongly recommends that a parent or guardian of a child who does not attend a school or child development center immunize the child in the same manner required for children who do attend a school or child development center.

Subsection 131.8 of Section 131, DIPHTHERIA, TETANUS, WHOLE-CELL OR ACELLULAR PERTUSSIS, is amended to read as follows:

131.8 For a student under seven (7) years of age, pediatric diphtheria tetanus (DT) vaccine

may be administered instead of DTaP or DTP only when the provider follows current acceptable guidelines for valid contraindications for pertussis vaccine, as recommended by the ACIP or a competent medical or public health organization designated by the Director of the Department of Health through a public notice issued pursuant to Section 101 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11)(A)). If DT is administered instead of DTaP or DTP, a physician or Advance Practice Nurse shall also provide a signed medical exemption request for pertussis to the student's parent or guardian for the certification required by D.C. Official Code § 38-502.

Subsection 140.1 of Section 140, REQUIRED IMMUNIZATIONS FOR STUDENTS BETWEEN SEVEN (7) YEARS OF AGE AND SEVENTEEN (17) YEARS OF AGE, is amended to read as follows:

140.1 A student seven (7) years of age or older and not yet eighteen (18) years of age shall receive immunizations before entry into a school, child care facility, or post high school program according to the requirements of §§ 141 through 145. The doses of immunization shall follow the guidelines of the Department of Health effective July 18, 2024, which are available on the Department's website at https://dchealth.dc.gov/immunization.

Subsection 148.1 of Section 148, REQUIRED IMMUNIZATIONS FOR STUDENTS EIGHTEEN (18) YEARS OF AGE AND OLDER, is amended to read as follows:

148.1 The required immunizations for each student eighteen (18) years of age and older, and prior to entry into a school or post high school program shall be as set forth in Sections 148 through 152. The doses of immunization shall follow the guidelines of the Department of Health effective July 18, 2024, which are available on the Department's website at https://dchealth.dc.gov/immunization.

Chapter 2, COMMUNICABLE AND REPORTABLE DISEASES, of TITLE 22-B, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Subsection 207.3 of Section 207, HEPATITIS B TESTING AND VACCINATION, is amended to read as follows:

207.3 A newborn whose mother tests positive for HBsAg shall:

(a) Receive Hepatitis B immunoglobulin (HBIG) and Hepatitis B vaccine within twelve (12) hours of birth according to the recommendations of the Advisory Committee on Immunization Practices (ACIP) or the recommendations of a competent medical or public health organization designated by the Director of the Department of Health through a public notice issued pursuant to Section 101 of the District of Columbia Health

Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11)(A));

(b) Receive a complete Hepatitis B series according to the schedule found at 22-B DCMR § 135; and

(c) Receive post-vaccination testing for the presence of HBsAg and Hepatitis B Surface Antibody (HBsAb) three (3) months after the last dose of Hepatitis B vaccine but not earlier than nine (9) months of age and no later than nineteen (19) months of age.

Chapter 32, NURSING FACILITIES, of TITLE 22-B, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Subsection 3207.7 of Section 3207, PHYSICIAN SERVICES AND MEDICAL SUPERVISION OF RESIDENTS, is amended to read as follows:

3207.7 A facility shall have available for each resident vaccines currently recommended by the U.S. Health Advisory Committee on Immunization Practices (ACIP) and any additional vaccines recommended by a competent medical or public health organization designated by the Director of the Department of Health through a public notice as appropriate for age, occupation, lifestyle, environmental situation, documented evidence of prior vaccine, if available, or immunity and current medical status.

Subsection 3222.2 of Section 3222, IMMUNIZATIONS, is amended to read as follows:

3222.2 Influenza and pneumococcal immunizations shall be provided and updated in accordance with the U.S. Health Advisory Committee on Immunization Practices or a competent medical or public health organization designated by the Director of the Department of Health through a public notice issued pursuant to Section 101 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11)(A)). If the Director has designated a competent medical or public health organization in accordance with this subsection, the recommendations of the designated organization shall control whenever ACIP recommendations differ.

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

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-102
September 17, 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 United States Department of Transportation Secretary of Transportation Event that will be held at U.S. Department of Transportation Headquarters on Friday, September 18, 2026.

2. From Thursday, September 17, 2026, at 5:00 a.m. through Friday, September 18, 2026, at 6:00 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 this 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 on the designated streets. All building, health, life, 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
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, SEPTEMBER 30, 2026
899 NORTH CAPITOL STREET NE, SUITE 4200 A-B
WASHINGTON, DC 20002

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

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

Case # 26-CMP-00026
Epic Lounge, Inc. t/a Epic Restaurant & Lounge
4809 Georgia Ave NW
License #129639
Retailer CR
ANC 4D
Interfered with an Investigation

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

Case # 25-CIT-00729
Solo Entertainment, LLC, t/a SOST
1901 9th Street NW
License #126215
Retailer CT
ANC 1B
Noise Violation

Board's Calendar
September 30, 2026

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

Case # 26-CMP-00043
Kathmandu Tapas & Cocktails, LLC t/a Kathmandu Tapas & Cocktails
1342 U Street NW
License #132050
Retailer CR
ANC 2F
Violation of Settlement Agreement

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

Case # 25-CC-00008
GG Liquors and Wine, LLC t/a Cavalier Wine and Liquors
3514 14th Street NW
License #85968
Retailer A
ANC 1A
Sale to Minor Violation, No ABC Manager on Duty, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

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

Case # 26-CMP-00027
202 Lounge One, LLC t/a 202 Lounge One
609 H Street NW
License #125294
Retailer CT
ANC 2C
Substantial Change in Operation Without Board Approval

Board's Calendar
September 30, 2026

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

Case # 26-CMP-00052
Mate, LLC t/a Susheria
3101 K Street NW
License #72014
Retailer CR
ANC 2E
Failed to File Quarterly Statement

Fact Finding Hearing **10:30 AM**

Smoke & Tingz 2 Inc., t/a Smoke & Tingz 2 Inc.
25 Florida Ave NW
License #12845
Retailer MC
ANC 5E
Review New Application (Medical Cannabis Retailer with Delivery Endorsement)

I. 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.

II. BOARD RECESS – 12:00 PM

III. AFTERNOON SESSION

Board's Calendar
September 30, 2026

Show Cause Hearing **1:30 PM**

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

Protest Hearing **1:30 PM**

Case # 26-PRO-00020
Black's 14th Street, LLC t/a Pearl Dive Oyster Palace/Black Jack
1612 14th Street NW
License #85382
Retailer CR
ANC 2F
Substantial Change (Class Change from CR to CT)

This meeting will be conducted virtually and livestreamed on ABCA's YouTube channel at: https://www.youtube.com/@ABCA_DC.
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.***

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2027 Color the Curb: School Safety Project

The DC Commission on the Arts and Humanities (CAH) announces the availability of grant awards to individual artists for the Fiscal Year 2027 Color the Curb: School Safety Project. Multiple awards may be made under this announcement.

Eligibility
At the time of application, individuals must demonstrate proof of residency in the District of Columbia, for at least one (1) year.

Additional eligibility requirements, evaluation criteria, and application instructions will be available in the forthcoming Request for Applications (RFA), which will be posted online at http://dcarts.dc.gov/

RFA Release Date:	Monday, September 28, 2026 at 4pm ET
RFA Availability:	Posted on CAH's website (dcarts.dc.gov)
Length of Awards:	Fiscal Year 2027 (October 1, 2026 — September 30, 2027)
Number of Awards:	4
Award Amount:	$30,000 per award
CAH Contact:	Deirdre Darden, Public Arts Coordinator deirdre.darden@dc.gov
Electronic Submission Deadline:	**Monday, November 16, 2026 at 5pm ET**

CAH will not accept applications submitted via hand delivery, mail, or courier service. Late submissions and incomplete applications will not be considered for funding.

All eligible applications are reviewed through a competitive process. All grant-funded activities must occur between October 1, 2026, and September 30, 2027.

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2027 Juried Exhibition Grant

The DC Commission on the Arts and Humanities (CAH) announces the availability of grant awards to individual artists for the Fiscal Year 2027 juried and themed visual art exhibition in CAH's exhibition space located in the lobby of 200 I (Eye) Street, SE. Multiple awards may be made under this announcement.

Eligibility
At the time of application, individuals and non-profit organizations must demonstrate proof of residency in the District of Columbia, for at least one (1) year.

Additional eligibility requirements, evaluation criteria, and application instructions will be available in the forthcoming Request for Applications (RFA), which will be posted online at http://dcarts.dc.gov/

RFA Release Date:	October 19, 2026
RFA Availability:	Posted on CAH's website (dcarts.dc.gov)
Length of Awards:	Fiscal Year 2027 (October 1, 2026 — September 30, 2027)
Number of Awards:	Multiple
Award Amount:	Varies
CAH Contact:	Michelle May-Curry, Curator
	Michelle.may-curry@dc.gov
Electronic Submission Deadline:	**4:59 pm, Monday, November 30, 2026**

CAH will not accept applications submitted via hand delivery, mail, or courier service. Late submissions and incomplete applications will not be considered for funding.

All eligible applications are reviewed through a competitive process. All grant-funded activities must occur between October 1, 2026, and September 30, 2027.

BASIS DC PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

OUTFRONT Media

BASIS DC, A Public Charter School, intends to enter into a Sole Source contract with OUTFRONT Media for Advertising Services from Nov 30, 2026 – Feb 21, 2027, at a cost not to exceed $53,000.00. OUTFRONT Media is the sole source for the existing inventory of advertising space within the Washington Metropolitan Area Transit Authority properties.

If you have any questions, please contact Diana Mendoza, at Diana.mendoza@basised.com

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING

2026-27 Uniform Per Student Funding Formula (UPSFF) Working Group Session 1

The Office of the Deputy Mayor for Education (DME) and The Office of the State Superintendent of Education (OSSE) will hold the first meeting of the UPSFF Working Group on Wednesday, September 30th, 2026, from 3 p.m. to 5 p.m EST. Community members are encouraged to join the webinar. Register to attend the meeting virtually here.

AGENDA

I. Welcome & Introductions
II. Working Group Overview
III. UPSFF Overview
IV. Public Comment
V. Focus Area and Landscape
VI. Public Comment

The Office of the State Superintendent of Education (OSSE) is convening a Uniform Per Student Funding Formula (UPSFF) Working Group pursuant to section 112(c) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (DC Law 12-207; DC Official Code § 38-2911(c)).

Date: **September 30, 2026**
Time: **3:00 p.m. – 5:00 p.m.**
Location: **Virtual**

*Community members are encouraged to join. | Register to attend the meeting virtually here.

For more information: Contact the working group facilitators at Gabriel.Montague@dc.gov or Troy.Eckles@dc.gov with any questions.

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

BOARD OF 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:

3A02,7E03 and 8D07

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

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 October 1, 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: 293 436 269 558 37
Passcode: gh2c9KD6
Download Teams | Join on the web
Join by phone: 1-202-594-9550
Phone Conference ID: 175 601 787#

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.

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE OF PROPOSED AMENDMENT TO THE DISTRICT OF COLUMBIA STATE PLAN GOVERNING MEDICAID REIMBURSEMENT FOR GENERAL HOSPITALS FOR INPATIENT MEDICAL SERVICES

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)), an Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; D.C. Official Code §1-307.02) and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of the intent to submit amendments to the District of Columbia State Plan for Medical Assistance (State Plan) to the federal Centers for Medicare and Medicaid Services (CMS) for review and approval.

The proposed State Plan Amendment (SPA) will make technical amendments to the District's State Plan pages governing Medicaid reimbursement to general hospitals for inpatient services. The amendment will clarify the scope of eligible/reimbursable days during an inpatient hospital stay to align with current practice in the District. Generally, if a Medicaid recipient is Medicaid eligible at the start of an inpatient admission, the entirety of the inpatient stay remains Medicaid reimbursable, subject to other requirements set forth in the State Plan reimbursement methodology.

As a result of these changes, DHCF projects no corresponding increase in Medicaid expenditures in Fiscal Year (FY) 2027 or FY 2028.

The proposed effective date for this SPA is October 1, 2026, or a later date approved by CMS in its review of the proposed SPA.

If you have any questions, please contact Mario Ramsey, Associate Director, Division of Regulation and Policy Management, Health Care Policy and Research Administration, Department of Health Care Finance, at 441 4th Street, Suite 900S, Washington, DC 20001, mario.ramsey@dc.gov or 202-899-3652.

DC DEPARTMENT OF HEALTH

Health Systems and Preparedness Administration

NOTICE OF FUNDING AVAILABILITY (NOFA)

FO# HSPA-HNHCSP-10.9.26

High-Need Healthcare Career Scholarship Program

The District of Columbia, Department of Health (DC Health) is requesting proposals from qualified applicants to provide services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of DC Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

Funding Opportunity Title:	High-Need Healthcare Career Scholarship Program
Funding Opportunity Number:	HSPA-HNHCSP-10.9.26
DC Health Administrative Unit:	Health Systems and Preparedness Administration
DC Health Program Bureau	Office of the Deputy Director
Funding Opportunity Contact:	Nichole Pierre, Program Coordinator HNHCSP@dc.gov
Funding Opportunity Description:	DC Health is seeking proposals for a scholarship program that supports District of Columbia residents in high-demand healthcare training to address workforce shortages among Home Health Aides, Certified Nurse Aides, Paramedics, Emergency Medical Technicians, Dental Assistants, Licensed Practical Nurses, and Pharmacy Technicians.
Eligible Applicants	• For-profit and nonprofit schools within the District of Columbia that offer in-person education and certification programs.
Anticipated # of Awards:	Up to six (6)
Anticipated Amount Available:	$300,000
Annual Floor Award Amount:	$5,000

Annual Ceiling Award Amount:	$300,000
Legislative Authorization	Pending the FY27 Local Budget Act of 2026.
Associated ALN#	N/A
Associated Federal Award ID#	N/A
Cost Sharing/Match Required?	N/A
RFA Release Date:	October 9, 2026
Letter of Intent Due date:	N/A
Application Deadline Date:	November 10, 2026
Application Deadline Time:	3:00 p.m.
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse https://communityaffairs.dc.gov/content/community-grant-program#4 DC Health EGMS https://egrantsdchealth.my.site.com/sitesigninpage

Notes:

1. DC Health 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.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a Tax ID#, and be registered in the federal Systems for Award Management (SAM) with an active UEI# to be registered in DC Health's Enterprise Grants Management System.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF INTENT TO ACQUIRE LEASE

Building at 1304 Alabama Ave SE, Washington, DC 20032

The District of Columbia Public Library (DCPL) intends to acquire a leasehold interest in real property as follows:

Ward: 8

Address: 1304 Alabama Ave SE, Washington, DC 20032

Acquisition by: Lease

Term (length of lease): Ninety-Nine (99) years

Name of Proposed Landlord: WMATA

Pursuant to D.C. Official Code Section 1-309.10, Advisory Neighborhood Commission 8C and ANC Commissioner Dascha Cleckley are invited to convey their recommendations as to the subject matter of this notice to DCPL in writing, and DCPL will give great weight to the issues and concerns raised in such recommendations.

Please send any recommendations regarding the foregoing to J. Kevin McIntyre, DCPL, General Counsel, via e-mail at General.Counsel@dc.gov or by mail to Martin Luther King Jr. Memorial Library, 901 G Street, N.W., 4th Floor, Washington, D.C. 20001 within 30 days, excluding Saturdays, Sundays, and legal holidays, of the date listed at the top of this letter. Should you have any questions regarding this notice, please contact J. Kevin McIntyre at (202) 727-1134 or at the e-mail address above.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTICE OF PETITION TO AMEND CHARTER FACILITY

DC PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a request from DC Preparatory Academy Public Charter School (DC Prep PCS) to amend its charter agreement. DC Prep PCS seeks approval to relocate its Edgewood Middle School from 701 Edgewood Street NE (Ward 5) to 711 Edgewood Street NE (Ward 5). The school submitted its request on September 4, 2026.

In its 23rd year of operation, DC Prep PCS educates 2,127 students in grades pre-kindergarten 3 (PK3) through 8 across four facilities in Wards 5, 7, and 8.

PUBLIC MEETINGS: The public hearing will be on October 26, at 6 p.m. The vote will be on November 30, at 6 p.m. Please visit https://dcpcsb.org/events to register to attend the meeting.

HOW TO SUBMIT PUBLIC COMMENTS: To ensure your comment is processed and reviewed,[1] please use one of the methods below:

1. Sign up to testify during the public hearing by going to https://dcpcsb.org/public-comment. Click on the "Sign up to Testify at the Meeting" tab to fill out the form. The deadline to sign up to testify is noon on October 26, 2026.
2. Submit a written comment identified via
    a. Online form at https://dcpcsb.org/public-comment
    b. Postal Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 100 M Street SE, Suite 400 Washington, DC 20003

    Please note DC PCSB accepts written comments on or before 11:59 p.m. October 25, 2026 (the day before the public hearing).
3. Submit audio testimony by phone: Call (202) 328-2660 and select option 2. You will have up to five minutes to record your testimony. Please note that all comments will be transcribed and made available to the public upon receipt.

FOR FURTHER INFORMATION OR QUESTIONS, CONTACT Hannah Cousino, Director, School Performance Department, at hcousino@dcpcsb.org.

[1] DC PCSB reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all your submission that it may deem to be inappropriate for publication, such as obscene language.

DISTRICT OF COLUMBIA
OFFICE OF THE TENANT ADVOCATE

NOTICE OF DISTRICT OF COLUMBIA TENANT BILL OF RIGHTS

The Tenant Bill of Rights Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-147; 62 DCR 1248 (January 30, 2015); D.C. Official Code §§ 42-3531.07(8) & 42-3502.22(b)(1)) requires the D.C. Office of Tenant Advocate (OTA) to publish a "D.C. Tenant Bill of Rights" (TBR) to be updated periodically and noticed in the *D.C. Register*. This publication represents the first official revision of the TBR and replaces the previous official version (which was published on April 3, 2015, and became a required housing provider disclosure on July 3, 2015). Starting ninety (90) days following the publication date of this issue of the *D.C. Register*, the Act requires any housing provider in the District to provide a copy of the TBR as revised to: (1) a prospective tenant upon the submission of an application to lease a residential rental unit; and (2) any current tenant upon request once per year. (D.C. Official Code §§ 42–3502.22(b)(1)(L); 42–3502.22 (b)(1A); & 42–3502.22(b)(2).) The TBR is also available on the agency's website at www.ota.dc.gov and in hard-copy form at the OTA offices, located at 899 North Capitol Street, N.E., Suite 6200, Washington, DC 20002.

Two prior agency initiatives to revise and update the TBR were overtaken by major events impacting content: first, the Covid-19 pandemic, during which the Council substantially changed key tenant rights on an emergency and temporary basis; and second, over the course of much of 2025, Council consideration of proposals to overhaul tenant rights on a permanent basis, significantly impacting at least two major areas of relevant law. Following the enactment of Law 26-80, the "Rebalancing Expectations for Neighbors, Tenants, and Landlords (RENTAL) Amendment Act of 2025," effective December 31, 2025, the agency substantially reconvened the 2025 stakeholder review teams – one for tenant advocates and the other for housing provider advocates. The participants provided comments through two rounds of revisions resulting in the agency's selective incorporation of recommendations coming from both review teams.

This revision of the TBR includes a link to a new web page – currently live – for an online TBR addendum and other relevant materials, including the OTA's "Tenant Resource Guide." Upon publication later this year, the new TBR addendum itself – elaborating on certain key rights summarized in the TBR and others not included in the TBR – will be added to that web page.

DISTRICT OF COLUMBIA OFFICE OF THE TENANT ADVOCATE

District of Columbia Tenant Bill of Rights

The Tenant Bill of Rights Amendment Act of 2014[1] *requires the D.C. Office of the Tenant Advocate to publish a "D.C. Tenant Bill of Rights" (TBR) to be updated periodically and published in the D.C. Register. This document provides an overview of the basic rights of residential tenancy in the District. It is not exhaustive and does not constitute legal advice. Except for rent control and the right of purchase, the rights below generally apply to every tenant in the District.*[2] ***See ota.dc.gov/publication/tbr-addendum for a TBR addendum including further information about your tenant rights and other resources.***

1. ***DISCLOSURE OF INFORMATION*:** When you apply to lease a rental unit, the landlord must disclose: **(a)** the rent; **(b)** whether the unit is rent-controlled; **(c)** how often the rent may be increased; **(d)** housing code violations that are less than a year old or remain unabated; **(e)** the amount of any application fee; **(f)** the amount, interest rate, and means of return for any security deposit; **(g)** any pending condo or co-op conversion; **(h)** ownership and business license information; **(i)** either a 3-year history of mold contamination in the unit and common areas, or proof of proper remediation; **(j)** a D.C. Board of Elections voter registration packet; and **(k)** a copy of this D.C. Tenant Bill of Rights document. **For a rent-controlled unit**, the landlord must also disclose: **(l)** any surcharges on the rent and the date they expire; **(m)** any pending petition that could affect the rent; and **(n)** a pamphlet published by the Rent Administrator explaining rent control's restrictions on rent increases. The landlord must make this information accessible to you for your review throughout your tenancy. Once per year during your tenancy, upon your request, the landlord must provide you a copy of (1) the above information; and (2) the amount of, and the basis for, each rent increase for the prior 3 years. At the start of your tenancy, the landlord must also provide you with copies of certain District housing regulations, including those for landlord and tenant relations. (D.C. Official Code §§ 42-3502.22 & .13(d); 14 D.C. Municipal Regulations (DCMR) §§ 101, 106 & 300-399).

2. ***LEAD HAZARD DISCLOSURE*:** The landlord must provide you with a lead pipe disclosure form and information about whether the unit may have a lead water service line. For properties built prior to 1978, the landlord must provide a prospective tenant household with a form issued by the Department of Energy and the Environment about their rights under D.C. lead laws. The landlord must also provide a current lead-safe "clearance report" to **(a)** a prospective tenant household that includes a child less than 6 years of age or a pregnant woman; **(b)** upon request a current tenant household that gains such a person; and **(c)** upon request, any tenant household regularly visited by such a person. The landlord must disclose to a tenant household what the landlord reasonably should know about the presence in the unit of a lead-based paint hazard or of lead-based paint. Lead-based paint is presumed to be present in properties built prior to 1978 unless there is an inspection report showing otherwise. (D.C. Official Code §§ 8–231.04; 42-3271).

3. ***LEASE*:** A written lease is generally *not* required to establish a tenancy. If there is a written lease, the landlord must provide you with a copy and all addenda. Certain lease clauses are prohibited, including waiver of landlord liability for failing to properly maintain the property. **The landlord may not change a material term of your lease without your agreement.** After the initial lease term expires, you generally have the right to continue your tenancy month-to-month indefinitely on the

[1] Effective December 17, 2014 (D.C. Law 20-147; D.C. Official Code §§ 42-3531.07(8) & 42-3502.22(b)(1)).

[2] For additional rights that apply D.C. Housing Authority (DCHA) public housing tenants, visit https://www.dchousing.org/wordpress/wp-content/uploads/2022/05/Public-Housing-Bill-of-Rights.pdf.

same material terms, except for lawful rent increases.[3] (14 DCMR §§ 101, 106 & 300-399; D.C. Official Code § 42-3505.01(a)(1)).

4. ***SECURITY DEPOSIT*:** The amount of the security deposit may not exceed the initial monthly rent amount, and must be held in an interest-bearing account. Within **45 days** after you vacate the unit, the landlord must either return your security deposit **with interest** (for tenancies of 12+ months) or provide you with written notice of any unpaid amounts due to the landlord. Within **30 days** following the initial notice, **(a)** you may attempt to resolve any dispute with the landlord regarding these amounts; and **(b)** the landlord must return the balance of the security deposit. The costs of repairing damage caused by the tenant or a guest are legitimate costs; the costs of repairing ordinary wear and tear are not. (14 DCMR §§ 308-311; D.C. Official Code § 42–3502.17).

5. ***RECEIPTS FOR RENTAL PAYMENTS*:** The landlord must give you a receipt (including for an electronic payment), unless a payment you make to the landlord is by personal check **and** fully satisfies the amount owed. The receipt must state the amount, purpose, and date of the payment, as well as the amount of any money that remains due. (14 DCMR § 306).

6. ***RENT INCREASES*:** Any tenant is entitled to a minimum of **60 days'** written notice of any rent increase, **regardless of the unit's rent control status**. For units properly registered as **exempt** from rent control, generally only the lease terms may limit rent increases. If a unit is not properly registered as exempt then the unit is subject to rent control. For **rent-controlled** units, the landlord can only raise the rent if: **(a)** the owner and property manager are properly licensed and registered; **(b)** the unit and common areas substantially comply with the housing code; and **(c)** the rent has not been increased within the last 12 months. For tenants in rent-controlled units who have registered their elderly/disability status with the Rent Administrator, the maximum rent increase is the lowest of the Consumer Price Index (CPI), the Social Security Cost of Living Adjustment, or 5%. For all other tenants in rent-controlled units, the cap is the lesser of the CPI + 2%, or 10%. There are **five bases** upon which a landlord may file a petition for a rent increase larger than these standard caps.[4] Registered elderly/disability tenants may be exempt from housing provider petition surcharges – but only if their incomes fall under a certain level. Under rent control, you may challenge a rent increase implemented within the prior 3 years. (D.C. Official Code §§ 42–3509.04(b); 42–3502.08; 42–3502.24; 42–3502.06(e)).

7. ***BUILDING CONDITIONS AND QUIET ENJOYMENT*:** Your lease includes an implied ***"warranty of habitability."*** The maintenance of your unit in compliance with the housing regulations is a shared responsibility between you and the landlord, while common areas are primarily the landlord's responsibility. This includes keeping the premises safe, secure, and free of rodents and pests; keeping the structure and facilities of the building in good repair; and ensuring adequate heat, lighting, and ventilation. You have the right to request an **inspection** of your unit by the Department of Buildings and to receive a copy of any **notice of violation** issued to the landlord. If the landlord causes or permits a condition or circumstance that amounts to a constructive eviction, this may be a breach of the **"*covenant of quiet enjoyment*"**.[5] The landlord may access your unit at any time for an emergency purpose. Otherwise, the landlord must provide you with reasonable notice (48 hours unless the lease states otherwise or tenant otherwise agrees) of entry for a reasonable purpose and at a reasonable time, as the law defines each. (12G DCMR § 305.1; 14 DCMR §§ 106; 301; 802; & 400-999; D.C. Official Code § 42-3505.51).

[3] Exceptions include some subsidized or otherwise District-supported housing. See the TBR addendum for more information.
[4] See the TBR addendum for an explanation of the four kinds of Housing Provider Petitions and Voluntary Agreements.
[5] See *Caesar v. Westchester Corp.*, 280 A.3d 176, 188-189 (D.C. 2022).

8. ***PRESENCE OF MOLD*:** Upon written notice from you that mold or suspected mold exists in your unit or a common area, the landlord must **inspect** the premises within **7 days** and **remediate** within **30 days**. Mold assessment and remediation must be performed in compliance with District regulations. (D.C. Official Code § 8-241.04).

9. ***RETALIATION*:** The landlord may not retaliate against you for exercising any right of tenancy. Retaliation may include any of the following if done unlawfully: seeking to recover possession of your unit, increasing the rent, decreasing services, increasing your obligations, violating your privacy, harassing you, or refusing to honor your lease. Similarly, the landlord may not unreasonably interfere with your comfort, safety or enjoyment of a rental unit, or retaliate against you, to try to force you out of your unit. (D.C. Official Code § 42-3402.10; § 42-3505.02).

10. ***FAIR HOUSING*:** The landlord may not engage in discriminatory acts based upon your actual or perceived: race, color, religion, national origin, sex, age, marital status, genetic information, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, sealed eviction record, status as a victim of an intra-family offense, place of residence or business, or homeless status. Discriminatory acts include refusing to rent; renting on unfavorable terms, conditions, or privileges; creating a hostile living environment; and refusing to make reasonable accommodations to give a person with a disability an equal opportunity to use and enjoy the premises. (D.C. Official Code § 2-1401.01 *et seq*.).

11. ***RIGHT TO ORGANIZE*:** The landlord may not interfere with the right of tenants to organize a tenant association, convene meetings, distribute literature, post information on any common area bulletin board, or provide building access to an outside tenant organizer if accompanied by a tenant. (D.C. Official Code § 42-3505.06).

12. ***TENANT RIGHT TO PURCHASE:*** Under the Tenant Opportunity to Purchase Act, or "TOPA," tenants may have a statutory right to purchase their rental property if the landlord intends to sell the property, demolish the property, or stop using the property for housing. Under TOPA, the rules vary depending on the property size. **For single-family dwellings**, all tenants are entitled to a notice of the landlord's intention to sell the property, but only elderly tenants and tenants with a disability who have written leases and who moved in by April 15, 2018 continue to have a right to purchase. **For 2-4 unit buildings**, only tenants who live in buildings owned in majority by a D.C. corporation and that were constructed more than 15 years ago have a right to purchase, but all other tenants are entitled to a notice of the landlord's intention to sell the property. **For 5+ unit buildings**, tenants generally have a right to purchase and must receive an Offer of Sale. However, the right to purchase is subject to numerous **exemptions**, including **(a)** any accommodation constructed within the last 15 years; **(b)** the entry and exit of Low-Income Housing Tax Credit and other equity investors subject to certain conditions; and **(c)** transfers of interest among existing owners.[6] If one of the exemptions applies, tenants in a 5+ unit building may be entitled to a Notice of Transfer alerting the tenant to changes in the ownership. (D.C. Official Code §§ 42-3404.02; 42-3404.02b; 42-3404.09; 42-3404.10).

13. ***CONVERSION TO CO-OP OR CONDO*:** The landlord may not convert the rental accommodation to a cooperative or condominium unless a majority of the tenants votes for the conversion in a tenant election certified by the District's Conversion and Sale Administrator. (D.C. Official Code §§ 42-3402.02; 42-3402.03).

[6] There are numerous other TOPA exemptions. See D.C. Official Code § 42–3404.02b(b). Also see the Tenant Bill of Rights Addendum for more information.

14. ***RELOCATION ASSISTANCE*:** If you are displaced pursuant to a valid Notice to Vacate for the purpose of alterations or renovations, substantial rehabilitation, demolition, or the discontinuance of the housing use of the property, you have the right to receive relocation assistance from your landlord. (D.C. Official Code § 42-3507.01 *et seq*.).

15. ***EVICTION*:** The landlord may evict you *only* for one of eleven specific statutory reasons. The landlord may *not* evict you just because your lease term expires, or due to a sale or foreclosure. The landlord may *not* use "self-help" methods to evict you, such as cutting off your utilities or changing the locks. **Rather, any eviction must be pursuant to a court order following the expiration of a written Notice to Vacate (NTV), and must be scheduled and supervised by the U.S. Marshals Service.** A written NTV must include the basis for the eviction and, for a lease violation, the action(s) you must take to correct that violation. For nonpayment of rent evictions, you can avoid eviction by paying the landlord all that you owe before the scheduled eviction date. In all cases, you have an opportunity to challenge the landlord's claims in court. The landlord **(a)** may not file an action in court to evict you for nonpayment of rent in an amount less than $600 and **(b)** may not evict you for unpaid late fees. Absent extenuating circumstances, an eviction filing without a valid business license or Rent Stabilization registration or claim of exemption is legally deficient. (D.C. Official Code §§ 42-3505.01; 42-3505.01a; 16-1501).

16. ***EVICTION RECORD SEALING*:** D.C. Superior Court **must** seal court records relating to an eviction proceeding against you **(a) 30 days** after a final decision where the landlord does not win a judgment for possession; or **(b) three years** after a final decision where the landlord wins a judgment for possession. The court also may seal eviction records under certain other circumstances. (D.C. Official Code § 42-3505.09).

DC GOVERNMENT RESOURCES		
Tenant Rights and Remedies Office of the Tenant Advocate 899 North Capitol Street, NE Suite 6200 Washington, DC 20002 **Phone:** (202) 719-6560 **Fax**: (202) 719-6586 **Website:** ota.dc.gov	***Rent Control, TOPA, and Conversion*** Department of Housing and Community Development 1909 Martin Luther King Avenue, SE Washington, DC 20020 **Phone:** (202) 442-7200 **Fax:** (202) 645-6727 **Website:** dhcd.dc.gov	***Lead and Asbestos*** Department of Energy and the Environment 1200 First Street, NE Washington, DC 20002 **Phone:** (202) 535-2600 **Fax:** (202) 535-2881 **Website:** doee.dc.gov
Unit/Building Inspections Department of Buildings 1100 4th Street, SW Washington, DC 20024 **Phone:** (202) 671-3500 **Website:** dob.dc.gov	***Discrimination Complaints & Inquiries*** Office of Human Rights 441 4th St NW, Suite 570N Washington, DC 20001 **Phone:** (202) 727-4559 **Fax:** (202) 727-9589 **Website:** ohr.dc.gov	***Services for Older Adults*** Department of Aging and Community Living 500 K Street, NE Washington, DC 20002 **Phone:** (202) 724-5626 **Fax:** (202) 724-2008 **Website:** dacl.dc.gov

I/We, _____, confirm that I/We have received a Tenant Bill of Rights Form on (insert date): _____.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

REGULAR MEETING OF THE BOARD OF TRUSTEES

Notice of Public Meeting - Tuesday, September 22, 2026 – 6:00 p.m.

Windows Lounge - Building 38, Floor 2

AGENDA

I. Call to Order and Roll Call

II. Chairman's Remarks

III. Acknowledgements

IV. Approval of the Minutes

A. July 28, 2026 – Regular Meeting

V. Action Items:

A. Audit, Budget and Finance Committee

1. FY27 Operating Budget Amendment #1

B. Operations Committee

1. Ratification of the Approval of the Resolution for Notice of Final Rulemaking for Student Health Fees
2. Resolution: PeopleShores Sublease Modification No. 1
3. Resolution: Perkins Management Lease Modification
4. Resolution: Presidential Contract Extension

VI. Litigation

VII. Report of the President – Dr. Edington

VIII. Report of the Chairperson – Chair Session

IX. Committee Reports:

A. Executive – Chair Session
B. Committee of the Whole – Chair Session
C. Academic & Student Affairs – Dr. Barazzone
D. Audit, Budget, and Finance – Mr. Grossinger
E. Operations – Dr. Rudd

X. New Business

XI. Old Business

XII. Unfinished Business

XIII. Closing Remarks

ADJOURNMENT

Expected Meeting Closure. *In accordance with D. C. Code Section 2-575 (b) 4)(A) and (11), the Board of Trustees hereby gives notice that it may conduct an executive session for the purpose of consulting with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements; provided that, upon request, the public body may decide to waive the privilege. And discussing trade secrets and commercial or financial information obtained from outside the government or public body, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained;*

Please direct questions to:
Patrick Gusman, Deputy Chief of Staff, Office of the President – Patrick.Gusman@udc.edu

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.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting by Microsoft Teams on Thursday, October 8, 2026, at 9:30 a.m. The meeting will be held in the boardroom (2nd floor) at 1385 Canal Street, S.E., Washington, D.C. 20003. The Interim Chief Executive Officer and General Manager invites the public to attend the meeting via livestream. Please see the website for remote access information for this meeting. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com that will also contain a link to the livestream.

For additional information, please contact Debra Mathis, Acting Board Secretary at (202) 787-2331 or Debra.Mathis@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Board Chairperson
2.	Roll Call	Board Secretary
3.	Approval of September 3, 2026 Meeting Minutes	Board Chairperson
4.	Committee Report(s)	Committee Chairperson(s)
5.	Chief Executive Officer's Report	Interim Chief Executive Officer and General Manager
6.	Action Items Joint-Use Non-Joint-Use	Board Chairperson
7.	Other Business	Board Chairperson
8.	Adjournment	Board Chairperson

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 20974-B
DC Chinatown Hotel Owner, LLC
503-517 H Street, NW (Square 485, Lots 3, 30, 42, 43, 44, and 48)

HEARING DATE (20974):	March 27, 2024
DECISION DATES (20974):	April 10 and May 1, 2024
ORDER ISSUANCE DATE (20974):	May 9, 2024
DECISION DATE (20974-A):	June 24, 2026
ORDER ISSUANCE DATE (20974-A):	June 30, 2026
HEARING DATE (20974-B):	September 2, 2026
DECISION DATE (20974-B):	September 2, 2026

SUMMARY ORDER ON REQUEST FOR MODIFICATION WITH HEARING

Pursuant to notice, at its September 2, 2026, public hearing, the Board of Zoning Adjustment ("**Board**" or "**BZA**") deliberated on a request for a modification with hearing to BZA Order No. DC Chinatown Hotel Owner, LLC to modify the previously approved plans by adding an additional story and increasing upper floor setbacks, for a new building retaining portions of existing 3- or 4-story buildings for lodging, retail, and assembly uses with approximately 154 lodging units (but ranging from 80-180 units) in the D-4-R zone. The Board considered the request for a modification with hearing under Subtitle Y § 704 of Title 11 of the DCMR (Zoning Regulations of 2016, the "**Zoning Regulations**" to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 20974, the Board approved the request by RVP H St NW, LLC (the "**Applicant**") for special exception from the loading requirements of Subtitle C § 901.1, pursuant to Subtitle C § 909.2 and Subtitle X § 901.2, and area variance from the rear yard requirements of Subtitle I § 205.1, pursuant to Subtitle X § 1002 to construct a nine story addition with approximately 85 lodging units (but ranging from 60-120 units) to an existing commercial building in the D-4-R zone. The Board issued Order No. 20974 on May 9, 2024. (Exhibit 5 of the record for Case No. 20974-B.) The approval was subject to one condition regarding the implementation of a Transportation Demand Management ("**TDM**") plan and Loading Management Plan ("**LMP**").

PRIOR TWO-YEAR TIME EXTENSION. The Board approved a two-year time extension of Order No. 20974 on June 24, 2026, extending the validity of the Order to May 9, 2028.

PROPOSED MODIFICATION. On April 14, 2026, the Applicant submitted a request for a modification with hearing to Order No. 20974. (Exhibits 1-13.) The proposed modifications included adding an additional story and increasing upper floor setbacks. The Applicant submitted revised plans reflecting these modifications. (Exhibits 6A1, 6A2.)

Based on the proposed modifications, the Applicant requests:

- Special Exception from the rear yard requirements of Subtitle I § 205.1, pursuant to Subtitle I § 205.5 and Subtitle X § 901.2 (*Minimum required: 22 ft, 10 in; Proposed: 10 ft*)

The zoning relief requested in this case was self-certified. (Exhibit 27A.)[1]

No changes to the original condition were proposed.

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y § 704.5, the Applicant served the request for a modification with hearing on the parties to the original application. (Exhibit 12.) 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.

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 2C.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 9th 2026, at which a quorum was present, the ANC voted to support the modification. (Exhibit 34.) The ANC report raised no issues or concerns.

ANC 2C03 Commissioner Thomas Lee submitted a letter in support of the application. (Exhibit 21.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 30.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the modification, subject to the Applicant implementing the previously approved TDM Plan and Loading Management Plan. (Exhibit 31.)[2]

[1] The application was amended to change the requested rear yard relief from a variance to a special exception after Zoning Commission Order No. 25-12 became effective on July 10, 2026.

[2] The Applicant stated at the Public Hearing they are not proposing any changes to the previously approved TDM and LMP conditions and remain committed to implementing those provisions.

PERSONS IN SUPPORT. The Board received eight letters from neighbors in support of the application. (Exhibits 14-20, 23.)

PERSONS IN OPPOSITION. The Board received two letters from neighbors in opposition to the application. (Exhibits 33, 37.)

Emily Russell testified at the public hearing in opposition to the application.

CONCLUSIONS

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a modification without hearing[3] requires a public hearing and shall be processed as a modification with hearing. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications with hearing.

As directed by Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exception and modification with hearing.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for a modification with hearing to modify the previously approved plans by adding an additional story and increasing upper floor setbacks, for a new building retaining portions of existing 3- or 4-story buildings for lodging, retail, and assembly uses with approximately 154 lodging units (but ranging from 80-180 units), and for the requested relief:

- Special Exception from the rear yard requirements of Subtitle I § 205.1, pursuant to Subtitle I § 205.5 and Subtitle X § 901.2 (*Minimum required: 22 ft, 10 in; Proposed: 10 ft*)

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in Exhibits 6A1 and 6A2 of the record.

In all other respects, Order No. 20974 remains unchanged.

VOTE: **4-0-1** (Gwen M. Wright, Melissa Lindsjo, Michelle Pourciau, and Paul Goldstein to APPROVE; Robyn Jackson Wells not present, not participating)

[3] See, Subtitle Y § 703.7.

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: September 9, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.10, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 21240 of 71 Florida Ave 39, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 203.1(j) to allow a new health care facility use for 16 persons in an existing two-story detached building in the R-2 Zone at 4237 Eads Street, NE (Square 5089, Lot 72).

HEARING DATES: March 12, March 26, April 23, and June 4, 2025
DECISION DATES: April 30, May 14, June 4, 2025, and September 2, 2026

DECISION AND ORDER

This self-certified application was filed on November 19, 2024 on behalf of 71 Florida Ave 39, LLC ("the Applicant"), the owner of the property that is the subject of the application. Following a public hearing, the Board voted to approve the application subject to conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and public hearing, by letters dated December 10, 2024, to the Applicant, the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), the Department of Buildings, Advisory Neighborhood Commission ("ANC") 7F, the ANC in which the subject property is located, and Single Member District ANC 7F03, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 7 as well as the Chairman and the at-large members of the D.C. Council, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on December 20, 2024 (71 DCR 015855) as well as through the calendar on the Office of Zoning website.

Parties. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 7F were automatically parties in this proceeding. The Board received no request for party status.

Applicant's Case. The Applicant presented evidence and testimony in support of the request for zoning relief needed to allow a new health care facility for 16 persons in an existing detached two-story building.

OP Report. By memorandum dated February 26, 2025, the Office of Planning recommended approval of the application. (Exhibit 28.)

DDOT Report. By memorandum dated February 28, 2025, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 31.)

ANC Report. ANC 7F initially submitted a resolution in opposition to the application that the ANC adopted at a public meeting, with a quorum present, on April 22, 2025. (Exhibit 50.) At a public meeting on May 27, 2025, also with a quorum present, ANC 7F adopted a second resolution, which "support[ed] the approval of a special exception for up to 10 beds" at the subject property "contingent upon the Applicant's adherence to…conditions and considerations" relating to traffic, parking, and aspects of the operation including the frequency of deliveries, cleaning services, trash collection, and visitors as well as aspects pertaining to the disposal of hazardous materials, privacy, and outdoor noise. (Exhibit 57.)

Persons in support. The Board received letters in support of the application from residents living near the subject property who indicated no objection to the Applicant's proposal.

Persons in opposition. The Board received letters and heard testimony from persons in opposition to the application, including some residents living near the subject property. The persons in opposition generally objected that the Applicant's proposal would cause adverse impacts relating to increased traffic associated with staff, visitors, and deliveries to the facility, parking, noise, loitering, and safety.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the south side of Eads Street, N.E., located midblock between 42nd Street, N.E. and 44th Street, N.E., with the address 4237 Eads Street, N.E. (Square 5089, Lot 72).

2. The subject property is rectangular, with a lot width of 50 feet. The east and west side lot lines extend approximately 98.75 feet and the lot area is 4,938 square feet. (Exhibit 26A, 42A.)

3. The subject property was improved with a detached building that was formerly used as a principal dwelling. The building is two stories and 30 feet in height, with a basement.

4. The building is set back approximately 20 feet from the front lot line, with a rear yard of 28 feet and side yards of 11 feet on the east and west. (Exhibit 26C, 42A.)

5. The existing building is approximately 28 feet wide and approximately 50 feet deep. The existing lot occupancy is approximately 40 percent. (Exhibit 26A.)

6. The building has a one-story front porch and a rear deck addition on the first-floor level, without stairs down to grade in the rear yard.

7. The Applicant proposed to use the existing building at the subject property as "a health care facility treating those who require medical inpatient rehabilitation for various neurological and orthopedic injuries and conditions, as well as long-term issues such as dementia." (Exhibit 3.)

8. The Applicant did not propose any significant modifications to the exterior of the existing structure or to increase its size.

9. The interior of the existing building will be configured to accommodate the health care facility use on the first and second floors as well as in the basement. As proposed, the basement would contain three bedrooms (with a total of five beds) and two bathrooms. The first floor would provide a living room, family room, dining room, and kitchen as well as one bedroom (with two beds) and a bathroom. The second floor would be configured as four bedrooms (with a total of nine beds) and two bathrooms. (Exhibits 6, 26C and 26E.)

10. The Zoning Regulations define a "health care facility" as "A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq*.)." (Subtitle B § 100.2.)

11. The Applicant proposed to operate a health care facility for up to 16 persons, of any age, in the existing building at the subject property. According to the Applicant, the facility was "designed to provide long-term and short-term treatment and care to individuals requiring daily assistance, medical supervision, and rehabilitative or supportive services. The residential component ensures that patients, referred to as 'guests,' have access to on-site care, meals, daily activities, and medical oversight tailored to their needs." The length of stay will not be fixed but could be short- or long-term. (Exhibit 26E.)

12. The health care facility will operate with both on-site and visiting staff. Employees who will be on-site daily will include an administrative supervisor to oversee operations and coordinate staffing, among other duties, as well as two caregivers. A nurse will visit the facility every three weeks, and a medical provider will be on call and available as required. (Exhibit 26E.)

13. The Applicant anticipated that two or three employees would be on site at a given time, 24 hours per day.

14. The health care facility will utilize a meal delivery service, with food deliveries once per day. Deliveries will generally occur between 6:00 and 9:00 a.m., lasting approximately 15 minutes per delivery. The meals will be provided pre-cooked or ready to heat. (Exhibits 26E, 54, 56.)

15. The health care facility will utilize daily cleaning services. The Applicant anticipated that housekeeping services will be provided by cleaners who will generally arrive by 7:00 a.m., in one vehicle, and depart by 9:00 a.m. In addition to tasks related to cleaning and laundry

service, the cleaners will coordinate hazardous waste pick-up with licensed disposal companies. (Exhibits 26E, 54.)

16. The Applicant will permit visitors to the health care facility between 7:00 a.m. and 7:00 p.m. The Applicant will require visitors to schedule their visits in advance with the facility administrator. (Exhibits 54, 56.)

17. The Applicant will provide activities for residents of the health care facility, including outdoor activities such as gardening and structured group activities such as a visit to a park. The Applicant will supervise the recreational use of outdoor areas of the subject property and will not permit any amplified sound or smoking. Outdoor activities in the rear yard and on the rear deck will be permitted only between 8:00 a.m. and 5:00 p.m. (Exhibits 54, 56.)

18. The Applicant will enforce "quiet hours" between 8:00 p.m. and 7:00 a.m. to minimize noise associated with residents, staff, and visitors at the health care facility. The Applicant will post signs restricting large gatherings and will supervise outdoor events to avoid loud conversations and other potential noise impacts.

19. The subject property abuts a public alley, 15 feet wide, along its rear lot line.

20. The Applicant will provide four vehicle parking spaces at the rear of the lot, accessible from the alley via a roll-up garage-type door. Three of the parking spaces will be reserved for employees of the facility; one space will be reserved for visitors.

21. The Applicant will maintain a trash enclosure at the southwest corner of the lot, which will provide three 96-gallon trash containers and two recycling bins. Trash collection will occur via the public alley every day except on Sundays. (Exhibits 26E, 54, 56, 56A.)

22. The Applicant will maintain an existing solid fence along the side lot lines adjacent to the building and the rear yard. A chain link fence extends along the front lot line of the subject property as well as along the side lot lines in the front portion of the site.

23. The Applicant currently operates a health care facility for up to eight persons at 4231 Clay Street, N.E., approximately 450 feet from the subject property. The Applicant submitted an application for a special exception under Subtitle U § 203.1(j) to allow a maximum of 16 persons at the Clay Street location. The Board granted the application subject to conditions. See Application No. 21249 (4231 Clay Street NE, LLC; September 9, 2026).

24. The abutting property to the east of the subject property contains a one-story detached principal dwelling. The abutting property to the west of the subject property is unimproved.

25. Properties in the vicinity of the subject property are primarily devoted to relatively low-density residential use in one- or two-story detached buildings or two-story apartment houses. The area also contains some institutional uses.

26. The subject property is located near Metrobus stops on Benning Road or 42nd Street and approximately 0.4 miles from the Benning Road and Minnesota Avenue Metrorail stations.

27. The subject property is located in a Residential House (R) zone, R-2.

28. The Residential House zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 101.1.) The R zones are intended to (a) provide for the orderly development and use of land and structures in areas predominately characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of records; (e) establish minimum lot area and lot width for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 101.2.)

29. The purpose of the R-2 zone is to provide for areas with semi-detached houses and avoid denser types of residential development. (Subtitle D § 101.6) The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses. (Subtitle D § 101.7.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requested a special exception under Subtitle U § 203.1(j) to allow a new health care facility use for 16 persons in an existing two-story detached building in the R-2 zone at 4237 Eads Street, N.E. (Square 5089, Lot 72). The Board is authorized under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(2)) to grant special exceptions as provided in the Zoning Regulations where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific requirements. (*See* Subtitle X § 901.2.)

A health care facility use serving as many as eight persons may be permitted as a matter of right in the R-2 zone.[1] (Subtitle U § 202.1(k).) The Board is authorized pursuant to Subtitle U § 203.1(j) to approve a health care facility use for nine to 300 persons as a special exception, subject to specific requirements.[2] Based on the findings of fact, and having given great weight to the

[1] A health care facility for not more than six persons, not including resident supervisors or staff and their families, is permitted as a matter of right in the R-2 zone. A health care facility for up to eight persons, not including resident supervisors or staff and their families, is permitted as a matter of right in the R-2 zone provided that no property containing an existing health care facility for seven or more persons is located in the same square or within a radius of 1,000 feet. (Subtitle U § 202.1(k).)

[2] The R-2 zone is included in the R-Use Group B. (Subtitle U § 200.2.)

recommendation of the Office of Planning and to the issues and concerns stated by ANC 7F, the Board determined that the Applicant's proposal, operated consistent with the conditions of approval adopted in this order, satisfied the requirements for approval of the requested special exception to allow a health care facility use for up to 16 persons in the existing building at the subject property.

The Board credited the Applicant's testimony that the planned facility will meet all applicable code and licensing requirements, as required under Subtitle U § 203.1(j)(4). The Applicant indicated that the health care facility at the subject property will be licensed as an "assisted living residence" under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq*.). The Office of Planning testified, based on information provided by the State Health Planning and Development Agency ("SHPDA"), that an "assisted living facility" was defined by statute as a subcategory of "heath care facility," determined by the type of services provided, and that SHPDA monitors the need for the various types of facilities. The Office of Planning also noted that, before obtaining a license from the Department of Health, the planned health care facility will be required to comply with building code requirements, including safety standards related to accessibility and emergency exits. (Exhibit 28.) The Office of Planning did not state any reservations about the Applicant's ability to obtain a license for the health care facility planned at the subject property.

The application demonstrated that the Applicant will provide adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility, as required by Subtitle U § 203.1(j)(3). The Applicant will provide four vehicle parking spaces for use by employees and visitors to the site. The Board credited the Applicant's testimony that residents of the health care facility would not likely keep a vehicle at the subject property, given the nature of the intended use. The Board determined that four vehicle parking spaces will be sufficient for the planned use in light of the number of employees at the site and the Applicant's implementation of measures to schedule deliveries and visitors to the facility.

The Board determined that the planned health care facility use, operated consistent with the conditions of approval adopted in this order, will not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area (see Subtitle U § 203.1(j)(5)). The planned use will be residential in nature in that the persons utilizing the health care facility will reside at the subject property, potentially for long-term stays. The Board concluded that the planned levels of staffing, food deliveries, need for cleaning services, and visitors to the site would not likely create adverse impacts on neighboring properties. The Applicant will maintain three parking spaces on site for the staff of the health care facility, sufficient for the three employees anticipated on site at a given time. A fourth parking space will be available for visitors, whose visits will be scheduled throughout a 12-hour period each day. The Board was not persuaded that other vehicle trips to the health care facility, including daily visits associated with food deliveries and cleaning services as well as periodic visits related to health care for the residents, will create adverse impacts with respect to traffic congestion or parking. Those visits will be of relatively short duration primarily during morning hours, and the Applicant

submitted photographs illustrating that street parking is available near the subject property. The Applicant indicated that the health care facility will not generate a need for other deliveries that might result in frequent vehicle trips to the site. The Board credits DDOT's conclusion that the Applicant's proposal to operate a health care facility for 16 persons at the subject property "will not have adverse impacts on the District's transportation network." (Exhibit 31.)

The Board concluded that the planned health care facility use will not have an adverse impact on nearby properties due to noise or operations. The health care facility use will occur primarily inside the building, and the Applicant will implement measures to limit potential noise impacts associated with any outdoor activities. The Board did not determine that operation of the planned health care facility for up to 16 persons will create adverse impacts significantly different from uses permitted as a matter of right in the R-2 zone, which include principal dwellings and a health care facility for up to eight persons.

The Board determined that the planned health care facility use, operated consistent with the conditions of approval adopted in this order, will not have an adverse impact on the neighborhood because of the number of similar facilities in the area. The Zoning Regulations state that, in the R-2 zone, "there shall be no other property containing a health care facility either in the same square or within a radius of [500 feet] from any portion of the [Applicant's] property" (Subtitle U § 203.1(j)(2)) but also that more than one health care facility, within 500 feet of another facility, may be approved when the Board determines that "the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations" (Subtitle U § 203.1(j)(6)). In this case, the Applicant proposed a new health care facility within 500 feet of another health care facility, which obtained a license to operate with up to eight persons and a special exception to allow operation with up to 16 persons. The Office of Planning estimated that the other facility, at 4231 Clay Street, N.E., was "approximately 450 feet directly south of the subject site [at 4237 Eads Street, N.E.] or a six-minute walk between the buildings." According to the Office of Planning, no other health care facility was currently in operation in Square 5148 or within a radius of 500 feet of the subject property. (Exhibit 28.)

Under the circumstances of this application, the Board determined that the cumulative effects of the two facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations. Each of the two facilities will serve a maximum of 16 persons, will be operated subject to conditions of approval designed to mitigate or avoid the creation of any potential adverse impacts, and are located in a relatively low-density residential area in existing buildings that were formerly used as principal dwellings. The Applicant indicated that, so long as the two facilities remained under common ownership, the Applicant will employ the same service providers at each location, including food delivery and cleaning services as well as trash collection. (Exhibit 54.) That coordination will facilitate the operation of the two facilities in a cooperative manner and mitigate potential cumulative effects, especially related to traffic.

Subtitle X § 901.2. The Board concluded that approval of the requested special exception, subject to the conditions of approval adopted in this order, will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as is required for approval of a special

exception under Subtitle X § 901.2. The Zoning Regulations permit a health care facility for at least six persons at the subject property as a matter of right.[3] The Board determined that a larger health care facility, for up to 16 persons and operated subject to the conditions of approval, will be consistent with the purposes of the Residential House zones to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. Specifically, approval of the application will be consistent with the intent of the R zones to provide for the orderly development and use of land and structures in areas predominately characterized by low- to moderate-density residential development and to allow for limited compatible accessory and non-residential uses. In light of the Applicant's use of the existing structure at the subject property, the Board concluded that approval of the requested special exception will be consistent with the purpose of the R-2 zone to avoid denser types of residential development.

The Board determined that approval of the requested special exception, subject to the conditions adopted in this order, will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. As discussed above, the Board concluded that the application satisfied the requirements for approval of a special exception to allow a health care facility serving more than eight people, including with respect to avoiding the creation of potential adverse impacts related to traffic, parking, and operations. The Board determined that the planned levels of staffing, food deliveries, need for cleaning services, and visitors to the site would not create adverse impacts or detract from the residential character of the neighborhood. The Applicant will utilize an existing building, formerly a residence, without altering its size or appearance, to house the health care facility.

Implicit in the Board's power to grant special exceptions is the authority to place reasonable conditions upon such approval. *President and Directors of Georgetown College v. District of Columbia Bd. of Zoning Adjustment*, 837 A.2d 58, 69 (D.C. 2003). The Board may impose a term limit on a special exception use when the Board determines that a subsequent evaluation of the actual impact of the use on neighboring properties is appropriate. In imposing a term limit, the Board is directed to consider the reasonable impacts and expectations of the applicant. (See Subtitle X § 901.5.)

In this case, the Applicant initially argued that a term limit would raise "significant concerns due to the nature of the use and the population it serves" relating to the potential displacement of residents and impacts on investment and long-term planning. The Applicant emphasized that the health care facility use of the subject property would be "heavily regulated [and] monitored" by other District government agencies, including the Department of Buildings, the Department of Health, and the Department of Health Care Finance. The Applicant also alleged that "a time limit does not directly address the ANC's concerns which are related to traffic, parking, commercialization, a lack of community benefits package, and disturbing the adjacent property owners (who support the project)." (Exhibit 54.) The Applicant later suggested a term of 10 years

[3] A health care facility for up to eight persons, not including resident supervisors or staff and their families, is permitted as a matter of right provided that no property containing an existing health care facility for seven or more persons is located in the same square or within a radius of 1,000 feet. (Subtitle U § 202.1(k).)

if the Board determined "that, despite the other mitigating factors, a time limit is still appropriate" or seven years. (Exhibit 56; Transcript of June 4, 2025 at 29.)

The Board considered the reasonable impacts and expectations of the applicant and determined that a five-year term of approval was appropriate. The Board did not agree with the Applicant that regulation by other agencies eliminated the need for a term of approval, given that the Board was required to determine whether the application met the requirements for approval of the requested special exception and no other agency is focused on the zoning matters within the Board's purview in this application. The Board also disagreed that imposition of a term of approval would result in displacement or hinder investment or long-term planning. The health care facility use may be carried out as a matter of right for six or eight residents (depending on the proximity of any other health care facility); the special exception approval was needed only to allow up to 16 persons in a health care facility at the subject property. The Board determined that a term limit of five years was appropriate to allow an evaluation of the efficacy of the other conditions of approval adopted in this order, many of which addressed concerns raised by ANC 7F in recommending approval of a health care facility for a maximum of 10 persons subject to conditions including a term of five years.

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04.) For the reasons discussed above, the Board agreed with OP's recommendation that, in this case, the application should be approved.

The Board is also required to give "great weight" to the issues and concerns raised by an affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A)).) In this case, ANC 7F initially adopted a resolution in opposition to the application, citing concerns stated by "residents of the surrounding community about the continued commercialization of their residential neighborhood, a lack of available parking, and a pattern of incomplete or misleading disclosures by the applicants regarding the intended use of these properties." ANC 7F also stated a concern about "the saturation of assisted living facilities in the area,…significantly altering the residential character and infrastructure demands of the neighborhood." (Exhibit 50.) Later, ANC 7F adopted a resolution in support of "the approval of a special exception for up to 10 beds at each of the properties located at 4237 Eads Street N.E. and 4231 Clay Street N.E., contingent upon the Applicant's adherence" to "conditions and considerations" listed by the ANC. The Applicant indicated its intent to comply with several of the ANC's considerations, including by assigning the on-site parking spaces for use by staff and visitors, arranging for trash collection six days per week, and the collection of hazardous waste by a licensed contractor as well as the implementation of measures to avoid objectionable conditions related to privacy, outdoor noise, or the timing of deliveries and cleaning services at the health care facility.

For the reasons discussed above, the Board concurred with the ANC's revised recommendation to approve the application subject to conditions, although the Board did not agree with some elements of the conditions recommended by the ANC. The Board declined to limit the number of visitors to the health care facility to four per day in the absence of substantial evidence of the need for that

limit to avoid any adverse impacts, especially considering the uses permitted as a matter of right at the subject property as well as the provision of one parking space at the subject property reserved for visitors, the availability of on-street parking nearby, the proximity of public transportation options, and the potential for visitors who will not require a parking space. ANC 7F expressed concern about the proximity of another health care facility as well as well as the "over-concentration and the encroachment of commercial activity in a residential zone" as a result of other institutional uses in the vicinity. The Board did not agree that the Applicant's planned health care facility should be considered "commercial activity" and noted that Subtitle U § 203.1(j) refers only to the proximity of other health care facilities and not to any other uses. For the reasons discussed above, the Board determined that the application demonstrated that the cumulative effect of the two planned health care facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations. The Board's jurisdiction in this application proceeding did not extend to undertaking an examination of the "long-term cumulative impact" of the "commercial" activities claimed by the ANC or "to take steps to preserve the residential character of the neighborhood."

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this application, a proposed order was provided to the parties on July 28, 2026 to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d). The Board received no exceptions.

Based on the findings of fact and conclusions of law, the Board concluded that the Applicant satisfied the burden of proof for a special exception under Subtitle U § 203.1(j) to allow a new health care facility use for up to 16 persons in an existing two-story detached building in the R-2 zone at 4237 Eads Street, N.E. (Square 5089, Lot 72). Accordingly, it is **ORDERED** that the application is **GRANTED** subject to the following **CONDITIONS**:

1. The approval of the special exception shall be for a term of five years, beginning on the date that this order became final.

2. The number of patient beds at the health care facility at the subject property shall not exceed 16.

3. The Applicant shall provide four vehicle parking spaces at the rear of the subject property with screening (fencing and roll-up door) as shown on Exhibit 26A.

4. The Applicant shall reserve three of the vehicle parking spaces for use by staff of the health care facility and shall make one parking space available for use by visitors.

5. The Applicant shall limit hours for visitors to 7:00 a.m. to 9:00 p.m.

6. The Applicant shall schedule housekeeping services for the health care facility in the morning between 6:00 a.m. and 11:00 a.m.

7. The Applicant shall schedule meal delivery services in the mornings, for completion by 9:00 a.m.

8. The Applicant shall hire a trash contractor to collect trash from the health care facility via the public alley between 6:00 a.m. and 11:00 a.m. at least six days per week. The Applicant shall provide and utilize a screened enclosure for trash storage as shown in Exhibit 26A.

9. The Applicant shall maintain a solid privacy fence, six feet high, enclosing the rear yard of the subject property as shown in Exhibit 26A.

10. The Applicant shall not permit any outdoor activity at the subject property except during daylight hours.

11. The Applicant shall designate a community liaison who will attend meetings of the affected ANCs at least quarterly for the purpose of seeking feedback on any issues or concerns related to the operation of the health care facility.

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Tammy M. Stidham to APPROVE; one Board seat vacant)

VOTE: **4-0-1** (Paul Goldstein, Michelle Pourciau, Melissa Lindsjo, and Gwen M. Wright voting to issue this Order; Robyn Jackson Wells not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 9, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME

MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 21249 of 4231 Clay Street NE, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 203.1(j) to allow a health care facility use for 16 persons in an existing two-story detached building in the R-2 Zone at 4231 Clay Street, N.E. (Square 5088, Lots 45 and 46).

HEARING DATES: March 26 and April 23, 2025
DECISION DATES: May 14, 2025, June 4, 2025, and September 2, 2026

DECISION AND ORDER

This self-certified application was filed on November 19, 2024 on behalf of 4231 Clay Street NE, LLC ("the Applicant"), the owner of the property that is the subject of the application. Following a public hearing, the Board voted to approve the application subject to conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and public hearing, by letters dated December 27, 2024, to the Applicant, the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), the Department of Buildings, Advisory Neighborhood Commission ("ANC") 7F, the ANC in which the subject property is located, and Single Member District ANC 7F03, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 7 as well as the Chairman and the at-large members of the D.C. Council, and the owners of all property within 200 feet of the subject property. Notice was published in the District of Columbia Register on January 10, 2025 (72 DCR 000244) as well as through the calendar on the Office of Zoning website.

Parties. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 7F were automatically parties in this proceeding. The Board received no request for party status.

Applicant's Case. The Applicant presented evidence and testimony in support of the application for a special exception to allow a health care facility for 16 persons in an existing detached two-story building.

OP Report. By memorandum dated March 13, 2025, the Office of Planning recommended approval of the application. (Exhibit 26.)

DDOT Report. By memorandum dated March 12, 2025, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 25.)

ANC Report. ANC 7F initially submitted a resolution in opposition to the application that the ANC adopted at a public meeting, with a quorum present, on April 22, 2025. (Exhibit 36.) At a public meeting on May 27, 2025, also with a quorum present, ANC 7F adopted a second resolution, which "support[ed] the approval of a special exception for up to 10 beds" at the subject property for a term of five years. The ANC's support was "contingent upon the Applicant's adherence to … conditions and considerations" relating to traffic, parking, and aspects of the operation including the frequency of deliveries, cleaning services, trash collection, and visitors as well as aspects pertaining to the disposal of hazardous materials, privacy, and outdoor noise. (Exhibits 51, 51A.)

Persons in support. The Board received letters in support of the application from residents living near the subject property who indicated no objection to the Applicant's proposal.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the south side of Clay Street, N.E., located midblock between 42nd Street, N.E. and 44th Street, N.E., with the address 4231 Clay Street, N.E. (Square 5088, Lots 45 and 46).

2. The subject property is rectangular, with a lot width of 50 feet and side lot lines extending approximately 94 feet. The lot area is 4,688 square feet. (Exhibit 21A, 27A.)

3. The subject property was improved with a detached building that was formerly used as a principal dwelling. The building is two stories and 25 feet in height, with a basement.

4. The building is set back approximately 25 feet from the front lot line, not including a front porch. The subject property has a rear yard of 44.75 feet and side yards of approximately eight and six feet. The existing lot occupancy is 27.6 percent. (Exhibit 27A.)

5. The Applicant proposed to use the existing building at the subject property as "a health care facility treating those who require medical inpatient rehabilitation for various neurological and orthopedic injuries and conditions, as well as assisted living." (Exhibit 3.)

6. The Applicant did not propose any significant modifications to the exterior of the existing structure or to increase its size. (Exhibit 8.)

7. The interior of the existing building was configured to accommodate the health care facility use on the first and second floors as well as in the basement. As proposed, the basement would contain three bedrooms (with two beds in each) and a bathroom. The first floor would provide a reception area and kitchen as well as one bedroom (with two beds) and a bathroom. The second floor would be configured as three bedrooms (with a total of eight beds) and two bathrooms. (Exhibits 6, 21B.)

8. The Zoning Regulations define a "health care facility" as "A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq*.)." (Subtitle B § 100.2.)

9. On April 10, 2024 the Department of Health, Intermediate Care Facilities Division of the Health Regulation and Licensing Administration, issued a license (ALR-0046) for a health care facility at the subject property. The license allowed a maximum of eight adults at the facility. (Exhibits 21E, 21H.)

10. The Applicant proposed to operate a health care facility for up to 16 persons, of any age, in the existing building at the subject property. According to the Applicant, the facility was "designed to provide long-term and short-term treatment and care to individuals requiring daily assistance, medical supervision, and rehabilitative or supportive services," including "access to on-site care, meals, daily activities, and medical oversight tailored to their needs." The length of stay will not be fixed but could be short- or long-term. (Exhibits 15, 21C.)

11. The health care facility use will operate with both on-site and visiting staff. Employees who will be on-site daily will include an administrative supervisor to oversee operations and coordinate staffing, among other duties, as well as two caregivers. A nurse will visit the facility every three weeks, and a medical provider will be on call and available as required. (Exhibit 21C.)

12. The Applicant anticipated that two or three employees will be on site at a given time, 24 hours per day.

13. The health care facility will utilize a meal delivery service, with food deliveries once each day. Deliveries will generally occur between 6:00 and 7:00 a.m., lasting approximately 15 minutes per delivery. The meals will be provided pre-cooked or ready to heat. (Exhibits 21C, 48.)

14. The health care facility will utilize daily cleaning services. The Applicant anticipated that housekeeping services will be provided by cleaners who will generally arrive around 7:00 a.m., in one vehicle, and depart by 9:00 a.m. In addition to tasks related to cleaning and laundry service, the cleaners will coordinate hazardous waste pick-up with licensed disposal companies. (Exhibits 21C, 48.)

15. The Applicant will permit visitors to the health care facility, scheduled in advance with the facility administrator. (Exhibit 45.)

16. The Applicant will provide activities for residents, including outdoor activities such as gardening and structured group activities. The Applicant will supervise the recreational use of outdoor areas of the subject property. (Exhibit 21C.)

17. The Applicant will enforce "quiet hours" between 8:00 p.m. and 7:00 a.m. to minimize noise associated with residents, staff, and visitors at the health care facility. The Applicant will post signs restricting large gatherings and will supervise outdoor events to avoid loud conversations and other potential noise impacts. (Exhibit 21C.)

18. The subject property abuts a public alley, 15 feet wide, along its rear lot line.

19. The Applicant will provide four vehicle parking spaces at the rear of the lot, accessible from the alley via a roll-up garage-type door. Three of the parking spaces will be reserved for employees of the facility; one space will be reserved for visitors.

20. The Applicant will maintain a trash enclosure at the southeast corner of the lot, which will provide four 96-gallon trash containers and two recycling bins. Trash collection will occur via the public alley every day except on Sundays, generally in the morning. (Exhibits 21A, 48.)

21. The Applicant will maintain a solid wood fence along the side lot lines adjacent to the building and the rear yard as shown in Exhibits 21A and 21G.

22. The Applicant proposed to operate a health care facility for up to 16 persons at 4237 Eads Street, N.E., approximately 450 feet from the subject property. The Board granted the Applicant's request for a special exception under Subtitle U § 203.1(j) for that location, subject to conditions. See Application No. 21240 (71 Florida Ave 39, LLC; September 9, 2026).

23. The abutting properties to the east and west of the subject property contain one-story detached principal dwellings.

24. Properties in the vicinity of the subject property are primarily devoted to relatively low-density residential use in one- or two-story detached buildings. The area also contains some institutional uses.

25. The subject property is located near Metrobus stops on Benning Road or 42nd Street and approximately 0.3 miles from the Benning Road Metrorail station.

26. The subject property is located in a Residential House (R) zone, R-2.

27. The Residential House zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 101.1.) The R zones are intended to (a) provide for the orderly development and use of land and structures in areas predominately characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock,

improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of records; (e) establish minimum lot area and lot width for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 101.2.)

28. The purpose of the R-2 zone is to provide for areas with semi-detached houses and avoid denser types of residential development. (Subtitle D § 101.6) The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses. (Subtitle D § 101.7.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requested a special exception under Subtitle U § 203.1(j) to allow a health care facility use for 16 persons in an existing two-story detached building in the R-2 zone at 4231 Clay Street, N.E. (Square 5088, Lots 45 and 46). The Board is authorized under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(2)) to grant special exceptions as provided in the Zoning Regulations where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific requirements. (*See* Subtitle X § 901.2.)

A health care facility use accommodating as many as eight persons may be permitted as a matter of right in the R-2 zone.[1] (Subtitle U § 202.1(k).) The Board is authorized pursuant to Subtitle U § 203.1(j) to approve a health care facility use for nine to 300 persons as a special exception, subject to specific requirements.[2] Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the issues and concerns stated by ANC 7F, the Board determined that the Applicant's proposal, operated consistent with the conditions of approval adopted in this order, satisfied the requirements for approval of the requested special exception to allow a health care facility use for up to 16 persons in the existing building at the subject property.

The Board credited the Applicant's testimony that the planned facility will meet all applicable code and licensing requirements, as required under Subtitle U § 203.1(j)(4). The Applicant provided a copy of the license issued to allow a health care facility for eight adults at the subject property and testified that the facility had been in operation "for about a year." (Transcript of April 23, 2025 at 57.) The Office of Planning did not state any reservations about the Applicant's ability to obtain a license for a health care facility for 16 persons at the subject property.

[1] A health care facility for not more than six persons, not including resident supervisors or staff and their families, is permitted as a matter of right in the R-2 zone. A health care facility for up to eight persons, not including resident supervisors or staff and their families, is permitted as a matter of right in the R-2 zone provided that no property containing an existing health care facility for seven or more persons is located in the same square or within a radius of 1,000 feet. (Subtitle U § 202.1(k).)

[2] The R-2 zone is included in the R-Use Group B. (Subtitle U § 200.2.)

The application demonstrated that the Applicant will provide adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility, as required by Subtitle U § 203.1(j)(3). The Applicant will provide four vehicle parking spaces for use by employees and visitors to the site. The Board credited the Applicant's testimony that residents of the facility would not likely keep a vehicle at the subject property, given the nature of the intended use. The Board determined that four vehicle parking spaces will be sufficient for the planned use in light of the number of employees at the site and the Applicant's implementation of measures to schedule deliveries and visitors to the facility.

The Board determined that the planned health care facility use, operated consistent with the conditions of approval adopted in this order, will not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area (see Subtitle U § 203.1(j)(5)). The planned use will be residential in nature in that the persons utilizing the health care facility will reside at the subject property, potentially for long-term stays. The Board concluded that the planned levels of staffing, food deliveries, need for cleaning services, and visitors to the site will not likely create adverse impacts affecting the use of neighboring properties. The Applicant will maintain three parking spaces on site for the facility's staff, sufficient for the three employees anticipated on site at a given time. A fourth space will be available for visitors, whose visits will be scheduled throughout a 12-hour period each day. The Board was not persuaded that other vehicle trips to the health care facility, including daily visits associated with food deliveries and cleaning services as well as periodic visits related to health care for the residents, will create adverse impacts with respect to traffic congestion or parking. Those visits will generally occur during morning hours and for relatively short durations, and the Applicant submitted photographs illustrating that street parking is available near the subject property. The Applicant indicated that the health care facility will not generate a need for other deliveries that might result in frequent vehicle trips to the site. The Board credited DDOT's conclusion that the Applicant's proposal to operate a health care facility for 16 persons at the subject property "will not have adverse impacts on the District's transportation network." (Exhibit 25.)

The Board concluded that the planned health care facility use will not have an adverse impact on the neighborhood due to noise or operations. The health care facility use will occur primarily inside the building, and the Applicant will implement measures to limit potential noise impacts associated with any outdoor activities. The Board determined that operation of the planned facility for 16 persons will not create adverse impacts significantly different from uses permitted as a matter of right in the R-2 zone, which include principal dwellings and a health care facility for up to eight persons.

The Board concluded that the planned health care facility use, operated consistent with the conditions of approval adopted in this order, will not have an adverse impact on the neighborhood because of the number of similar facilities in the area. The Zoning Regulations state that, in the R-2 zone, "there shall be no other property containing a health care facility either in the same square or within a radius of [500 feet] from any portion of the [Applicant's] property" (Subtitle U § 203.1(j)(2)) but also that more than one health care facility, within 500 feet of another facility,

may be approved when the Board determines that "the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations" (Subtitle U § 203.1(j)(6)). In this case, the Applicant proposed to expand an existing health care facility from eight to 16 persons within 500 feet of a planned health care facility that may also accommodate up to 16 persons. According to the Office of Planning, no health care facility was currently in operation in Square 5148 or within a radius of 500 feet of the subject property. (Exhibit 26.)

Under the circumstances of this application, the Board determined that the cumulative effects of the two facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations. Each of the two facilities will serve a maximum of 16 persons, will be operated subject to conditions of approval designed to mitigate or avoid the creation of any potential adverse impacts, and are located in a relatively low-density residential area in existing buildings that were formerly used as principal dwellings. The Applicant indicated that, so long as the two facilities remained under common ownership, the Applicant will employ the same service providers at each location, including food delivery and cleaning services as well as trash collection. That coordination will facilitate the operation of the two facilities and mitigate potential cumulative effects, especially related to traffic.

Subtitle X § 901.2. The Board concluded that approval of the requested special exception, subject to the conditions of approval adopted in this order, will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as is required for approval of a special exception under Subtitle X § 901.2. The Zoning Regulations permit a health care facility for at least six persons at the subject property as a matter of right.[3] The Board determined that a larger health care facility, for up to 16 persons and operated subject to the conditions of approval, will be consistent with the purposes of the Residential House zones to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. Specifically, approval of the application will be consistent with the intent of the R zones to provide for the orderly development and use of land and structures in areas predominately characterized by low- to moderate-density residential development and to allow for limited compatible accessory and non-residential uses. In light of the Applicant's use of the existing structure at the subject property, the Board concludes that approval of the requested special exception will be consistent with the purpose of the R-2 zone to avoid denser types of residential development.

The Board determined that approval of the requested special exception, subject to the conditions adopted in this order, will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. As discussed above, the Board concluded that the application satisfied the requirements for approval of a special exception to allow a health care facility serving more than eight persons, including with respect to avoiding the creation of potential adverse impacts related to traffic, parking, and operations. The Board concluded that the planned levels of staffing, food deliveries, need for cleaning services, and visitors to the site would not create adverse impacts or detract from the residential character of the

[3] A health care facility for up to eight persons, not including resident supervisors or staff and their families, is permitted as a matter of right provided that no property containing an existing health care facility for seven or more persons is located in the same square or within a radius of 1,000 feet. (Subtitle U § 202.1(k).)

neighborhood. The Applicant will utilize an existing building, formerly a residence, without altering its size or appearance.

Implicit in the Board's power to grant special exceptions is the authority to place reasonable conditions upon such approval. *President and Directors of Georgetown College v. District of Columbia Bd. of Zoning Adjustment*, 837 A.2d 58, 69 (D.C. 2003). The Board may impose a term limit on a special exception use when the Board determines that a subsequent evaluation of the actual impact of the use on neighboring properties is appropriate. In imposing a term limit, the Board is directed to consider the reasonable impacts and expectations of the applicant. (See Subtitle X § 901.5.)

In this case, the Applicant argued that a term limit would raise "significant concerns due to the nature of the use and the population it serves" relating to the potential displacement of residents and impacts on investment and long-term planning. The Applicant emphasized that the health care facility use of the subject property would be "heavily regulated [and] monitored" by other District government agencies, including the Department of Buildings, the Department of Health, and the Department of Health Care Finance. The Applicant also alleged that "a time limit does not directly address the ANC's concerns which are related to traffic, parking, commercialization, a lack of community benefits package, and disturbing the adjacent property owners (who support the project)." (Exhibit 45.) The Applicant later suggested a term of 10 years if the Board determined "that, despite the other mitigating factors, a time limit is still appropriate." (Exhibit 48.)

The Board considered the reasonable impacts and expectations of the applicant and determined that a five-year term of approval was appropriate. The Board did not agree with the Applicant that regulation by other agencies eliminated the need for a term of approval, given that the Board was required to determine whether the application met the requirements for approval of the requested special exception and other agencies are not focused on the zoning matters within the Board's purview in this application. The Board also disagreed that imposition of a term of approval would result in displacement or hinder investment or long-term planning. The health care facility use may be carried out as a matter of right for six or eight residents (depending on the proximity of any other health care facility); the special exception approval was needed only to allow up to 16 persons in a health care facility at the subject property. The Board determined that a term limit was appropriate to allow an evaluation of the efficacy of the other conditions of approval adopted in this order, many of which addressed concerns raised by ANC 7F in recommending approval of a health care facility for a maximum of 10 persons subject to conditions including a term limit of five years.

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04.) For the reasons discussed above, the Board agreed with OP's recommendation that, in this case, the application should be approved.

The Board is also required to give "great weight" to the issues and concerns raised by an affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A)).) In this case, ANC 7F initially

adopted a resolution in opposition to the application, citing concerns stated by "residents of the surrounding community about the continued commercialization of their residential neighborhood, a lack of available parking, and a pattern of incomplete or misleading disclosures by the applicants regarding the intended use of these properties." ANC 7F also stated a concern about "the saturation of assisted living facilities in the area, … significantly altering the residential character and infrastructure demands of the neighborhood." (Exhibit 36.) Later, ANC 7F adopted a resolution in support of "the approval of a special exception for up to 10 beds at each of the properties located at 4237 Eads Street NE and 4231 Clay Street NE, contingent upon the Applicant's adherence" to "conditions and considerations" listed by the ANC. (Exhibit 51.) The Applicant indicated its intent to comply with several of the ANC's considerations, including by assigning the on-site parking spaces for use by staff and visitors, arranging for trash collection six days per week, and the collection of hazardous waste by a licensed contractor as well as the implementation of measures to avoid objectionable conditions related to privacy, outdoor noise, or the timing of deliveries and cleaning services at the health care facility.

For the reasons discussed above, the Board concurred with the ANC's revised recommendation to approve the application subject to conditions, although the Board did not agree with some elements of the conditions recommended by the ANC. The Board declined to limit the number of visitors to the health care facility to four per day in the absence of substantial evidence of the need for that limit to avoid any adverse impacts, especially considering the uses permitted as a matter of right at the subject property as well as the provision of one parking space at the subject property reserved for visitors, the availability of on-street parking nearby, the proximity of public transportation options, and the potential for visitors who will not require a parking space. ANC 7F expressed concern about the proximity of another health care facility as well as well as the "over-concentration and the encroachment of commercial activity in a residential zone" as a result of other institutional uses in the vicinity. The Board did not agree that the Applicant's planned health care facility should be considered "commercial activity" and noted that Subtitle U § 203.1(j) refers only to the proximity of other health care facilities and not to any other uses. For the reasons discussed above, the Board determined that the application demonstrated that the cumulative effect of the two planned health care facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations. The Board's jurisdiction in this application proceeding did not extend to undertaking an examination of the "long-term cumulative impact" of the "commercial" activities claimed by the ANC or "to take steps to preserve the residential character of the neighborhood."

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this application, a proposed order was provided to the parties on July 28, 2026 to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d). The Board received no exceptions to the proposed order.

Based on the findings of fact and conclusions of law, the Board concluded that the Applicant satisfied the burden of proof for a special exception under Subtitle U § 203.1(j) to allow a health care facility use for up to 16 persons in an existing two-story detached building in the R-2 zone at

4231 Clay Street, NE (Square 5088, Lots 45 and 46). Accordingly, it is **ORDERED** that the application is **GRANTED** subject to the following **CONDITIONS**:

1. The approval of the special exception shall be for a term of five years, beginning on the date that this order became final.

2. The number of patient beds at the health care facility at the subject property shall not exceed 16.

3. The Applicant shall provide four vehicle parking spaces at the rear of the subject property with screening (fencing and roll-up door) as shown on Exhibit 21A.

4. The Applicant shall reserve three of the vehicle parking spaces for use by staff of the health care facility and shall make one parking space available for use by visitors.

5. The Applicant shall limit hours for visitors to 7:00 a.m. to 9:00 p.m.

6. The Applicant shall schedule housekeeping services for the health care facility in the morning between 6:00 a.m. and 11:00 a.m.

7. The Applicant shall schedule meal delivery services in the mornings, for completion by 9:00 a.m.

8. The Applicant shall hire a trash contractor to collect trash from the health care facility via the public alley between 6:00 a.m. and 11:00 a.m. at least six days per week (Monday through Saturday). The Applicant shall provide and utilize a screened enclosure for trash storage, including the storage of hazardous materials.

9. The Applicant shall maintain a solid privacy fence, six feet high, enclosing the rear yard of the subject property as shown in Exhibits 21A and 21G.

10. The Applicant shall not permit any outdoor activity at the subject property except during daylight hours.

11. The Applicant shall designate a community liaison who will attend meetings of the affected ANCs at least quarterly for the purpose of seeking feedback on any issues or concerns related to the operation of the health care facility.

VOTE: **3-0-2** (Frederick L. Hill, Carl H. Blake, and Chrishaun S. Smith to APPROVE; Joseph S. Imamura not present, not voting; one Board seat vacant)

VOTE: **4-0-1** (Paul Goldstein, Michelle Pourciau, Melissa Lindsjo, and Gwen M. Wright voting to issue this Order; Robyn Jackson Wells not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 9, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 21250 of Fikremariam Mengesha, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle U § 203.1(j) to allow a new health care facility use for 14 persons in an existing one-story detached building and under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 in the R-2 Zone at 7410 Eastern Avenue, N.W. (Square 3178E, Lot 115).[1]

HEARING DATES: March 26, May 7, and June 11, 2025
DECISION DATES: June 18, 2025 and September 2, 2026

DECISION AND ORDER

This self-certified application was filed on December 2, 2024 on behalf of Fikremariam Mengesha ("the Applicant"), the owner of the property that is the subject of the application. Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and public hearing, by letters dated December 27, 2024, to the Applicant, the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), the Department of Buildings, Advisory Neighborhood Commission ("ANC") 4B, the ANC in which the subject property is located, and Single Member District 4B01, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 4 as well as the Chairman and the at-large members of the D.C. Council, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on January 10, 2025 (72 DCR 000244) as well as through the calendar on the Office of Zoning website.

Parties. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 4B were automatically parties in this proceeding. The Board received no requests for party status.

[1] The application originally requested only a special exception under Subtitle U § 203.1(j) to allow a new health care facility use (see Exhibit 4). The Applicant subsequently added a request for a special exception under Subtitle C § 703.2 from the parking location requirements of Subtitle C § 710.1(c) (see Exhibit 16A). The Applicant later withdrew that request and instead added a request for a special exception under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 (see Exhibit 20A.)

Applicant's Case. The Applicant presented evidence and testimony in support of the request for zoning relief needed to allow a new health care facility for 14 persons in an existing one-story detached building, without vehicle parking.

OP Report. By memorandum dated March 13, 2025, the Office of Planning recommended approval of the application. (Exhibit 18.)

DDOT Report. By memorandum dated February 28, 2025, the District Department of Transportation indicated no objection to approval of the application provided that the Applicant would remove an existing curb cut and driveway at the subject property, which were not consistent with DDOT's public space policies. (Exhibit 19.)

ANC Report. At a public meeting on April 28, 2025, with a quorum present, ANC 4B adopted a resolution asking the Board to deny the application. (Exhibit 33.)

Person in support. The Board heard testimony from a person in support of the application, who testified about the need for health care facilities in neighborhoods.

Persons in opposition. The Board received letters and heard testimony from persons in opposition to the application, including some residents living near the subject property. The persons in opposition generally stated concerns about the operation of the planned health care facility and objected that the Applicant's proposal would cause adverse impacts relating to increased traffic, including in the public alley, and to parking, trash storage and collection, noise, and privacy in addition to introducing a more intensive institutional or commercial use inconsistent with the quiet residential nature of the area.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the west side of Eastern Avenue, N.W., located midblock between Blair Road and Hemlock Street, N.W., with the address 7410 Eastern Avenue, N.W. (Square 3178E, Lot 115).

2. The subject property is an irregularly shaped pentagon, with approximately 67 feet of frontage on Eastern Avenue and side lot lines extending approximately 42.6 feet on the west and 59.5 feet on the east. The lot area is 4,488 square feet.

3. The subject property abuts a public alley, 16 feet wide, along its west side lot line and the western portion of its rear lot line.

4. The subject property was improved with a detached building that was formerly used as a principal dwelling. The building is one story and 25 feet in height, with a basement. The existing lot occupancy is 35 percent.

5. The existing building is set back from the front lot line consistent with a building restriction line that extends 15 feet deep along the Eastern Avenue frontage of the subject property.

6. The subject property has two side yards, each at least eight feet in depth. The irregular rear yard ranges from 3.5 to 33 feet deep.

7. The west side and the portion of the rear yard of the subject property that abut the alley are bounded by a retaining wall because the grade of the subject property is several feet above the grade of the alley.

8. The Applicant proposed to use the existing building at the subject property as "a health care facility treating those who require medical inpatient rehabilitation for various neurological and orthopedic injuries and conditions, as well as long-term issues such as dementia." (Exhibit 3.)

9. The Applicant did not propose any significant modifications to the exterior of the existing structure or to increase its size.

10. The Applicant planned to configure the interior of the existing building to accommodate the health care facility use on the first floor and in the basement. As proposed, the basement would contain three bedrooms, living rooms, and a bathroom. The first floor would provide a kitchen and living room as well as four bedrooms and two bathrooms. (Exhibit 17B.)

11. The Zoning Regulations define a "health care facility" as "A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq*.)." (Subtitle B § 100.2.)

12. The Applicant proposed to operate a health care facility for up to 14 persons, of any age, in the existing building at the subject property. According to the Applicant, the facility was "designed to provide long-term and short-term treatment and care to individuals requiring daily assistance, medical supervision, and rehabilitative or supportive services. The residential component ensures that patients, referred to as 'guests,' have access to on-site care, meals, daily activities, and medical oversight tailored to their needs." The length of stay would not be fixed but could be short- or long-term. (Exhibit 17E.)

13. The health care facility would operate with both on-site and visiting staff. Employees on-site daily would include an administrative supervisor to oversee operations and coordinate staffing, among other duties, as well as two caregivers. A nurse would visit the facility every three weeks, and a medical provider would be on call and available as required. (Exhibit 17E.)

14. The Applicant anticipated that two or three employees would be on site at a given time, 24 hours per day.

15. The health care facility would utilize a meal delivery service, with food deliveries occurring between 6:00 and 9:00 a.m.[2] (Exhibits 17E, 35C.)

16. The health care facility would utilize daily cleaning services occurring between 6:00 a.m. and 9:00 a.m. (Exhibits 17E, 35C.)

17. The Applicant would permit visitors to the health care facility during mealtimes and activity periods, or between 7:00 a.m. and 9:00 p.m. (Exhibits 17E, 35B.)

18. The Applicant would provide activities for residents of the health care facility, including outdoor activities such as gardening. Outdoor activities in the rear yard would not begin until sunup and would be concluded by sundown. (Exhibits 17E, 35B.)

19. The Applicant would enforce "quiet hours" between 8:00 p.m. and 7:00 a.m. to minimize noise associated with residents, staff, and visitors at the health care facility. The Applicant would post signs restricting "large gatherings or any outdoor events after certain hours." (Exhibit 17E.)

20. The building at the subject property contained a garage in the basement level, which the Applicant testified had been converted to a bedroom by a prior owner. The former garage was accessible via a driveway, approximately 17 feet long, from Eastern Avenue.

21. The Applicant proposed to provide a trash enclosure at the rear of the lot, which would contain four 96-gallon trash containers and two recycling bins. Trash collection would occur via the public alley between 6:00 a.m. and 11:00 a.m. every day, Monday through Saturday. Any hazardous materials would also be stored in a screened enclosure at the rear of the property. The health care facility would follow "OSHA and state guidelines for hazardous waste (e.g. gloves, wound dressings)" and would coordinate "hazardous waste pickup with licensed disposal companies." The Applicant stated that no medical waste would be generated on site. (Exhibits 17E, 35B, 35C.)

22. The Applicant would install and maintain a solid privacy fence, six feet high, enclosing the rear yard behind the front façade of the building. (Exhibit 35B.)

23. The abutting property to the east of the subject property contains a one-story detached principal dwelling. Other properties in the vicinity are primarily devoted to residential use in one- or two-story detached or semi-detached buildings as well as two-story apartment houses.

24. The subject property is located approximately 0.2 miles from a Metrobus stop on a priority bus route along Georgia Avenue and approximately a half-mile from the Takoma Metrorail station.

25. The subject property is located in a Residential House (R) zone, R-2.

[2] The application also indicated that "morning meals [would be] (delivered the night before)." (Exhibit 17E.)

26. The Residential House zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 101.1.) The R zones are intended to (a) provide for the orderly development and use of land and structures in areas predominately characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of records; (e) establish minimum lot area and lot width for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 101.2.)

27. The purpose of the R-2 zone is to provide for areas with semi-detached houses and avoid denser types of residential development. (Subtitle D § 101.6) The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses. (Subtitle D § 101.7.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requested special exceptions under Subtitle U § 203.1(j) to allow a new health care facility use for 14 persons in an existing one-story detached building and under Subtitle C § 703.2 to eliminate the minimum vehicle parking requirement of Subtitle C § 701.5 in the R-2 zone at 7410 Eastern Avenue, N.W. (Square 3178E, Lot 115). The Board is authorized under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(2)) to grant special exceptions as provided in the Zoning Regulations where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific requirements. (*See also* Subtitle X § 901.2.)

A health care facility use serving as many as eight persons may be permitted as a matter of right in the R-2 zone.[3] (Subtitle U § 202.1(k).) The Board is authorized pursuant to Subtitle U § 203.1(j) to approve a health care facility use for nine to 300 persons as a special exception, subject to specific requirements. Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the issues and concerns stated by ANC 4B, the Board determined that the application did not meet the burden of proof required for approval of the requested special exceptions to allow a health care facility use for up to 14 persons in the existing building at the subject property, without providing any vehicle parking.

[3] A health care facility for not more than six persons, not including resident supervisors or staff and their families, is permitted as a matter of right in the R-2 zone. A health care facility for up to eight persons, not including resident supervisors or staff and their families, is permitted as a matter of right in the R-2 zone provided that no property containing an existing health care facility for seven or more persons is located in the same square or within a radius of 1,000 feet. (Subtitle U § 202.1(k).)

The Board credited the testimony of the Applicant and of the Office of Planning that no other property containing a health care facility is located either in the same square or within a radius of 500 feet from any portion of the Applicant's property, consistent with Subtitle U § 203.1(j)(2).[4] The Board also credited the Applicant's testimony that the planned facility would be capable of meeting all applicable code and licensing requirements, as required under Subtitle U § 203.1(j)(4). The Office of Planning did not state any reservations about the Applicant's ability to obtain a license for the health care facility planned at the subject property.

Approval of a special exception to allow a health care facility for more than nine persons requires a determination by the Board that "there shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility." (Subtitle U § 203.1(j)(3).) The Applicant proposed not to provide any vehicle parking for the proposed health care facility and instead requested a special exception to eliminate the vehicle parking requirement stated in Subtitle C § 701.5.[5]

Because the Applicant proposed not to provide any vehicle parking spaces, the Board determined that the planned health care facility would not provide "adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility" and therefore that the application did not satisfy the requirement stated in Subtitle U § 203.1(j)(3). The Board credited the Applicant's testimony that residents of the health care facility would not likely keep a vehicle at the subject property, given the nature of the intended use. However, the Board was not persuaded by the Applicant's contention that staff and visitors could rely solely on street parking, which would be directly contrary to the zoning requirement for a health care facility of the size planned by the Applicant.

The Board is authorized to grant a full reduction in the number of required parking spaces as a special exception subject to an applicant's demonstration of at least one of the elements listed in Subtitle C § 703.2. In this case the Applicant argued that parking relief was warranted on the ground that no parking spaces could be provided at the subject property due to the physical constraints of the site.[6] (Subtitle C § 703.2(a).) The application asserted, without evidentiary

[4] The R-2 zone is included in the R-Use Group B. (Subtitle U § 200.2.)

[5] The Applicant stated that the parking requirement generated under Subtitle C § 701.5 by the proposed health care facility use was one space, apparently applying the standard for a "medical care" use of one space per 1,000 square feet in excess of 3,000 square feet, with a minimum requirement of one parking space. Approval of a special exception to allow a health care facility use for nine to 300 persons requires the Board to determine that the facility would provide "*adequate* … off-street parking to provide for the needs of occupants, employees, and visitors to the facility." (Subtitle U § 203.1(j)(3); emphasis added.) In this case, the Board deliberated on the relief requested in the self-certified application but did not make a determination that one space would have been adequate to provide for the needs of the occupants, employees, and visitors of the proposed health care facility use – which would have had 14 occupants, two or three employees on-site 24 hours per day as well as other staff who would travel to the site periodically or as needed, and visitors – sufficient to meet the requirement for approval of a special exception under Subtitle U § 203.1(j)(3).

[6] The Board did not determine that parking relief was warranted on the ground that no parking spaces could be provided within 600 feet of the subject property in accordance with Subtitle C § 701.8. The application stated only that "There do not appear to be parking spaces available for rent within 600 feet of the lot as all existing spaces serve their

support, that "the Applicant cannot feasibly access parking from the side and rear alleys" because of the topography at the side and rear of the site. (Exhibit 8.) The Office of Planning testified that "[p]utting in the required parking space with access from the alley could be prohibitively expensive for the Applicant and would require substantial land disturbance." (Exhibit 18.) The Applicant initially planned to provide "two legal parking spaces in [the] existing driveway space"[7] but was informed by DDOT that the curb cut should be removed and the driveway should be removed or reduced to the width of a leadwalk serving the front entrance of the building because the "existing driveway is in front of the Building Restriction Line" so that "the current off-street parking space is in public space and not permitted." (Exhibits 8, 17C, 19.) The Board recognized the physical constraints of the site that would complicate the provision of any vehicle parking spaces at the subject property. However, the application did not provide adequate information about the alleged cost or difficulty of providing parking spaces at the rear of the lot, accessible from the public alley, sufficient to warrant approval of a special exception that would eliminate the parking requirement for a health care facility use serving 14 people.

The Board did not agree with the Applicant that the planned use would be "particularly well served by mass transit" as a basis for parking relief under Subtitle C § 703.2(b). The application did not demonstrate that the staff of the facility, whether on-site in 24-hour-day shifts or arriving periodically, or any visitors to the facility would be likely to use mass transit to travel to the subject property, considering that the closest public transportation options were a Metrorail station a half-mile away and Metrobus stops almost a quarter-mile away.

Similarly, the Board did not conclude that the land use or transportation characteristics of the neighborhood would minimize the need for the parking spaces required by the proposed health care facility use. (Subtitle C § 703.2(c).) The Applicant indicated that "the directly adjacent properties have dedicated off-street parking, as do a majority of the homes in this square," and claimed that closing the curb cut at the subject property would create as many as three new on-street parking spaces, "leading to an overall increase in parking."[8] (Exhibit 17C.) The Board was not persuaded that any land use or transportation characteristic of the neighborhood around the Applicant's lot would minimize the need for the parking spaces required by a 14-bed health care facility use. The application did not identify any characteristic of the neighborhood that would reduce or alter the Applicant's proposal to have staff on-site 24 hours per day, as well as additional employees traveling to the site periodically, regular deliveries for food and cleaning services, and potential trips by visitors or residents of the facility.

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respective residential uses." (Exhibit 17C.) The Office of Planning testified without elaboration that "There are no commercial uses within 600 feet of the property where the applicant could potentially rent parking spaces." (Exhibit 18.)

[7] The application did not demonstrate how the existing driveway, which extended approximately 17 feet from the street frontage, could be used to provide parking for two vehicles, especially without blocking the sidewalk along Eastern Avenue. The Zoning Regulations generally require a depth at least 16 feet for a vehicle parking space. (See Subtitle C §§ 712.3, 712.5, 712.6.)

[8] DDOT estimated that closing the existing curb cut for the driveway would "create an additional on-street parking space." (Exhibit 19.)

The Board determined that the application did not satisfy the burden of proof for the requested special exception under Subtitle U § 203.1(j)(5) because the proposed health care facility use would not avoid creating adverse impacts on the neighborhood because of traffic and operations. As already noted, the Board credited the testimony of the Applicant and the Office of Planning that no other similar facilities are currently in operation in proximity to the subject property. The Board also agreed with the Applicant and OP that the proposed use would not likely generate adverse impacts related to noise, because the health care facility use would occur primarily inside the building and the Applicant would implement measures to limit potential noise impacts associated with any outdoor activities.

However, the Board concluded that approval of the requested special exceptions would likely result in adverse impacts related to traffic and parking. The traffic and parking demand generated by the proposed health care facility – created by the expected daily and periodic staffing levels in addition to daily trips for food deliveries and cleaning services as well as visitors to the site and any trips undertaken by residents – would tend to create adverse impacts on neighboring properties because the Applicant did not propose to provide any off-street parking. Approval of a special exception under Subtitle U § 203.1(j) requires the provision of vehicle parking adequate to meet the needs of occupants, staff, and visitors to the facility. The Applicant's plan to rely solely on street parking was not responsive to that requirement. The expectation that street parking should be available to meet the needs of the planned health care facility use did not adequately account for the parking demand that would likely be generated by the facility's staff, who would travel to the site daily, at regular intervals, or as needed, the frequency of deliveries to the site, especially the vehicles associated with daily meal deliveries and cleaning services, or with the potential for visitors each day.[9] The application did not demonstrate that the health care facility's reliance solely on street parking would avoid adverse impacts on the use of nearby properties by diminishing the supply of street parking available for neighborhood residents and other potential users of the public parking. Similarly, the Board was not persuaded that the Applicant's plan to schedule trash collection six days per week would avoid adverse impacts to neighboring properties, given the relatively narrow width of the alley and frequency of its use by residents of nearby dwellings.

Subtitle X § 901.2. The Board concluded that approval of the requested special exceptions would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, contrary to the requirement of Subtitle X § 901.2. The Zoning Regulations permit a health care facility for up to eight persons, with at least one vehicle parking space, at the subject property as a matter of right. The Board concluded, under the circumstances of this application, that the Applicant's proposed health care facility, for up to 14 persons without any parking, would not be

[9] In recommending approval of the application, the Office of Planning did not account for visitors to the site or residents' trips away from the facility in concluding that "[i]t is not anticipated that the use would generate a significant number of vehicle trips and traffic to adversely impact the neighborhood." OP expected that "[a]ll residents would remain on the site for treatment and services" and "[d]aily traffic would be limited to staff, and to service vehicles which would come to the site for a short period of time in the mornings." (Exhibit 18.) However, in addition to having visiting hours daily at the planned health care facility, the Applicant indicated that "patients are expected to have doctor's appointments at their respective doctor's offices." (Exhibit 35B.)

consistent with the purposes of the Residential House zones to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. Approval of the application would not be consistent with the intent of the R zones to provide for the orderly development and use of land and structures in areas predominately characterized by low- to moderate-density residential development and to allow for limited compatible accessory and non-residential uses. The application did not demonstrate that approval of the requested parking relief would be consistent with the intent of the Zoning Regulations to allow flexibility from the minimum required number of parking spaces when providing the required number of spaces would be impractical due to the shape or configuration of the site or that parking would be unnecessary due to a lack of demand for parking or the site's proximity to transit options. (See Subtitle C § 703.1.)

The Board determined that approval of the requested special exceptions would tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. As discussed above, the Board determined that the application did not satisfy the requirements for approval of a special exception to allow a health care facility serving 14 people, especially with respect to the creation of potential adverse impacts related to traffic, parking, and operations, or the requirements for approval of a special exception to eliminate the vehicle parking requirement for the proposed facility.

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04.) For the reasons discussed above, the Board did not agree with OP's recommendation to approve the application.

The Board is also required to give "great weight" to the issues and concerns raised by an affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A)).) In this case, ANC 4B adopted a resolution asking the Board to deny the application, stating concerns about the Applicant's previous "mismanagement" of the subject property and lack of experience in the management of a health care facility, concerns about the potential operation of the facility, and concerns stated by "immediate neighbors … about the proliferation of like home health care facilities currently extent in the vicinity of the proposal." (Exhibit 33.) While the ANC's concerns were generally outside the scope of the Board's purview in this proceeding, which required an assessment of whether the application met the requirements stated in the Zoning Regulations for approval of the two special exceptions requested by the Applicant, the Board agreed with ANC 4B that the application should be denied, for the reasons discussed above.

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this application, a proposed order was provided to the parties on July 28, 2026 to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d). The Board received no exceptions to the proposed order.

Based on the findings of fact and conclusions of law, the Board concluded that the Applicant did not satisfy the burden of proof for special exception under Subtitle U § 203.1(j) to allow a new

health care facility use for up to 14 persons in an existing one-story detached building or under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 in the R-2 zone at 7410 Eastern Avenue, N.W. (Square 3178E, Lot 115). Accordingly, it is **ORDERED** that the application is **DENIED.**

VOTE: **3-0-2** (Frederick L. Hill, Carl H. Blake, and Tammy M. Stidham to DENY; two Board seats vacant)

VOTE: **4-0-1** (Paul Goldstein, Michelle Pourciau, Melissa Lindsjo, and Gwen M. Wright voting to issue this Order; Robyn Jackson Wells not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 9, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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. 21374-A
Laura Williams and Kevin Donohue
4401 Garrison Street, NW (Square 1581, Lot 80)

DECISION DATE (21374):	October 29, 2025 (Expedited Review)
ORDER ISSUANCE DATE (21374):	November 4, 2025
DECISION DATE (21374-A):	September 2, 2026

SUMMARY ORDER ON REQUEST FOR MODIFICATION WITHOUT HEARING

Pursuant to notice, at its September 2, 2026, public meeting, the Board of Zoning Adjustment ("**Board**" or "**BZA**") deliberated on a request for a modification without hearing to BZA Order No. 21374 to modify the rear yard relief to construct a one-story rear screened-in porch addition, to an existing, detached, two-story with basement, principal dwelling unit. The Board considered the request for a modification without hearing under Subtitle Y § 703 of Title 11 of the DCMR (Zoning Regulations of 2016, the "**Zoning Regulations**" to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 21374, the Board approved the request by Laura Williams and Kevin Donohue (the "**Applicant**") for a special exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 to construct a one-story rear screened-in porch addition, to an existing, detached, two-story with basement, principal dwelling unit in the R-2 zone. The Board issued Order No. 21374 on November 4, 2025. (Exhibit 4 of the record for Case No. 21374-A.)

PROPOSED MODIFICATION. On May 22, 2026, the Applicant submitted a request for a modification without hearing to Order No. 21374. (Exhibits 1-12.) The request proposed to modify the approved rear yard setback. There is no change to the previously approved plans; the Applicant seeks to address a measurement discrepancy between the survey approved by the Board and the historic survey used by the Department of Buildings ("**DOB**") for a wall check during construction of the addition. An updated surveyor's plat consistent with DOB's documentation has been provided in Exhibit 10 of the record.

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y §§ 703.10-703.11, the Applicant provided proper and timely notice of the request for a modification without hearing. (Exhibit 7.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 3E.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 21, 2026, at which a quorum was present, the ANC voted to support the modification. (Exhibit 17.) The ANC report included a condition that the Applicant install at least one rain barrel or rain garden to mitigate the loss of permeable space. The Board did not adopt this as a condition of the order.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 16.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

CONCLUSIONS

The Board determines that the Applicant's request complies with Subtitle Y § 703.7, which defines a modification without hearing as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." Based upon the record, the Board concludes that in seeking a modification without hearing, the Applicant has met its burden of proof under Subtitle Y § 703.7.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

Based on the case record, the Board concludes that the applicant has satisfied the burden of proof for a modification without hearing to modify the rear yard relief to construct a one-story rear screened-in porch addition, to an existing, detached, two-story with basement, principal dwelling unit.

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the survey shown in Exhibit 10 of the record,

In all other respects, Order No. 21374 remains unchanged.

VOTE: **4-0-1** (Michelle Pourciau, Paul Goldstein, Melissa Lindsjo, and Gwen M. Wright to APPROVE; Robyn Jackson Wells not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 9, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21477
Eric Salzberg and the Bialystok Trust
1812 Kilbourne Place, N.W. (Square 2599, Lot 64)

HEARING DATE: September 2, 2026
DECISION DATE: September 2, 2026

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a first-floor rear deck addition to an existing, attached, two-story plus basement, principal dwelling unit in the RF-1 zone:

- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*60% maximum required; 60.5% existing; 67.5% proposed*)

The zoning relief requested in this case was self-certified. (Exhibit 6.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 1D, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. ANC 1D did not submit a report to the record for this application.

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.

PERSONS IN SUPPORT. The Board received three letters from neighbors in support of the application. (Exhibits 20-22.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*60% maximum required; 60.5% existing; 67.5% proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the revised plans shown in Exhibit 5 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **4-0-1** (Paul Goldstein, Gwen Marcus Wright, Michelle Pourciau, and Melissa Lindsjo to APPROVE; Robyn Jackson Wells not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 10, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.10, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21478
Andrew Cooper
912 5th Street, N.E. (Square 0807, Lot 0042)

HEARING DATE: September 2, 2026
DECISION DATE: September 2, 2026

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a third story plus penthouse and roof deck, a three-story plus cellar rear addition, and convert to a 2-unit flat, an existing, two-story plus cellar, principal row dwelling in the RF-1 zone:

- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 *(60% maximum permitted; 70% (1st floor) and 61.2% (2nd floor) existing; 70% proposed (first and second floors))*
- Special Exception under the penthouse height requirements of Subtitle C § 1501.1(c), pursuant to Subtitle X § 901.2 *(35 ft. building height maximum permitted, 35 ft. existing; 35 ft. plus 8'6" penthouse proposed)*

The zoning relief requested in this case was self-certified. (Exhibit 23 (Final Revised); Exhibit 4 (Original).)[1]

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 6C, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 8, 2026, at which a quorum was present, the ANC voted to support the application. (Exhibit 30.) The ANC report raised no issues or concerns.

[1] The original application was amended by withdrawing requests for special exception relief under the residential conversion requirements of Subtitle U § 301.1(b) and (e); from the rear addition requirements of Subtitle D § 207.4; and from the pervious surface requirement of Subtitle C § 501.1(c) (included in error). In addition, the penthouse height has been reduced.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 28.)

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 27.)

PERSONS IN OPPOSITION. The Board received a letter in opposition from the Capitol Hill Restoration Society. (Exhibit 20.)

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 E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 *(60% maximum permitted; 70% (1st floor) and 61.2% (2nd floor) existing; 70% proposed (first and second floors))*
- Special Exception under the penthouse height requirements of Subtitle C § 1501.1(c), pursuant to Subtitle X § 901.2 *(35 ft. building height maximum permitted, 35 ft. existing; 35 ft. plus 8'6" penthouse proposed)*

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the revised plans shown in Exhibit 21 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **3-1-1** (Paul Goldstein, Michelle Pourciau, and Melissa Lindsjo to APPROVE; Gwen Marcus Wright opposed; Robyn Jackson Wells not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 10, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.10, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETING

TIME AND PLACE: **Tuesday, September 22, 2026 @ 2 p.m.**
Virtually via WebEx

CASES ON AGENDA:

1. Application No. 21500 of 1927 Property Heritage Trust
2. Application No. 21326 of Ehsan Jazini
3. Application No. 21485 of Capitol Hill Hotel Owner 1, LLC
4. Application No. 21490 of District Line Development, LLC
5. Application No. 20925-A of Sarlea Mah and Camile Williams
6. Application No. 21488 of Juleanna Glover
7. Application No. 21492 of Chadi Mouwad

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 **September 22, 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 **September 22, 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 September 16, 2026 Public Hearing):

MICHELLE POURCIAU (CHAIR)	**X YES**	**NO**
PAUL GOLDSTEIN (VICE CHAIR)	**X YES**	**NO**
ROBYN WELLS, MAYORAL APPOINTEE	**X YES**	**NO**
MELISSA LINDSJO, NCPC REPRESENTATIVE	**X YES**	**NO**
ROB MILLER, ROTATING ZONING COMMISSIONER	**X YES**	**NO**

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. 25-14
Z.C. CASE NO. 25-14
4347 Hunt Place Holdings, LLC
(Zoning Map Amendment @ Square 5094, Lot 103)
May 14, 2026

Pursuant to notice, at its virtual public hearing on April 6, 2026, the Zoning Commission for the District of Columbia (the "Commission") considered an application (the "Application") by 4347 Hunt Place Holdings, LLC (the "Applicant") for approval of an amendment to the Zoning Map from the MU-3A zone to the MU-8B zone[1] (the "Map Amendment") for Lot 103 in Square 5094 (the "Property"), pursuant to Subtitle X § 500.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations ("DCMR"), Zoning Regulations of 2016, to which all subsequent section references are made unless otherwise specified).

The Commission considered the Application as a contested case pursuant to Subtitle A § 210 and Subtitle Z, Chapter 4. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

Parties

1. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
   - The Applicant; and
   - Pursuant to Subtitle Z §§ 101.8 and 403.5(b), the ANC 7C, within which the Property is located.

2. The Commission received no requests for party status.

Notice

3. Pursuant to Subtitle Z § 304.5, the Applicant mailed a Notice of Intent to file the Application to ANC 7C and all property owners within 200 feet (ft.) of the Property on June 3, 2025 (Ex. 2C).

4. The Applicant filed the Application on July 22, 2025 (Ex. 1–3).

5. On July 25, 2025, the Office of Zoning ("OZ") sent copies of the Notice of Filing to the following:
   - The Applicant;
   - ANC 7C;

[1] The Applicant had initially requested approval of an amendment to the Zoning Map from the MU-3A zone to the MU-7A zone (Exhibit ["Ex."] 1). However, prior to the April 6, 2026, virtual public hearing, at the request of Advisory Neighborhood Commission ("ANC") 7C, the Applicant requested approval for an amendment to the MU-8B zone instead (Ex. 11; April 6, 2026, Public Hearing Transcript ["Tr."] at 11).

- ANC Single Member Districts ("SMD") 7C04, 7C07, and 7C09;
- Office of ANCs;
- The Ward 7 Councilmember;
- At-Large Councilmembers and the Chairman of the Council;
- Office of Planning ("OP");
- D.C. Department of Transportation ("DDOT");
- D.C. Department of Buildings ("DOB");
- D.C. Department of Energy and Environment ("DOEE"); and
- Office of Zoning Legal Division ("OZLD").

(Ex. 9).

6. Pursuant to Subtitle Z § 402, OZ sent notice of the April 6, 2026 virtual public hearing, on February 4, 2026, to the following:
   - The Applicant;
   - ANC 7C;
   - ANC SMDs 7C04, 7C07, and 7C09;
   - Office of the ANCs;
   - The Ward 7 Councilmember;
   - At-Large Councilmembers and the Chairman of the Council;
   - OP;
   - DDOT;
   - DOB;
   - DOEE;
   - OZLD; and
   - Property owners within 200 feet (ft.) of the Property.

   (Ex. 16, 17).

7. OZ published notice of the April 6, 2026, virtual public hearing in the February 13, 2026, *District of Columbia Register* (73 DCR 001496 *et seq.*), as well as on the calendar on OZ's website (Ex. 15).

8. The Applicant posted notice of the virtual public hearing on the Property on February 24, 2026, in accordance with Subtitle Z § 402.3 and maintained such notice in accordance with Subtitle Z § 402.10 (Ex. 19, 23).

The Property

9. The Property is located in Central Northeast/Mahaning Heights neighborhood of Ward 7, within the Deanwood area, and is bounded by Hunt Place, N.E. to the north, the intersection of 44th Street, N.E., Hunt Place, N.E. and Nannie Helen Burroughs Avenue, N.E. to the northeast, 44th Street, N.E. to the east, a public alley to the south, and a commercial property zoned MU-4 to the west. The Property contains approximately 12,000 square feet (sq. ft.) of land area and is located within the 100-year floodplain (Ex. 2).

10. The Property is improved with a parking lot and a single-story building that was used most recently as a liquor store. The building is currently vacant (Ex. 2).

11. A mix of uses surround the Property, including low- to mid-rise residential uses, neighborhood serving low- to moderate-density retail and commercial uses, lower scale Production, Distribution, and Repair uses, and some fast-food uses (Ex. 2).

12. The Property is located approximately 0.5 miles from the Minnesota Avenue Metro Station and approximately 0.8 miles from the Benning Road Metro Station. The V2, V4, and X9 Metrobus lines are approximately 0.25 miles from the Property. The X9 is considered a Priority Metrobus Route (Ex. 2).

Current Zoning

13. The Property is currently zoned MU-3A (Ex. 2).

14. The Mixed Use (MU) zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers (Subtitle G § 101.2).

15. In particular, the MU-3 zones provide for low-density mixed-use development and convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development (Subtitle G § 101.8).

16. The MU-3A zone imposes the following limits and permissions for matter of right development:
    - A maximum density of 1.0 floor area ratio ("FAR") (1.2 FAR for inclusionary zoning ("IZ") developments) and a maximum non-residential FAR of 1.0 (Subtitle G § 201.1);
    - A maximum building height of 40 ft. and three stories (Subtitle G § 203.2);
    - A maximum penthouse height of twelve 12 ft., except 15 ft. for penthouse mechanical space, and one story, except second story permitted for penthouse mechanical space; (Subtitle G § 205.1);
    - A minimum rear yard of 20 ft. (Subtitle G § 207.5); and
    - A maximum lot occupancy of 60% (Subtitle G § 210.1).

Comprehensive Plan (Title 10-A of the DCMR, the "CP")

Equity and the Comprehensive Plan

17. Pursuant to Subtitle X § 500.3, the Commission shall find that the Map Amendment is not inconsistent with the CP and with other adopted public policies and active programs related to the Property.

18. In applying the standard of review applicable to the Map Amendment, the CP requires the Commission to do so through a racial equity lens (CP § 2501.4-2501.6, 2501.8). Consideration of equity is intended to be based on the policies of the CP, and part of the Commission's considerations of whether the Map Amendment is "not inconsistent" with the CP, rather than a separate determination about a zoning action's equitable impact.

19. The CP Framework Element states that equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality (CP § 213.6). Further, "[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development, and employment opportunities." (CP § 213.7). The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions (CP § 213.9).

20. The CP Implementation Element provides guidance to help the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element states "[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of different areas of the District." (CP § 2501.6). In addition, the CP Implementation Element suggests preparing and implementing tools to use as a part of the Commission's evaluation process. Consistent with Comprehensive Plan guidance, the Commission utilizes a Racial Equity Tool in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The Tool requires submissions from applicants and the Office of Planning analyzing the zoning action's consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable; a submission from applicants including information about their community outreach and engagement efforts regarding the zoning action; and a submission from the Office of Planning including disaggregated race and ethnicity data for the Planning Area affected by the zoning action. The Racial Equity Tool emphasizes community outreach and is intended to facilitate proactive and meaningful engagement with the community most likely to be affected by the proposed zoning action to gain insight on negative conditions that may exist in the community, particularly those that are a result of past and present discrimination, develop an understanding of community priorities, and solicit input on potential positive and negative outcomes of the proposed zoning action.

Generalized Policy Map (the "GPM")

21. The CP's GPM designates the Property as a Neighborhood Commercial Center within a Resilience Focus Area, which the Framework Element and Land Use Element, respectively, describe as follows:
    - Neighborhood Commercial Centers: *"Neighborhood Commercial Centers meet the day-to-day needs of residents and workers in adjacent neighborhoods. The area served by a Neighborhood Commercial Center is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and childcare. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. Many buildings have upper-story residential uses. Unlike Main Street Mixed Use Corridors, the Neighborhood Commercial Centers include both auto-oriented centers and pedestrian-*

oriented shopping areas....New development and redevelopment within Neighborhood Commercial Centers must be managed to conserve the economic viability of these areas while allowing additional development, including residential, that complements existing uses." (CP § 225.15–225.16); and

- Resilience Focus Areas: *Areas where future planning efforts are anticipated to ensure resilience to flooding for new development and infrastructure projects, including capital projects, especially in areas within the 100- and 500-floodplains. In the Resilience Focus Areas, the implementation of neighborhood-scale, as well as site-specific solutions, design guidelines and policies for a climate adaptive and resilient city are encouraged and expected. Boundaries shown are for illustrative purposes. Final boundaries will be determined as part of any future analysis for each area (CP § 304.8).*

Future Land Use Map (the "FLUM")

22. The CP's FLUM designates the Property as Mixed Use – Medium Density Residential/Medium Density Commercial as follows:
    - Medium Density Residential – *"This designation is used to define neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential category, and other zones may also apply." (CP § 227.7*); and
    - Medium Density Commercial – *"This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply." (CP § 227.12).*

Far Northeast/Southeast Area Element

23. The Property is located within the Far Northeast / Southeast Area Element (the "FNS Area Element") of the Comprehensive Plan. The Far Northeast/Southeast Area encompasses the 8.3 square miles located east of I-295 and north of Naylor Road S.E. (CP § 1700.1). Far Northeast and Southeast is known for their established neighborhoods and its diverse mix of housing (CP § 1700.2). The area has a robust transportation network, including the Benning Road and Deanwood Metro stations, Interstate I-295, and several major avenues linking neighborhoods to the underserved communities in Wards 7 and 8 to Central Washington (CP § 1700.2).

24. The FNS Area Element identifies the Deanwood area as a Policy Focus Area (CP § 1710.1). In particular, the CP promotes a focus on neighborhood-serving commercial development in Deanwood along the Nannie Helen Burroughs Corridor with low-density mixed-use zones converted into higher density zones (CP § 1712.11). Neighborhood-serving medium-density development and commercial uses along Nannie Helen Burroughs Avenue are also encouraged to create and invest into community-owned small businesses, adding and creating jobs for District residents and establishing retail and service uses that support the surrounding residential community (CP § 1712.14).

Nannie Helen Burroughs Corridor Small Area Plan

25. The Property is located within the Nannie Helen Burroughs Corridor Small Area Plan.

26. The Nannie Helen Burroughs Corridor Small Area Plan encourages mixed-use, infill development that supports housing diversity, neighborhood-serving retail, and vibrant, walkable communities—particularly along key segments of the corridor and near significant intersections (Ex. 2D).

II. THE APPLICATION

Proposed Zoning

27. The Application, as revised, proposes to rezone the Property from the MU-3A zone to the MU-8B zone (Ex. 3, 10-11).

28. The MU-8 zones are intended to permit medium density mixed-use development with a focus on employment and residential use; be located in uptown locations, where a large component of development will be office-retail and other non-residential uses; and be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops (Subtitle G § 101.13).

29. The MU-8B zone imposes the following limits and permissions for matter of right development:
- A maximum density of 5.0 FAR (6.0 FAR for IZ developments) and a maximum non-residential FAR of 4.0 (Subtitle G § 201.1);
- A maximum building height of 70 ft. with no limit on the number of stories (Subtitle G § 203.2);
- A maximum penthouse height of 20 ft. and one story, except second story permitted for penthouse mechanical space (Subtitle G § 205.1);
- A minimum rear yard of two and one-half inches per one ft. of height, 12 ft. minimum (Subtitle G § 207.9);
- No side yard is required for a building or structure other than a detached or semi-detached single household dwelling which requires a minimum side yard of eight ft.; however, if a side yard is provided for a building other than a detached or semi-detached single household dwelling, it shall be no less than five ft. and (Subtitle G § 208.2, 208.3); and
- No maximum lot occupancy (Subtitle G § 210.1).

Applicant's Justification for Relief

Not Inconsistent with the CP

30. The Application stated that the Map Amendment would not be inconsistent with the CP, nor would it be inconsistent with other adopted public policies and active programs applicable to the Property, as detailed below in Findings of Fact ("FF") Nos. 31–44 (Ex. 2D, 11).

GPM

31. The Application asserted that the Map Amendment would not be inconsistent with the Property's GPM designation as a Neighborhood Commercial Center because:
    - The MU-8B zone permits more commercial density than the Property's current MU-3A or the originally proposed MU-7A zoning, which will facilitate redevelopment of the Property, potentially resulting in much needed commercial amenities such as retail, service, and job-generating uses that meet the day-to-day needs of residents and workers in the adjacent neighborhoods.

    (Ex. 2D, 11).

FLUM

32. The Application asserted that the Map Amendment would not be inconsistent with the Property's FLUM designation of Mixed Use (Medium Density Residential/Medium Density Commercial) because:
    - The Medium Density Residential category contemplates density typically ranging from 1.8-4.0 FAR, but states that greater density may be possible when complying with IZ (CP § 227.7; Ex. 2D);
    - The Medium Density Commercial category specifically cites the MU-8 zone as a consistent zone and contemplates a range in density between a FAR of 4.0 and 6.0, with greater density possible when complying with IZ (CP § 227.12; Ex. 11);
    - The MU-8B zone is specifically intended to permit mixed-use development and permits a maximum FAR of 5.0 (6.0 for an IZ development), of which up to 4.0 FAR can be devoted to non-residential use (Subtitle G § 201.1); and
    - The density permissions of the MU-8B zone fall within the density ranges contemplated by the Property's FLUM designations (Ex. 11).

Racial Equity

33. The Application asserted that the Map Amendment furthers CP racial equity goals. Specifically, the Map Amendment will facilitate the redevelopment of the Property under a higher-density mixed-use zone. The Map Amendment could help to catalyze economic growth, addressing food insecurity and known retail and service use deficiencies in the Deanwood area. The Map Amendment also could lead to reinvestment in the Nannie Helen Burroughs Corridor, which would support employment and entrepreneurial opportunities for local residents (Ex. 2D, 11).

34. *Displacement* – The Applicant stated that the Property does not contain any active tenants, residents, or users, so it avoids any direct displacement of residents or businesses (Ex. 2D).

35. *Community Outreach and Engagement* – The Applicant stated that it engaged with the community regarding the Map Amendment, including ANC 7C and the Deanwood Citizens Association. The Applicant noted that ANC 7C specifically requested that the Applicant seek a rezoning to the MU-8B zone instead of the originally proposed MU-7A zone to allow for greater commercial density in an area with an abundance of housing and an oversaturation of affordable housing (Ex. 2D).

FNS Area Element

36. The Application asserted that the Map Amendment advances the goals of the FNS Area Element. Rezoning the Property to the MU-8B zone provides an opportunity to redevelop an underutilized site with new construction that can provide commercial activity and reinvestment in the Nannie Helen Burroughs Corridor and the Deanwood area (FNS-1.1.A: Façade Improvements; FNS-1.1.3: Directing Growth; FNS-1.1.4: Retail Development; FNS-2.2.1: Strengthening Deanwood's Core; FNS-2.2.2: Nannie Helen Burroughs Avenue; FNS-2.2.5: Neighborhood-Serving Commercial Uses) (Ex. 2D, 11).

Land Use Element

37. The Application asserted that the Map Amendment is not inconsistent with the policies of the Land Use Element because the Map Amendment encourages mixed-use development along a large corridor with good Metrorail and Metrobus access and may provide new residential units as well as neighborhood-serving commercial uses. Further, the height and density permitted under the proposed MU-8B zone appropriately balances the need to respect the character, scale, and integrity of the adjacent existing neighborhood (LU-1.4.6: Development Along Corridors; LU-2.1.1: Variety of Neighborhood Types; LU-2.1.2: Neighborhood Revitalization; LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods; LU-2.1.10: Multi-Family Neighborhoods; LU-2.2.4: Neighborhood Beautification; LU-2.4.1: Promotion of Commercial Centers) (Ex. 2D, 11).

Transportation Element

38. The Application asserted that the Map Amendment is not inconsistent with the policies of the Transportation Element. The Map Amendment enables new mixed-use development, inclusive of housing and retail/services uses, on a site that is located approximately 0.5 miles from the Minnesota Avenue Metro Station, approximately 0.8 miles from the Benning Road Metro Station, and approximately 0.25 miles from the V2, V4, and X9 Metrobus lines. In connection with future redevelopment of the Property, the Map Amendment also has the potential to trigger pedestrian and bicycle infrastructure improvements that enhance the pedestrian experience and to better utilize the existing parking lot (T-1.1.4: Transit-Oriented Development; T-1.1.8: Minimize Off-Street Parking; T-3.2.F: Encourage Shared-Use Parking) (Ex. 2, 2D).

Housing Element

39. The Application asserted that the Map Amendment is not inconsistent with the policies of the Housing Element because the Map Amendment increases the permitted residential density at the Property, thus creating new opportunities for varied housing types. The Property is located within the FNS Area Element, where the recommended number of

affordable housing units is satisfied (H-1.1.1: Private Sector Support; H-1.1.9: Housing for Families; H-1.3.1: Housing for Larger Households; H-1.3.2: Tenure Diversity) (Ex. 2D, 11).

Environmental Protection Element

40. The Application asserted that the Map Amendment is not inconsistent with the policies of the Environmental Protection Element because future development of the Property could incorporate energy-efficient systems, sustainable design features, landscaping and environmental enhancements, and, as a property within the 100-year floodplain, would comply with the District's Green Building Act and stormwater management regulations (E-1.1.2: Urban Heat Island Mitigation; E-1.1.B: Development in Floodplains; E-2.1.2: Tree Requirements in New Development; E-2.1.3: Sustainable Landscape Practices; E-3.2.3: Renewable Energy; E-3.2.7: Energy-Efficient Building and Site Planning; E-4.1.1: Maximizing Permeable Surfaces; E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff; E-4.2.1: Support for Green Building) (Ex. 2D, 11).

Economic Development Element

41. The Application asserted that the Map Amendment is not inconsistent with the policies of the Economic Development Element. The proposed MU-8B zone supports new, local retail and service uses including grocery stores or supermarkets or offices and builds physical capacity for such new business to open where none currently exists. The proposed MU-8B zone also creates opportunities for nearby residents to own, operate, and work in businesses in their neighborhood, including potentially minority-owned and women-owned businesses. Furthermore, the rezoning directly responds to the community's need and want for greater commercial intensity at the Property (ED-1.1.4: Promote Local Entrepreneurship; ED-1.1.5: Build Capacity and Opportunities; ED-2.2.3: Neighborhood Shopping; ED-2.2.4: Support Local Entrepreneurs; ED-2.2.5: Business Mix; ED-2.2.6: Grocery Stores and Supermarkets; ED-3.2.8: Certified Business Enterprise Programs; ED-4.2.1: Linking Residents to Jobs; ED-4.2.3: Focus on Economically Disadvantaged Populations; ED-4.2.6: Entry-Level Opportunities; ED-4.2.12: Local Hiring Incentives) (Ex. 2D, 11).

Potential Inconsistencies with the CP

42. The Applicant did not identify any potential inconsistencies with the CP.[2]

Nannie Helen Burroughs Corridor Small Area Plan

43. The Application asserted that the Map Amendment is not inconsistent with the vision and goals of the Nannie Helen Burroughs Corridor Small Area Plan, which encourage mixed-use, infill development that supports housing diversity, neighborhood-serving retail, and vibrant, walkable communities—particularly along key segments of the corridor and near significant intersections (Ex. 2D, 11).

[2] The Applicant had initially identified that the proposed rezoning to the MU-7A zone may be potentially inconsistent with the Property's medium-density mixed-use FLUM designation and that the MU-8 zone was a "representative zone[] for the medium-density mixed-use designation." However, the Applicant amended the Application to propose rezoning the Property to MU-8B instead (Ex. 2D, 10).

Public Hearing Testimony

44. At the April 6, 2026, virtual public hearing, the Applicant presented its case, including testimony from Martin Sullivan, Partner, Sullivan & Barros, LLP (Tr. at 10–17, passim).

III. RESPONSES TO THE APPLICATION

OP Reports and Testimony

45. OP submitted a report dated December 4, 2025, recommending that the Commission set down the Application for a public hearing (the "OP Setdown Report") and concluding that the Map Amendment is not inconsistent with the CP for the following reasons:

- **GPM** – The Generalized Policy Map designates the subject property as a Neighborhood Commercial Center. The proposed MU-8B zoning would permit the former retail establishment to be replaced by a larger neighborhood-focused commercial and/or residential development. The Property is also within the 100-year floodplain and within a Resilience Focus designated area. If the Property redevelops, it would be required to meet all DC green building, stormwater management, floodplain, and climate adaptive solutions that contribute to the District's watershed resilience. Therefore, the proposed Map Amendment would not be inconsistent with the GPM's Neighborhood Commercial Center designation;
- **FLUM** – In the most recent Comprehensive Plan update, the Property's FLUM designation was changed to Mixed Use Medium Density Residential and Medium Density Commercial. The proposed MU-8B zone allows for medium density mixed use development and would be more in line with these designations than the existing MU-3A zone. Therefore, the Map Amendment would not be inconsistent with the FLUM designation for the Property;
- **Racial Equity** – The OP Setdown Report provides a racial equity analysis, anticipating that the MU-8B zone generally leads to positive impacts, and that the Map Amendment, when evaluated through a racial equity lens, is not inconsistent with the CP because:
  - Direct Displacement – The Map Amendment would not result in direct displacement of any residents or businesses because the Property is currently vacant;
  - Indirect Displacement – OP does not anticipate the Map Amendment resulting in indirect displacement because future redevelopment of the Property could support other local businesses.
  - Physical – It is not likely that the proposed rezoning would result in negative impacts on the physical environment. Redevelopment would result in public space, streetscape, and stormwater infrastructure improvements. The Property will be required to comply with the most current standards and codes.
  - Employment Opportunity – Any development of commercial space could provide job and small business opportunities on the Property site. Further, new development could result in jobs related to construction, building maintenance, property management, retail and service uses;
  - Disaggregated Race and Ethnicity Data – The OP racial equity analysis provides disaggregated race and ethnicity data for the Far Northeast/Southeast Planning

Area, in which the Property is located. Based on the data it compiled, OP made the following observations and conclusions:

- In the 2012-2016 period, the Far Northeast/Far Southeast Planning Area had a population of 79,912 or about 12.12% of the District's total population. In the 2012-2016 time period, Black residents made up the largest portion of the population in the planning area, at 93.8% of the area's residents. This is also considerably more than for the District as a whole (48.3%). In the 2019-2023 period, Blacks continued to make up the largest portion of the population but the percentage fell slightly to 88.35%, although the number of Black residents increased by 687;
- The median income of the Far Northeast/Far Southeast Planning Area was below that of the District as a whole in both the 2012-2016 and 2019-2023 time periods. Black or African American residents had the lowest median income of all segments of the population in both time periods, ($36,614 and $58,784). Whites, Asians, and "Some Other Race" had higher median incomes, and larger increases between the two time periods;
- Between 2012-2016 and 2019-2023, the percentage of owner occupancy in the District rose only slightly, from 40.7% to 41.1%. The percentage of owner occupancy in the Far Northeast/ Southeast Planning Area rose at a higher rate, from 35% to 41.2%, to a level similar to that of the District as a whole. White and Hispanic or Latino households had the highest percentage of owner-occupied housing in the Far Northeast/Far Southeast Planning Area at 81.5% and 54.6% respectively in the 2019-2023 time period. The percentage of Black and African American homeowners grew between the two time periods by 5.0% to 39.7%, slightly above the District wide average of 34.9%;
- In the 2012-2016 time period, the 18.2% unemployment rate in the Planning Area was more than twice the rate for the District as a whole. While the unemployment rate fell for both the District and the Planning Area in the 2019-2023 time period, the Planning Area's unemployment rate remained over twice that of the District's at 13.5%; and
- The Far Northeast/ Southeast Planning Area exceeded the Mayor's 2025 affordable housing goal for the Planning Area by providing 1,267 affordable units, or 258.6% of the target amount;

- **FNS Area Element** – The Map Amendment would not be inconsistent with the polices and actions of the FNS Area Element. The MU-8B zone allows for a level of density that should encourage more mixed-use development without disturbing the character of the surrounding single-family neighborhood. The additional density could result in bringing highly desired neighborhood services, retail revitalization, and employment opportunities. Specifically, the Map Amendment furthers the following policies of the FNS Area Element: FNS-1.1.1: Conservation of Low-Density Neighborhoods; FNS-1.1.4: Retail Development; FNS-2.2.2: Nannie Helen Burroughs Avenue; FNS-2.2.5: Neighborhood-Serving Commercial Uses;
- **Land Use Element** – The proposed Map Amendment would be not inconsistent with the Land Use Element. The Map Amendment would allow an appropriate step up in density from the low-to-moderate density neighborhood that surrounds the Nannie Helen Burroughs Corridor. The Property is also within the 100-year floodplain and a

Resilience Focus designated area, so if the Property redevelops it would be required to address all environmental and floodplain standards and should adopt climate adaptive solutions that contribute to the District's watershed resilience using DOEE's Resilient Design Guidelines. Specifically, the Map Amendment furthers the following policies of the Land Use Element: LU-1.1.1: Future Planning Analysis and Resilience Focus Areas; LU-1.4.6: Development Along Corridors; LU-2.1.2: Neighborhood Revitalization; LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods; LU-2.1.8: Explore Approaches to Additional Density in Low and Moderate-Density Neighborhoods;

- **Transportation Element** – The proposed Map Amendment would not be inconsistent with the policies of the Transportation Element. The Property is 0.5 miles from the Minnesota Avenue Metrorail station and is served by multiple bus lines. These public transit options would allow people to access the Property without being required to have a car. Redevelopment of the Property could improve the pedestrian-oriented environment by enhancing pedestrian links and providing safer crossings. Specifically, the Map Amendment furthers the following policies of the Transportation Element: T-1.1.4: Transit-Oriented Development; T-1.1.7: Equitable Transportation Access; T-1.3.1: Transit-Accessible Employment;
- **Housing Element** – The proposed Map Amendment would be not inconsistent with the polices and actions of the Housing Element, which encourages more density for mixed use development. The Property currently has a vacant retail establishment. If the Property were redeveloped, the MU-8B zone's additional density would permit more housing than currently allowed by the existing zone. A residential or mixed-use development could have both market rate and affordable housing, including IZ units. A mixed-income residential development could help keep the area affordable and attract demographically and economically diverse households to the area. Specifically, the proposed amendment furthers the following policies of the Housing Element: H-1.1.1: Private Sector Support; H-1.1.3: Balanced Growth; H-1.2.9: Advancing Diversity and Equity of Planning Areas; H-1.2.11: Inclusive Mixed-Income Neighborhoods;
- **Environmental Protection Element** – The proposed Map Amendment would not be inconsistent with the policies of the Environmental Protection Element. Future development of the Property must comply with the District's environmental protection regulations, including the Green Building Act, stormwater management regulations, and Sustainable DC Plan. These regulations require site and landscape improvements to increase sustainability and to reduce stormwater runoff. This is especially important because the Property is within the 100-year floodplain. Redevelopment could include adaptive design considerations to reduce flooding risks. Specifically, the Map Amendment furthers the following policies and actions of the Environmental Protection Element: E-1.1.B: Development in Floodplains; E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoffs; E-4.2.1: Support for Green Building;
- **Economic Development Element** – The Map Amendment would not be inconsistent with the Economic Development Element. The Map Amendment could facilitate new development on the Property, and the additional density could help to expand retail in the area which is needed in this underserved community. The Property's access to

public transit makes it very appropriate for additional commercial development, and both customers with and without cars would be able to visit the Property. Specifically, the Map Amendment furthers the following policies of the Economic Development Element: ED-2.2.3: Neighborhood Shopping; ED-3.1.1: Neighborhood Commercial Vitality; and

- **Potential CP Inconsistencies** – The OP Setdown Report did not identify any potential inconsistencies with the CP.

(Ex. 12).

46. The OP Setdown Report also stated that IZ Plus, pursuant to Subtitle X § 502.1(b), is not appropriate for the Map Amendment because a disproportionate amount of affordable housing already exists in the Far Northeast/Southeast Planning Area. In addition, 1,267 new affordable units have been produced since 2019, which far exceeds the new affordable housing production target of 490 units. OP notes that the Property would remain subject to regular IZ requirements (Ex. 12).

47. The OP Setdown Report noted that the Map Amendment could encourage development in line with the Nannie Helen Burroughs Corridor Small Area Plan's vision for underutilized properties to be developed with housing and neighborhood-serving retail. The OP Setdown Report further noted that the Nannie Helen Burroughs Corridor Small Area Plan encourages revitalizing the corridor with improved economic opportunities and services for residents (Ex. 12).

48. The OP Setdown Report also noted that the Map Amendment would be in line with the Comprehensive Community Development Model ("CCDM") because greater density on the Property could bring more housing and job opportunities to the area. The CCDM is a community-led strategy designed to support neighborhood development in the northeast end of Ward 7 that addresses key challenges in housing, economic and workforce development, health and wellness, and youth development (Ex. 12).

49. OP submitted a hearing report dated March 26, 2026 (the "OP Hearing Report" and, together with the OP Setdown Report, the "OP Reports") that largely reiterated the OP Setdown Report's conclusions, including OP's recommendation that the Map Amendment be approved without IZ Plus (Ex. 21).

50. At the April 6, 2026 virtual public hearing, OP reiterated its support for the Application as detailed in the OP Reports (Tr. at 28–32).

DDOT Report

51. DDOT submitted a report dated March 27, 2026 (the "DDOT Report") stating that DDOT had no objection to the Application because the additional density permitted by the Map Amendment is expected to generate a moderate increase in walking, biking, and transit trips, and a small-to-moderate increase in vehicle trips, but that the impacts on the surrounding roadway network will be manageable. DDOT also concluded that the Map Amendment would support transit use and bring more pedestrian activity to the area, which is consistent with DDOT's approach to infill development, which should be dense,

walkable, transit-oriented, and improve the public realm. DDOT also expects future redevelopment of the Property will be coordinated with DDOT (Ex. 22).

52. DDOT did not provide testimony at the April 6, 2026, virtual public hearing.

ANC Report and Testimony

53. On April 6, 2026, ANC 7C submitted a report dated April 6, 2026 (the "ANC Report") indicating that at a regularly scheduled and properly noticed public meeting on March 12, 2026, with a quorum present, the ANC voted 6-0-0 in support of the Map Amendment as part of its support for greater commercial development of retail options in the area. The ANC Report noted that ANC 7C is oversaturated with affordable housing apartment units—containing nineteen percent (19%) of the District's total units (Ex. 25).

54. At the April 6, 2026, virtual public hearing, SMD 7C09 Commissioner Carrie N. Brown testified in support of the Application. The Property is located within SMD 7C09. Commissioner Brown questioned the Applicant about upkeep and maintenance of the Property. The Applicant committed to staying engaged with Commissioner Brown to address upkeep and maintenance issues at the Property (Tr. at 25–27).

Organizations and Individuals in Support

55. No organizations or individuals filed letters or testified in support of the Application at the April 6, 2026, virtual public hearing.

Organizations and Individuals in Opposition

56. No organizations or individuals filed letters or testified in opposition to the Application at the April 6, 2026, virtual public hearing.

National Capital Planning Commission ("NCPC")

57. The Commission referred the Application to NCPC on April 8, 2026, for the thirty-(30) day review period required by § 492(b)(2) of the District Charter (Dec. 24, 1973, Pub. L. 93¬198, title IV, § 492(b)(2); D.C. Official Code 6-6401.05)) (Ex. 26).

58. On April 30, 2026, NCPC staff filed a letter stating that the Map Amendment falls under an exception listed in NCPC's submission guidelines and is exempt from NCPC review (Ex. 28).

CONCLUSIONS OF LAW

1. Section 1 of the Zoning Act of 1938 (effective June 20, 1938, as amended, 52 Stat. 797 ch. 534; D.C. Official Code § 6-641.01 et seq. (2012 Repl.)) (the "Zoning Act") authorizes the Commission to create zones within which the Commission may regulate the construction and use of property in order to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital."

2. Section 2 of the Zoning Act (D.C. Official Code § 6-641.02) further provides that:

> *Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.*

3. The Commission must ensure that the Zoning Map, and all amendments to it, are "not inconsistent" with the CP pursuant to § 492(b)(1) of the District of Columbia Home Rule Act. (§ 2 of the Zoning Act; D.C. Official Code § 6-641.02) Subtitle X § 500.3 incorporates this intent to the Zoning Regulations by requiring that map amendments be "not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site."

Not Inconsistent with the Comprehensive Plan (Subtitle X § 500.3)

4. The Commission concludes, based on the filings in the record and the testimony from the public hearing, that the Map Amendment from the existing MU-3A zone to the MU-8B zone is not inconsistent with the CP, including its maps and written elements and when viewed through a racial equity lens, and advances numerous CP policy goals and objectives.

5. Even if the Map Amendment conflicts with one or more individual policies associated with the CP, this does not, in and of itself, preclude the Commission from concluding that the Map Amendment would be consistent with the CP as a whole (*Durant v. D.C. Zoning Comm'n*, 65 A.3d 1161, 1168 (D.C. 2013)). In this case, the Commission acknowledges that the Applicant initially identified potential CP inconsistencies if the Property were rezoned to the MU-7A zone. The Commission notes that neither the Applicant nor OP identified any potential CP inconsistencies if the Property were rezoned to the MU-8B zone. Thus, the Commission concludes that any potential inconsistencies with CP policies are outweighed by the CP policy goals and objectives that would be advanced by the Map Amendment. The Map Amendment is not inconsistent with the CP Maps and would advance policies of the Citywide Elements and the FNS Area Element, which support, among other things, increasing density to permit more mixed-use and housing, retail, and service use development on an underutilized property that is in proximity to transit (FF Nos. 31–45, 49–50).

GPM

6. The Commission concludes that the Map Amendment is not inconsistent with the GPM's designation of the Property as a Neighborhood Commercial Center because the Map Amendment permits redevelopment of a currently vacant infill site with medium density mixed-use development compatible with the scale and character of the surrounding area, and that could help to address the District's city-wide housing needs and provide commercial services for existing and future residents. The Commission further concludes that the Map Amendment is not inconsistent with the GPM's designation of the Property as a Resilience Focus Area because if the Property redevelops, it would be required to meet all DC green building, stormwater management, floodplain, and climate adaptive solutions that contribute to the District's watershed resilience (FF Nos. 21, 31, 45, 49).

FLUM

7. The Commission concludes that the Map Amendment is not inconsistent with the FLUM's designation of the Property as Mixed-Use Medium Density Residential and Medium Density Commercial. The Map Amendment to the MU-8B zone provides for increased density on a site that is vacant and underutilized and would facilitate development with housing and commercial and service uses. The 2021 update to the Comprehensive Plan modified the Property's FLUM designation to Mixed-Use (Medium Density Residential and Medium Density Commercial), thus contemplating greater density and commercial uses for the Property than allowed under the existing MU-3A zone. Consistent with the FLUM's preferred mix and intensity of uses, the MU-8B zone balances the density of residential and non-residential uses. The Commission finds the MU-8B zone appropriate for the Property as it allows for medium density development with a mix of residential and non-residential uses on the Property, as contemplated by the FLUM (FF Nos. 22, 32, 45, 49).

Racial Equity

8. The Commission concludes that the Map Amendment is not inconsistent with the CP when evaluated through a racial equity lens. The Commission reaches this conclusion based on the case record and the racial equity analyses provided by the Applicant, inclusive of community outreach and engagement information, and the OP Reports, inclusive of disaggregated race and ethnicity data for the Far Northeast/Southeast Planning Area (FF Nos. 17–20, 33–35, 45, 49). The Commission finds that the racial equity analyses provided address the components of the Commission's Racial Equity Tool and that the Map Amendment furthers CP racial equity goals, primarily because of its potential to facilitate new mixed-use development, including housing, retail, and service uses, as discussed in more detail below (*Id*.):

- Displacement – The Map Amendment does not result in any direct displacement of residents or businesses because the Property is currently vacant. The Commission also acknowledges that the Map Amendment is unlikely to result in any indirect displacement and that future redevelopment of the Property could support local businesses (FF Nos. 34, 45, 49);
- Community Outreach and Engagement – The Applicant's racial equity analysis and April 6, 2026, virtual public hearing testimony included evidence that it conducted outreach with various community stakeholders including ANC 7C and the Deanwood Citizens Association. The Commission notes that the community specifically

requested that the Applicant seek a rezoning to the MU-8B zone instead of the MU-7A zone, and that the Applicant amended its Application in response to community feedback. The Commission finds the Applicant's evidence of community outreach and engagement sufficient (FF No. 35). The Commission's evaluation of this Application only pertains to a Map Amendment to the MU-8B zone, that is whether the matter-of-right development standards of the MU-8B zone are not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property site. Notwithstanding, the Commission encourages the Applicant to continue its community outreach and engagement efforts during the redevelopment process; and

- Disaggregated Race and Ethnicity Data – OP's racial equity analysis included disaggregated race and ethnicity data for the Far Northeast / Southeast Planning Area showing that the Planning Area has a significantly higher percentage of Black residents than the District as a whole; and though the Black population has declined in percentage terms in recent years, it has increased in absolute population growth. Stark racial disparities exist in terms of median household income. The Planning Area data shows significant disparity between median household income is greatest between White residents and Black residents, with incomes among Black residents of the Planning Area lagging behind those in the District generally and showing only very modest growth over the past decade. Owner occupancy rates in the Planning Area have generally increased for all races over the past decade, except for "American Indian and Alaskan Native alone," and are at or slightly above District-wide occupancy rates except for "American Indian and Alaskan Native alone," "Native Hawaiian and Other Pacific Islander alone," and "Two or more races." Unemployment rates, the percentage of cost-burdened households, and poverty rates have all declined over the past decade (FF Nos. 45, 49). The Commission is encouraged that the provision of increased density on this vacant and underutilized Property will facilitate development opportunities resulting in increased commercial catalyzation along the Nannie Helen Burroughs Corridor, and the Commission is hopeful that the future development facilitated by the Map Amendment will attract a more diversified population, both along racial and economic lines, to the immediate Property area.

FNS Area Element

9. The Commission concludes that the Map Amendment furthers policies of the FNS Area Element based on the findings stated above (FF Nos. 23–24, 36, 45, 49).

Land Use Element

10. The Commission concludes that the Map Amendment furthers policies of the Land Use Element based on the findings stated above (FF Nos. 37, 45, 49).

Transportation Element

11. The Commission concludes that the Map Amendment furthers policies of the Transportation Element based on the findings stated above (FF Nos. 38, 45, 49).

Housing Element

12. The Commission concludes that the Map Amendment furthers policies of the Housing Element based on the findings stated above (FF Nos. 39, 45, 49).

Environmental Protection Element

13. The Commission concludes that the Map Amendment furthers policies of the Environmental Protection Element based on the findings stated above (FF Nos. 40, 45, 49).

Economic Development Element

14. The Commission concludes that the Map Amendment furthers policies of the Economic Development Element based on the findings stated above (FF Nos. 41, 45, 49).

Nannie Helen Burroughs Corridor Small Area Plan

15. The Commission concludes that the Map Amendment is in line with the Nannie Helen Burroughs Corridor Small Area Plan based on the findings stated above (FF Nos. 25–26, 43, 47, 49).

CCDM

16. The Commission concludes that the Map Amendment is in line with the CCDM based on the findings stated above (FF Nos. 48-49).

Great Weight to the Recommendations of OP

17. The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 *(Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

18. The Commission concludes that the OP Reports, which provided an in-depth analysis of the Map Amendment, are persuasive and concurs with OP's recommendation that the Property's rezoning would not be inconsistent with the CP Maps, the Citywide Elements and FNS Area Element and would advance CP equity goals when evaluated through a racial equity lens, as discussed above (FF 45, 49). The Commission also concurs with OP that IZ Plus is not appropriate for the Map Amendment due to the mitigating circumstances of a high level of existing affordable housing both within the Far Northeast/Southeast Planning Area and ANC 7C (FF Nos. 46, 49).

Great Weight to the ANC Report

19. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally

relevant issues and concerns." (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

20. The Commission acknowledges the recommendation of ANC 7C in support of the Map Amendment (FF No. 53). The Commission notes that ANC 7C's recommendation in support of the Map Amendment was tied to its desire for higher permitted commercial density to offset the oversaturation of affordable housing within ANC 7C (*Id.*).The Commission concludes that the ANC Report is persuasive and concurs with the ANC's recommendation that the Property be rezoned to the MU-8B zone. The Commission also acknowledges the testimony of Carrie N. Brown, SMD 7C09, raising concerns about the Property's overall maintenance (FF No. 54), and encourages the Applicant to communicate with both Ms. Brown and the surrounding community about ongoing upkeep and maintenance of the Property.

DECISION

In consideration of the record for Z.C. Case No. 25-14 and the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application to amend the Zoning Map As follows:

SQUARE	LOT	MAP AMENDMENT
5094	103	MU-3A to **MU-8B**

Proposed Action
Vote (April 6, 2026): 5-0-0 (Gwen Wright, Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, and Tammy Stidham to approve)

Final Action
Vote (May 14, 2026): 5-0-0 (Tammy Stidham, Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, and Gwen Wright to approve)

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 25-14 shall become final and effective upon publication in the *District of Columbia Register*, that is on September 25, 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