

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- Office of the Attorney General increases the District’s civil false claims penalties to match the inflation adjustments made to the federal civil false claims penalties
- Department Consumer and Regulatory Affairs increases assessed fine amounts for specific infractions listed in Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations
- Office of the Deputy Mayor for Planning and Economic Development announces funding availability for the FY2019 New Communities Initiative’s Comprehensive Case Management Program and Youth Development and Community Wellness Programs
- Department of Motor Vehicles introduces title branding for vehicles to record history of damage, road worthiness and other information that may impact the value of the vehicle

# 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 § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at [dcregs.dc.gov](http://dcregs.dc.gov). Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ROOM 520S – 441 4<sup>th</sup> STREET, ONE JUDICIARY SQUARE - WASHINGTON, D.C. 20001 - (202) 727-5090

MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-520**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 3, 2018**

To approve, on an emergency basis, Change Order Nos. 10 through 20 to Contract No. DCAM-15-CS-0075 with Lightbox-Bluefin Partners for roof management services, and to authorize payment for the goods and services received and to be received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Orders to Contract No. DCAM-15-CS-0075 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Change Order Nos. 10 through 20 to Contract No. DCAM-15-CS-0075 with Lightbox-Bluefin Partners for roof management services, and authorizes payment in the not-to-exceed amount of \$1,521,391.19 for the goods and services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than



ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 3, 2018

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-521**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 3, 2018**

To approve, on an emergency basis, Modification Nos. 7 and 8 to Human Care Agreement No. DCRL-2016-H1-0034 with God’s Anointed New Generation to provide teen bridge program services to protect children from abuse and neglect, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Human Care Agreement No. DCRL-2016-H1-0034 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 7 and 8 to Human Care Agreement No. DCRL-2016-H1-0034 with God’s Anointed New Generation to provide teen bridge program services to protect children from abuse and neglect, and authorizes payment in the total not-to-exceed amount of \$1,355,370.05 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

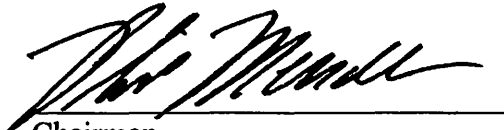
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

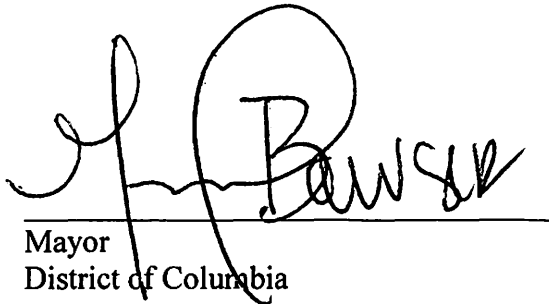
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

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Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 3, 2018

**ENROLLED ORIGINAL**

AN ACT  
**D.C. ACT 22-522**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 3, 2018**

To approve, on an emergency basis, Modification Nos. 2 and 3 to Contract No. CW56028 with Food & Friends, Inc. to provide food bank and home delivered meals to clients receiving services through the DC Ryan White HIV/AIDS Program, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW56028 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 2 and 3 to Contract No. CW56028 with Food & Friends, Inc. to provide food bank and home delivered meals to clients receiving services through the DC Ryan White HIV/AIDS Program, and authorizes payment in the not-to-exceed amount of \$2,500,000 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

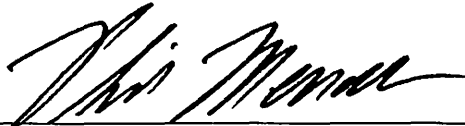
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than


ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
December 3, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-523**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 3, 2018**

To approve, on an emergency basis, Modification No. 1 to Contract No. NFPHC-2018-436-A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc. to provide inpatient hospitalist services, and to authorize payment for the services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification No. 1 to Contract No. NFPHC-2018-436-A Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 to Contract No. NFPHC-2018-436-A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc., to provide inpatient hospitalist services, and authorizes payment in the amount of \$4,482,684 for the services received and to be received under the modification.

Sec. 3. Fiscal impact statement.

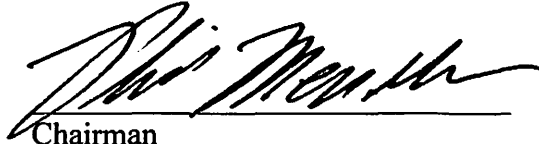
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

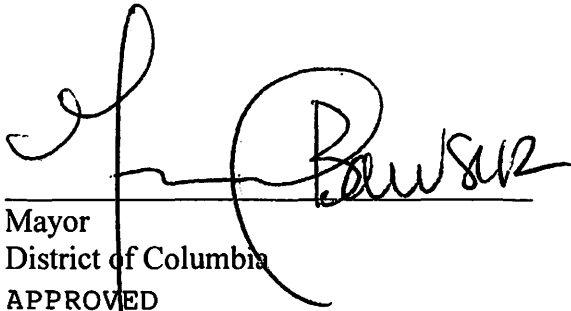
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ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
December 3, 2018

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-524**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 3, 2018**

To approve, on an emergency basis, Modification No. 1 to Contract No. NFPHC-2018-435A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc. to provide emergency department services, and to authorize payment for the services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification No. 1 to Contract No. NFPHC-2018-435-A Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 to Contract No. NFPHC-2018-435-A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc., to provide emergency department services, and authorizes payment in the amount of \$4,407,762 for the services received and to be received under the modification.

Sec. 3. Fiscal impact statement.

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

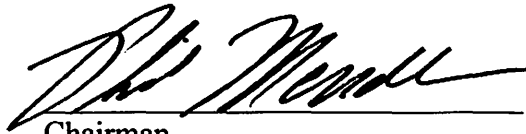
Sec. 4. Effective date.

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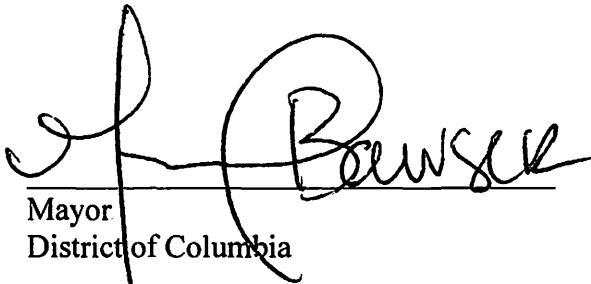


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90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 3, 2018

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-525**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 3, 2018**

To approve, on an emergency basis, Modification No. 1 to Contract No. NFPHC-2018-465 between the Not-for-Profit Hospital Corporation and Mazars USA LLP to provide hospital operator services, and to authorize payment for the services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification No: 1 to Contract No. NFPHC-2018-465 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 to Contract No. NFPHC-2018-465 between the Not-for-Profit Hospital Corporation and Mazars USA LLP to provide hospital operator services, and authorizes payment in the amount of \$6,760,774 for the services received and to be received under the modification.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

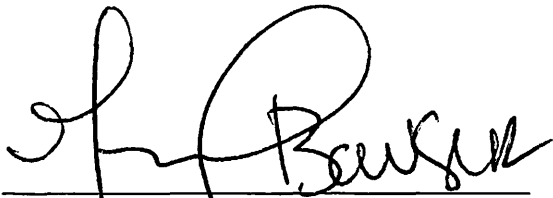
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Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 3, 2018

ENROLLED ORIGINAL

## A RESOLUTION

22-633

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 13, 2018

To appoint Ms. Nkechi Taifa to the Corrections Information Council Governing Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Corrections Information Council Governing Board Nkechi Taifa Appointment Resolution of 2018”.

Sec. 2. The Council of the District of Columbia appoints:

Ms. Nkechi Taifa  
5735 27th Street, N.W.  
Washington, D.C. 20015  
(Ward 4)

as a member of the Corrections Information Council Governing Board, established by section 11201a(b) of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01(b)), for a term to end 2 years after the effective date of this resolution.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the chairperson of the Corrections Information Council Governing Board, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A RESOLUTION

22-655

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 13, 2018

To declare the existence of an emergency with respect to the need to approve Contract No. GF-2019-C-0021, the multiyear agreement for exclusive pouring rights between the University of the District of Columbia and the Bottling Group, LLC.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “University of the District of Columbia Exclusive Pouring Rights Agreement with the Bottling Group, LLC Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to approve Contract No. GF-2019-C-0021 (the “Agreement”), a 10-year pouring-rights agreement between the Bottling Group, LLC and the University of the District of Columbia (“University”) that grants to the Bottling Group, LLC the right to be the exclusive supplier of carbonated and non-carbonated, non-alcoholic beverages at the University.

(b) The University initiated the Agreement through a RFP process to “help find alternative financing sources in financial support amounting to roughly \$2 million over the next ten years.”

(c) The Agreement is the first effort by the University to enter into a pouring-rights contract, although universities, specifically, have engaged in the process since at least the early 1990s and currently, some 3,039 4-year colleges have pouring-rights contracts.

(d) The Agreement requires the Bottling Group, LLC, the parent company of PepsiCo and related branded beverage products, to create an integrated beverage program that provides quality products and state-of-the art equipment, along with initial support funds of \$60,000 and annual guaranteed minimum payments to the University of \$91,000 per year for 10 years, to encompass general support, athletics support and student scholarships.

(e) The University began the RFP process in March 2018 and a University panel selected the Bottling Group, LLC’s proposal. The University committed to implementation of the proposal by October 1, 2018 during the negotiations with the Bottling Group, LLC.

(f) Without Council approval on an emergency basis to address student concerns about the non-availability of beverages on campus and slippage past October 1, 2018, the University risks the Bottling Group, LLC withdrawing from the contractual process.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the University of the District of Columbia Exclusive Pouring Rights Agreement with the Bottling Group LLC Emergency Approval Resolution of 2018 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

22-660

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 20, 2018

To reappoint Ms. Molly M. Gill to the District of Columbia Sentencing Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2018”.

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Molly M. Gill  
127 17th Street, S.E., Apt. B  
Washington, D.C. 20003  
(Ward 6)

as a citizen member of the District of Columbia Sentencing Commission, established by section 2 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a term to end July 2, 2020.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the chairperson of the District of Columbia Sentencing Commission, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A RESOLUTION

22-662

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 27, 2018

To approve multiyear Contract No. SO-18-011-0001714 with Johnson Controls Security Solutions, LLC, to provide a turnkey digital IP surveillance camera system and supporting network equipment, preventative maintenance, system repairs, and emergency services at the Walter E. Washington Convention Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Johnson Controls Security Solutions, LLC Contract No. SO-18-011-0001714 Approval Resolution of 2018”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. SO-18-011-0001714 between the Washington Convention and Sports Authority and Johnson Controls Security Solutions, LLC, with a base term of 2 years, with 4 one-year options, to remove an existing analog system and to provide a new turnkey digital IP surveillance camera system and supporting network equipment, managed video service software and support, on-site training, preventative maintenance, routine repairs, and emergency services for a base term price of \$4,388,235.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

22-663

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 27, 2018

To declare the existence of an emergency with respect to the need to authorize the Mayor to acquire certain property located on or near W Street, N.E., Lots 36 and 41 in Square 3942 and Parcel 0143/107, through the exercise of eminent domain.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Warehousing and Storage Eminent Domain Authority Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The District government has a significant need for warehousing and storage for equipment, records, property, and supplies.

(b) The District’s need for warehousing and storage is near exceeding the District’s current capacity at its owned facilities and there is a reduction in the supply of, and limited vacancy within, warehouse space available for lease in the District.

(c) The District has identified a site located on or near W Street, N.E., east of Brentwood Road, N.E., Lots 36 and 41 in Square 3942 and Parcel 0143/107, (“W Street Site”) as a strong site for warehousing and storage purposes.

(d) The W Street Site is currently occupied by a private trash transfer station.

(e) Acquisition of the W Street Site will allow the District to construct and operate a warehouse and storage facility at the W Street Site before the District runs out of owned space for these purposes.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Warehousing and Storage Eminent Domain Authority Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

22-664

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 27, 2018

To declare the existence of an emergency with respect to the need to amend the Housing Production Trust Fund Act of 2005 to allow the Mayor to issue certain bonds as a separate series bonds for capital projects to alleviate market problems related to issuing a single independent series of taxable bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "New Communities Bond Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to issue New Communities Income Tax Secured Bonds ("ITSB") to fund in-process New Communities Initiative ("NCI") development projects.

(b) The District has the authority to issue bonds to support NCI development projects, but as currently written, the Housing Production Trust Fund Act of 2005 requires all NCI income tax secured bonds to be issued separately and independently from capital income tax secured bonds.

(c) Separate transactions for issuing capital ITSB and NCI ITSB requires the District to procure multiple bond counsels and financial advisers and increases costs due to the duplication of certain documents and services.

(d) Grouping the NCI ITSB with other ITSB bond issuances will allow the District to more effectively and efficiently issue bonds by saving on the costs, allowing the District to receive more favorable interest rates, lowering issuance expenses, and generating larger bond proceeds for funding projects.

(e) To avoid the additional issuance expenses of the forthcoming issuance of NCI ITSB as a stand-alone transaction, it is important that the amendments in the emergency legislation be in effect as soon as possible.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the New Communities Bond Authorization Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

- |          |   |
|----------|---|
| B22-1055 | Community Harassment Prevention Amendment Act of 2018<br><br>Intro. 11-29-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety |
| B22-1058 | Underground Facilities Protection Amendment Act of 2018<br><br>Intro. 11-30-18 by Chairman Mendelson and referred to the Committee on Business and Economic Development                     |
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**Council of the District of Columbia  
Committee on Finance and Revenue  
Notice of Public Oversight Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

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**COUNCILMEMBER JACK EVANS, CHAIR  
COMMITTEE ON FINANCE AND REVENUE**

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON THE MATTER OF:**

**Real Property Tax Abatement for Chemonics International, Inc.**

**Wednesday, December 12, 2018**

**11:30 a.m.**

**Room 120- John A. Wilson Building**

**1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public oversight roundtable to be held on Wednesday, December 12, 2018 at 11:30 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

The real property tax abatement for Chemonics International, Inc. would amend the D.C. Official Code for a performance-based property tax abatement for Chemonics International, Inc. (Chemonics) granted over the course of 9 years with a maximum of \$650,000 per tax year (for a total of \$5,850,000 over the abatement period), to be determined based on Chemonics annual performance in relation to specific employment requirements. The proposed real property tax abatement would establish Chemonics' global headquarters of approximately 240,000 square feet in Washington, D.C. at The Yards development at New Jersey Avenue S.E. and N Street, S.E. in Ward 6.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or [sloy@dccouncil.us](mailto:sloy@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization by 11:30 a.m. on Tuesday, December 11, 2018. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [sloy@dccouncil.us](mailto:sloy@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

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

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**COUNCILMEMBER ANITA BONDS, CHAIRPERSON**  
**COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**  
**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

on the matter of

**The Transition of Park Southern Apartments**

*and*

**Alabama Avenue SE Fire**

*on*

Tuesday, December 11, 2018, at 4:00 PM  
Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue NW  
Washington, DC 20004

On Tuesday, December 11, 2018, Councilmember Anita Bonds and Ward 8 Councilmember Trayon White, Sr. will hold a public oversight roundtable to discuss housing issues facing the Ward 8 community. The purpose of the roundtable is to discuss (1) how the Department of Housing and Community Development transitioned the receivership of Park Southern located at 800 Southern Avenue to Vesta Management and the financial state of the building at the time the government transferred ownership and (2) methods to prevent the displacement of the victims of a fire that took place at the 1300 block of Alabama Avenue SE on November 2, 2018.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email [omontiel@dccouncil.us](mailto:omontiel@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on December 10, 2018. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on December 24, 2018.

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

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**NOTICE OF PUBLIC ROUNDTABLE ON**

**PR22-1025 - District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Bhatt Confirmation Resolution of 2018,**

**PR22-1026 - District of Columbia Water and Sewer Authority Board of Directors Rev. Kendrick E. Curry Confirmation Resolution of 2018,**

**&**

**PR22-1148 - Water and Sewer Authority Board of Directors Krystal Brumfield Confirmation Resolution of 2018**

Tuesday, December 11, 2018 at 11:00 AM  
in Room 120 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Tuesday, December 11, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR22-1025, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Bhatt Confirmation Resolution of 2018; PR22-1026, the District of Columbia Water and Sewer Authority Board of Directors Rev. Kendrick E. Curry Confirmation Resolution of 2018; and PR22-1148, the Water and Sewer Authority Board of Directors Krystal Brumfield Confirmation Resolution of 2018. This legislation would confirm Rachna Butani Bhatt and Krystal Brumfield as principal members of the DC Water Board of Directors, and Rev. Kendrick E. Curry as an alternate member of the DC Water Board of Directors. The roundtable will begin at 11:00 AM in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on December 14, 2018.

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

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**NOTICE OF PUBLIC ROUNDTABLE ON**

**PR 22-1134, the “Director of the Department of General Services Keith Anderson Confirmation Resolution of 2018”**

Tuesday, December 11, 2018 at 12:00 p.m.  
in Room 412 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Tuesday, December 11, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR 22-1134, the “Director of the Department of General Services Keith Anderson Confirmation Resolution of 2018. This legislation would confirm Keith Anderson as the Director of the Department of General Services. The hearing will begin at 12:00 p.m., or immediately following the Committee roundtable beginning at 11:00 a.m., in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 5 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on December 14, 2018.

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

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

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

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

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**GBM 22-120:** FY 2018 Grant Budget Modifications of October 23, 2018

RECEIVED: 14-day review begins December 3, 2018



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
NOTICE OF PUBLIC HEARING**

Placard Posting Date: December 7, 2018  
Protest Petition Deadline: January 22, 2019  
Roll Call Hearing Date: February 4, 2019

License No.: ABRA-100140  
Licensee: Alta Strada-City Vista, LLC  
Trade Name: Alta Strada  
License Class: Retailer’s Class “C” Restaurant  
Address: 465 K Street, N.W.  
Contact: Michael Schlow, Managing Member: (202) 629-4662

WARD 6                      ANC 6E                      SMD 6E05

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 February 4, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

**NATURE OF SUBSTANTIAL CHANGE**

Request to add a Summer Garden with 28 seats.

**CURRENT HOURS OF OPERATION (INSIDE PREMISES)**

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

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES)**

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

**CURRENT HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)**

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

**PROPOSED HOURS OF OPERATION (SUMMER GARDEN)**

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

**PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SUMMER GARDEN)**

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

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: November 9, 2018  
Protest Petition Deadline: December 24, 2018  
Roll Call Hearing Date: January 7, 2019  
Protest Hearing Date: March 6, 2019

License No.: ABRA-112072  
Licensee: District Soul Food Restaurant & Lounge, L.L.C.  
Trade Name: District Soul Food Restaurant & Lounge  
License Class: Retailer's Class "C" Restaurant  
Address: 500 8th Street, S.E.  
Contact: Edward Reynolds: (202) 487-6140

WARD 6

ANC 6B

SMD 6B04

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 January 7, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **March 6, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

New Restaurant serving soul food. **\*\*Requesting an Entertainment Endorsement to provide live entertainment inside the premises only. Sidewalk Café with 40 seats. Total Occupancy Load is 199 with seating for 180.**

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

Sunday through Wednesday 10am – 11pm, Thursday through Saturday 10am – 2am

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFE**

Sunday through Wednesday 10am – 11pm, Thursday through Saturday 10am – 12am

**HOURS OF LIVE ENTERTAINMENT (INDOORS ONLY)**

Sunday through Wednesday 4pm – 11pm, Thursday through Saturday 4pm – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: November 9, 2018  
Protest Petition Deadline: December 24, 2018  
Roll Call Hearing Date: January 7, 2019  
Protest Hearing Date: March 6, 2019

License No.: ABRA-112072  
Licensee: District Soul Food Restaurant & Lounge, L.L.C.  
Trade Name: District Soul Food Restaurant & Lounge  
License Class: Retailer’s Class “C” Restaurant  
Address: 500 8th Street, S.E.  
Contact: Edward Reynolds: (202) 487-6140

WARD 6                      ANC 6B                      SMD 6B04

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 January 7, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **March 6, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

New Restaurant serving soul food. Requesting an Entertainment Endorsement to provide live entertainment **\*\*with Dancing and \*\*Cover Charge** inside the premises only. Sidewalk Café with 40 seats. Total Occupancy Load is 199 with seating for 180.

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

Sunday through Wednesday 10am – 11pm, Thursday through Saturday 10am – 2am

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFE**

Sunday through Wednesday 10am – 11pm, Thursday through Saturday 10am – 12am

**HOURS OF LIVE ENTERTAINMENT (INDOORS ONLY)**

Sunday through Wednesday 4pm – 11pm, Thursday through Saturday 4pm – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 7, 2018
Protest Petition Deadline: January 22, 2019
Roll Call Hearing Date: February 4, 2019

License No.: ABRA-100316
Licensee: DC Live, LLC
Trade Name: Elevate
License Class: Retailer’s Class “C” Tavern
Address: 15 K Street, N.E.
Contact: Jeff Jackson, Agent: (202) 251-1566

WARD 6 ANC 6C SMD 6C06

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 February 4, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to add a Sidewalk Cafe with 52 seats.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES)

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

CURRENT HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)

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

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SUMMER GARDEN)

Sunday – Thursday 10am – 12am
Friday and Saturday 10am – 1am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SIDEWALK CAFE)

Sunday – Thursday 10am – 12am
Friday and Saturday 10am – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 7, 2018
Protest Petition Deadline: January 22, 2019
Roll Call Hearing Date: February 4, 2019
Protest Hearing Date: April 3, 2019

License No.: ABRA-112246
Licensee: Sons of Anacreon, LLC
Trade Name: Reveler’s Hour
License Class: Retailer’s Class “C” Restaurant
Address: 1773-1777 Columbia Road, N.W.
Contact: Stephen J. O’Brien, Esq.: (202) 625-7700

WARD 1

ANC 1C

SMD 1C07

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 February 4, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on April 3, 2019 at 1:30 p.m.

NATURE OF OPERATION

New Class “C” Restaurant specializing in Italian cuisine with a seasonally-changing wine list, antipasti, and pasta selection. Total Occupancy Load of 125 with seating for 99 patrons.

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

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

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, JANUARY 30, 2019  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

**TIME: 9:30 A.M.**

**WARD SEVEN**

19889            **Application of AMM2 Investments LLC**, pursuant to 11 DCMR Subtitle X, ANC 7C            Chapter 9, for special exceptions under the new residential development requirements of Subtitle U § 421.1 and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to construct a new eight-unit apartment house in the RA-1 Zone at premises 413 60th Street N.E. (Square 5261, Lot 803).

**WARD SIX**

19891            **Application of 1657-1661 Gales Street, LLC**, pursuant to 11 DCMR Subtitle X, ANC 6A            Chapter 10, for an area variance from the lot dimension requirements of Subtitle E § 201.1, to construct two new flats in the RF-1 Zone at premises 1657-1661 Gales Street N.E. (Square 4540, Lots 184, 185, 186).

**WARD SIX**

19892            **Application of Staci Walkes**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a ANC 6C            special exception under the penthouse regulations of Subtitle C § 1500.4, and under Subtitle C § 1504 from the penthouse setback provisions of Subtitle C § 1502.1(c)(1)(A), to construct a penthouse stair enclosure addition to the existing, attached principal dwelling unit in the RF-3 Zone at premises 434 4th Street N.E. (Square 780, Lot 51).

**WARD FOUR**

19897            **Application of Coloma River Capital**, pursuant to 11 DCMR Subtitle X, ANC 4B            Chapter 9, for special exceptions under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, under Subtitle G § 1200 from the closed court requirements of Subtitle G § 202.1, and under Subtitle G § 1201 from the rear yard requirements of Subtitle G § 405.2, to construct a new 46-unit apartment house with ground floor retail in the MU-4 Zone at premises 71 Kennedy Street N.W. and 5505 1st Street N.W. (Square 3389, Lots 822 and 817).

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**WARD EIGHT**

19901            **Application of HIP West St Partners LLC**, pursuant to 11 DCMR Subtitle X, ANC 8A            Chapter 10, for area variances from the lot dimension requirements of Subtitle D § 302.1, and from the side yard requirements of Subtitle D § 307.4, to construct six new, attached principal dwelling units in the R-3 Zone at premises 2501-2509 West Street S.E. (Square 5808, Lots 824, 69 and 50).

**WARD EIGHT**

19902            **Application of HIP West St Partners LLC**, pursuant to 11 DCMR Subtitle X, ANC 8A            Chapter 10, for area variances from the lot dimension requirements of Subtitle D § 302.1, and from the side yard requirements of Subtitle D § 307.4, to construct two new, semi-detached principal dwelling units in the R-3 Zone at premises 2514 West Street S.E. (Square 5809, Lots 43 and 44).

**WARD SIX**

19903            **Application of Tim Baird**, pursuant to 11 DCMR Subtitle X, Chapter 9, for ANC 6E            special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the rear yard requirements of Subtitle E § 306.1, to construct a third floor and rear addition to an existing semi-detached principal dwelling unit and convert it to a flat in the RF-1 Zone at premises 410 Franklin Street N.W. (Square 510, Lot 139).

**WARD SIX**

19907            **Application of Greystar GP II, LLC**, pursuant to 11 DCMR Subtitle X, Chapter ANC 6D            9, for a special exception under Subtitle I § 203.3 from the front build-to line requirements of Subtitle I § 203.1, to construct a hotel with ground floor retail uses in the D-5 Zone at premises 861 New Jersey Avenue S.E. (Square 695, Lots 820 and 823).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the

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testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** \* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

**Do you need assistance to participate?**

Amharic

ለመከተሉ ዕርዳታ ያስፈልግዎታል?

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

ካስፈለገዎት እባክዎን ከሰብሳቢው አገልግሎት ቀናት በፊት ዚ.ሂልን በስልክ ቁጥር (202) 727-

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

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系,电话号码 (202) 727-0312, 电子邮件

[Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov)。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o



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interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

*Vietnamese*

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

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

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

**FREDERICK L. HILL, CHAIRPERSON**  
**LESYLLEÉ M. WHITE, MEMBER**  
**LORNA L. JOHN, MEMBER**  
**CARLTON HART, VICE-CHAIRPERSON,**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

## OFFICE OF THE ATTORNEY GENERAL

NOTICE OF FINAL RULEMAKING

The Attorney General, pursuant to authority granted by section 108b of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88b) (2014 Repl. & 2017 Supp.), hereby gives notice of the adoption of a new Chapter 51 (Civil False Claims Penalty Inflation Adjustment) in Title 27 (Contracts and Procurement) in the District of Columbia Municipal Regulations (DCMR).

The purpose of the rule is to implement an increase to the District’s civil false claims penalties to match the inflation adjustments that the Attorney General of the United States has made to the federal civil false claims penalties authorized by 31 USC § 3729.

No comments have been received in response to the proposed rulemaking published in the *D.C. Register* on October 12, 2018 at 65 DCR 11497. No changes been made to the text of the proposed rules. These rules were adopted as final on November 26, 2018 and shall become effective on the date of publication of this notice in the *D.C. Register*.

**A new Chapter 51, CIVIL FALSE CLAIMS PENALTY INFLATION ADJUSTMENT, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is added to read as follows:**

**CHAPTER 51            CIVIL FALSE CLAIMS PENALTY  
INFLATION ADJUSTMENT**

**5100    AUTHORITY FOR INFLATION ADJUSTMENT**

**5101    INFLATION ADJUSTED CIVIL FALSE CLAIMS PENALTIES**

**5100            AUTHORITY FOR INFLATION ADJUSTMENT**

5100.1            Pursuant to Section 822 of the District of Columbia Procurement Practices Act of 1985 (Act), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-381.10), the Attorney General for the District of Columbia (OAG) is authorized at least once every four (4) years to promulgate rules to adjust the amounts of the civil penalties listed in Section 814 of the Act.

**5101            INFLATION ADJUSTED CIVIL FALSE CLAIMS PENALTIES**

5101.1            By operation of law and the application of procedures described in Section 822 of the Act, after January 1, 2019, for each false claim or fraudulent claim described in the Act the amount of the civil penalty a person is liable to the District shall be not less than Eleven Thousand One Hundred Eighty-One Dollars (\$11,181.00) and not more than Twenty-Two Thousand Three Hundred Sixty-Three Dollars (\$22,363.00).

## DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 905 (2014 Repl.)) and Section 6 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03 (2014 Repl.)) and Mayor's Order 2016-077, dated May 2, 2016, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 4 (Motor Vehicle Title and Registration) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking will clarify title branding of vehicles. (A title brand is a permanent designation on a title that indicates that the vehicle may have a history of damage, road worthiness, or other information that may impact the value of the vehicle.)

A Notice of Proposed Rulemaking was published in the *D.C. Register* on September 21, 2018 at 65 DCR 009762. No comments were received. No changes were made to the text of the proposed rules. The final rules will become effective on the date of publication of this notice in the *D.C. Register*.

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

**Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, is amended as follows:**

**Section 403, EFFECT AND CONTENT OF CERTIFICATES OF TITLE, is amended as follows:**

**A new Subsection 403.5 is added to read as follows:**

403.5        In addition, a certificate issued by the Director may contain a title brand, which is a permanent designation on a title that indicates that the vehicle may have a history of damage, road worthiness or other information that may impact the value of the vehicle.

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.10(a)(12) (2015 Repl.)), and Mayor's Order 2000-70, dated May 2, 2000, hereby gives notice of the intent to adopt an amendment to Chapter 15 (Professional Engineers and Land Surveyors) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

This proposed rulemaking would create continuing education requirements for applicants seeking to renew or reinstate a license approved by the Board of Professional Engineering, and would establish standards and administrative procedures for the approval of continuing education programs. In adopting this requirement, which is in conformity with similar standards established by neighboring jurisdictions, the District seeks to ensure that its licensed professional engineers and land surveyors maintain professional and ethical competence in their respective fields.

**Chapter 15, PROFESSIONAL ENGINEERS AND LAND SURVEYORS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**New Sections 1526 - 1528 are added to read as follows:**

**1526 CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OR REINSTATEMENT OF A LICENSE**

1526.1 This section shall apply to all applicants for the renewal or reinstatement of a license to practice as a land surveyor or professional engineer, except those applicants seeking first renewal of a license granted by examination.

1526.2 An applicant for renewal of a license to practice as a land surveyor shall attest to having completed no less than twelve (12) hours of acceptable continuing professional education during the term of the license, to include the following:

(a) No less than eight (8) hours of surveying education specific to the District of Columbia; and

(b) At least one (1) hour on the subject of professional ethics.

1526.3 An applicant for renewal of a license to practice as a professional engineer shall attest to having completed no less than twenty (20) hours of acceptable continuing professional education, to include at least one (1) hour on the subject of professional ethics, during the term of the license.

- 1526.4 An applicant for reinstatement of an expired license or renewal of an inactive license to practice as a land surveyor shall attest to having completed, no more than two (2) years prior to the date of application, at least six (6) hours of credit in approved continuing education programs for each year the license was expired or inactive, up to a maximum of twenty-four (24) hours, and shall include the following:
- (a) No less than eight (8) hours of surveying education specific to the District of Columbia; and
  - (b) At least one (1) hour on the subject of professional ethics.
- 1526.5 An applicant for reinstatement of an expired license or renewal of an inactive license to practice as a professional engineer shall attest to having completed ten (10) hours of credit in approved continuing education programs for each year the license was expired or inactive, up to a maximum of forty (40) hours, and shall include no less than one (1) hour on the subject of professional ethics. To be creditable, courses shall not have been completed more than two (2) years prior to the date of application.
- 1526.6 An applicant under this section shall report the completion of required continuing education credits by submitting with the renewal or reinstatement application the following information with respect to each program:
- (a) The name of the sponsor of the program;
  - (b) The name of the program and a description of the subject matter covered;
  - (c) The dates on which the applicant attended the program; and
  - (d) The hours of credit claimed.
- 1526.7 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 1527 of this chapter. Licensees are responsible for ensuring that continuing education courses taken to satisfy the Board's renewal or reinstatement requirements are approved by the Board.
- 1526.8 An applicant for the renewal of a license who fails to complete the continuing education requirements by or before the expiration date may renew the license within sixty (60) days after expiration by completing the outstanding hours and by paying the required late fee. Any hours obtained after licensure expiration and claimed for late renewal shall not be creditable for the next renewal period. Upon renewal, the Board shall deem the applicant to have possessed a valid license during the period between the expiration of the license and its renewal.

- 1526.9 If an applicant for the renewal of a license fails to complete the continuing education requirements within sixty (60) days after the expiration of the applicant's license, the license shall be deemed to have lapsed on the date of expiration, and the applicant shall be required to apply for reinstatement of the expired license pursuant to § 3308 of this title.
- 1526.10 The Board may grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to complete continuing education requirements was for good cause. For purposes of this subsection, "good cause" includes proof of the following:
- (a) Serious and protracted illness of the applicant, who submits a doctor's statement verifying the illness;
  - (b) The death or serious and protracted illness of a member of the applicant's immediate family, which death or illness resulted in the applicant's inability to complete the continuing education requirements within the specified time. For the purposes of this subsection, the term "immediate family" means the applicant's spouse and any parent, brother, sister, or child of the applicant and the spouse of any such parent, brother, sister, or child; or
  - (c) Active military service.
- 1526.11 An extension granted under this section shall not relieve an applicant from complying with the continuing education requirement for the next renewal period.

## **1527 APPROVED CONTINUING EDUCATION PROGRAMS**

- 1527.1 The Board, in its sole discretion, may approve continuing education programs or activities that contribute to the growth of an applicant in professional competence in the practices of land surveying and professional engineering and which meet the other requirements of this section.
- 1527.2 A continuing education program shall be deemed approved by the Board if the offering is approved, provided or sponsored by one of the following:
- (a) National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), and any other recognized national or state society of professional engineers;
  - (b) District of Columbia Association of Land Surveyors (DCALS) and any other recognized national or state society of land surveyors;
  - (c) National Council of Examiners for Engineering and Surveying (NCEES);

- (d) A licensing board of another jurisdiction that regulates the practice of land surveying or professional engineering;
- (e) Federal or state agencies offering training in land surveying or professional engineering; and
- (f) Accredited colleges and universities offering training in land surveying or professional engineering.

1527.3 The Board may grant up to six (6) hours of continuing education credits for each of the following activities, if consistent with the requirements of § 1527.1:

- (a) Completion of an undergraduate or graduate course given at an accredited college or university;
- (b) Performing the initial development, substantial updating, or the initial teaching of a conference program or an academic course;
- (c) Authoring or editing a published book, a published chapter in a book, or a published article in a professional journal or other nationally recognized publication; or
- (d) Serving on a committee or task force that addresses technical and regulatory issues related to the professional practice of land surveying or professional engineering.

**1528 CONTINUING EDUCATION: RECORDKEEPING AND AUDIT REQUIREMENTS**

1528.1 A licensee shall be responsible for documenting his or her completion of the required continuing education, and shall bear the burden of providing satisfactory proof of completion and establishing that any program or activity for which credit is claimed merits approval in accordance with § 1527.

1528.2 A licensee shall retain course documentation for four (4) years after completing a continuing education program or activity for which credit is claimed. Acceptable documentation shall include, but is not limited to, the following:

- (a) A certificate of successful completion from the sponsor or provider which includes the following information:
  - (1) The name of the sponsor of the program;
  - (2) The name of the program and a description of the subject matter covered;

- (3) The dates on which the licensee attended the program; and
  - (4) The hours of credit earned; and
  - (b) A copy of the course outline prepared by the course sponsor;
  - (c) In the case of courses taken at accredited universities and colleges, proof of satisfactory completion of the course;
  - (d) In the case of licensees claiming credit for publication of a technical paper, article, or book, satisfactory proof of its publication; or
  - (e) Other comparable proof deemed satisfactory by the Board.
- 1528.3 The Board may, as it deems appropriate, conduct an audit of active licensees to determine compliance with the continuing education requirements.
- 1528.4 Upon notification by the Board that a licensee has been selected for an audit, the licensee shall submit proof of his or her compliance with the continuing education requirements in accordance with § 1526 within thirty (30) days of receipt of the notice.
- 1528.5 A licensee who fails to provide proof of continuing education compliance during an audit may be subject to another audit in the subsequent licensure term.
- 1528.6 If the Board determines that the licensee has not met his or her continuing education requirement in accordance § 1526, the Board may either grant an additional period of time in which the deficiencies can be cured, or impose disciplinary action in accordance with the Act.

All persons desiring to comment on these proposed regulations should submit comments in writing to Robert Finn, Legislative Affairs Officer, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., 5<sup>th</sup> Floor, Washington, D.C. 20024 or via e-mail at [Robert.Finn@dc.gov](mailto:Robert.Finn@dc.gov), not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. The agency can be reached by telephone at 202-442-4400. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the website of the District of Columbia Office of Documents and Administrative Issuances at <https://dcregs.dc.gov/>.



## DEPARTMENT OF HEALTH

**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health (Director), pursuant to the authority set forth in § 201(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.01 (2014 Repl. & 2018 Supp.)), and Mayor's Order 98-49, dated April 15, 1998, hereby gives notice of the intent to adopt the following amendment to Chapter 12 (Controlled Substances Act Rules) of Title 22 (Health), Subtitle B (Public Health and Medicine), of the District of Columbia Municipal Regulations (DCMR) in not less than thirty days after publication of this notice in the *D.C. Register*.

The proposed rule will update the list of Schedule V drugs by adding a new class of drugs in Subsection 1205.1(b), and also corrects the lettering after Subsection 1205.1(c).

**Chapter 12, CONTROLLED SUBSTANCES ACT RULES, of Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended as follows:**

**Section 1205, SCHEDULE V ENUMERATED, is amended as follows:**

1205.1 The following controlled substances listed below are included in Schedule V of the Act unless removed therefrom pursuant to Section 201 of the Act:

- (a) Narcotic drugs containing non-narcotic active medicinal ingredients: Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or salts thereof, that also contains one (1) or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal quantities other than those possessed by the narcotic drug alone:
  - (1) Not more than two hundred (200) milligrams of codeine per one hundred (100) milliliters or per one hundred (100) grams;
  - (2) Not more than one hundred (100) milligrams of dihydrocodeine per one hundred (100) milliliters or per one hundred (100) grams;
  - (3) Not more than one hundred (100) milligrams of ethylmorphine per one hundred (100) milliliters or per one hundred (100) grams;
  - (4) Not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;
  - (5) Not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams;
  - (6) Not more than one half-tenth (0.5) milligrams of Difenoxin and

not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;

- (b) Epidiolex 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol;
- (c) Pyrovalerone; and
- (d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:
  - (1) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester];
  - (2) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxypropionamide]; and
  - (3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Paralegal Specialist, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov), (202) 442-5977.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKINGRM1-2018-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND PROCEDURE

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.), hereby gives notice of its intent to amend Chapter 1 (Public Service Commission Rules of Practice and Procedure), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. On October 19, 2018, the Commission published a Notice of Proposed Rulemaking (NOPR) in the *D.C. Register* (65 DCR 11730-11733), revising certain sections of its Rules of Practice and Procedure to reflect new features in the Commission's electronic filing system (eDocket System), to eliminate outdated requirements, and to improve clarity. That NOPR included proposed amendments to Section 100 (Dockets and Filings), requiring electronic filing of all documents, including documents containing confidential or proprietary information, subject to certain exceptions. In addition, Section 118 (Electronic Filing Procedures) was deleted in its entirety and those provisions were incorporated into Section 100.

3. This Second NOPR supersedes the First NOPR published on October 19, 2018. In the Second NOPR, Subsection 100.5 has been revised in response to comments filed by the Potomac Electric Power Company (Pepco) seeking clarification as to whether Subsection 100.5, requiring all documents to be filed electronically, is applicable to Critical Infrastructure Information.<sup>1</sup> The Second NOPR makes clear that documents containing Critical Infrastructure Information shall be submitted in the form of one hard copy with the Commission.

4. Final rulemaking action shall not be taken in less than fifteen (15) days after the date of publication of this Second NOPR in the *D.C. Register*. This reduced period of review has been adopted for good cause because the revised rules will immediately preserve natural resources and reduce the need to produce multiple paper copies by enabling those who file documents with the Commission to file all documents electronically, including documents containing confidential or proprietary information. The elimination of paper filing will thereby reduce the costs to and administrative burden on individuals, companies, and other entities that file documents with the Commission. In addition, the reduced period of review is warranted, because interested persons have already had an opportunity to comment on the proposed amendments to Chapter 1 in the First NOPR and no comments were received other than Pepco seeking clarification of Subsection 100.5. This Second NOPR clarifies Subsection 100.5 in response to Pepco's request.

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<sup>1</sup> *RM1-2018-01, In the Matter of the Commission's Investigation Into the Public Service Commission's Rules of Practice and Procedure*, Comments of the Potomac Electric Power Company Regarding Notice of Proposed Rulemaking at 2, filed Nov. 19, 2018.

**Chapter 1, PUBLIC SERVICE COMMISSION RULES OF PRACTICE AND PROCEDURE, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**100 DOCKETS AND FILINGS**

- 100.1 The Office of the Commission Secretary shall maintain the official docketing system for the Commission.
- 100.2 The docketing system shall contain records and documents available for public inspection. Public inspection may be either on the Commission’s website or in person at the Office of the Commission Secretary during normal office hours. Confidential or proprietary records and documents are not available for public inspection. The rules governing confidential or proprietary records and documents are contained in Section 150. Access to all filings in the Office of the Commission Secretary is subject to reasonable limitations, including extraordinary circumstances, or when inspection would interfere with the normal operation of the Office of the Commission Secretary. Persons requesting copies of any filing or other written matter within the possession and/or custody of the Commission from the Office of the Commission Secretary may be subject to a per page copying fee.
- 100.3 All documents filed with the Commission shall be addressed to the Commission Secretary and filed with the Office of the Commission Secretary.
- 100.4 The Commission shall be open each business day except Saturdays, Sundays, and legal holidays, from 9:00 a.m. to 5:30 p.m.
- 100.5 All documents shall be filed electronically, including documents containing confidential or proprietary information, with the exception of documents containing “critical infrastructure information” (CII) and documents filed on electronic storage devices such as flash drives or compact disks (CDs). Documents containing CII must be filed with the Commission as one hard copy and shall clearly state in bold, capitalized letters that the filing contains CII. Documents filed on electronic storage devices shall include a table of contents, list of the data, or other description of the data stored on the device. To file documents electronically with the Commission, filers must first complete an online registration form on the eDocket System.
- 100.6 All filings shall comply with the requirements set forth in the Commission’s rules and shall be accompanied by a cover letter indicating the title of the document or type of filing; the case or docket number and caption, if already assigned; and the name, street address, e-mail address, and telephone number of the person making the filing.

- 100.7 The Commission may, at any time, reject all or any part of a filing that does not conform with the requirements of the Commission’s rules under this chapter. If any filing, or part thereof, is rejected, the document or the part thereof will be deemed not to have been accepted for filing with the Commission.
- 100.8 When a confidential or proprietary document is filed, the corresponding public version shall be filed concurrently.
- 100.9 All documents filed electronically shall be considered filed when the Commission has received the electronic filing, consistent with Subsection 100.10, unless the electronic filing has been rejected under Subsection 100.12.
- 100.10 Documents may be filed electronically twenty-four (24) hours a day, seven (7) days a week. All documents filed electronically shall be considered as timely filed and will be docketed, consistent with Subsection 100.9, if filed by 5:30 p.m. If a filing is received after 5:30 p.m. on a business day or at any time on a non-business day, it shall be docketed on the next business day.
- 100.11 Persons that file documents electronically shall receive an electronic acknowledgment of their filing from the Office of the Commission Secretary once file transmission is complete.
- 100.12 After reviewing an electronic filing to ensure that it meets the Commission’s electronic filing requirements, the Office of the Commission Secretary shall send a notice of acceptance or a notice of rejection. If the filing does not meet the Commission’s requirements, then the Office of the Commission Secretary shall send a notice of rejection explaining the reason(s) for rejection.

### 113 FORM OF FILINGS

- 113.1 All electronic filings shall be word-processed or otherwise electronically entered on a page sized 8 ½ inches wide and 11 inches long in font size of not less than eleven (11) points, unless a larger size page format is required.
- 113.2 The cover page of each confidential or proprietary document shall indicate that the filing contains confidential or proprietary information. Each confidential or proprietary document filed shall have clearly marked “[**BEGIN CONFIDENTIAL**]” in bold capital letters at the beginning of each portion or section of the document containing such confidential or proprietary information and “[**END CONFIDENTIAL**]” in bold capital letters at the end of each portion or section of the document containing such confidential or proprietary information. All other material in each and every portion or section of such document shall be treated as non-confidential and non-proprietary and available for public use and review. Redacted public versions of confidential or proprietary filings shall also be filed consistent with Subsections 100.6 and 100.8. The pagination, numbering and other formatting features of the redacted filings shall

be identical to those features in the confidential or proprietary filings. The beginning and the ending of all confidential or proprietary matters redacted from the public versions shall be clearly identified on each and every page of that public version as set forth in this subsection.

113.3 Consistent with Subsection 100.7, the Commission may reject any filings that do not conform to the requirements of this section.

**Section 118, ELECTRONIC FILING PROCEDURES, is deleted in its entirety.**

**Section 150, CONFIDENTIAL AND PROPRIETARY INFORMATION, is amended as follows:**

**Subsection 150.5 is amended to read as follows:**

150.5 If any party uses confidential or proprietary information in filings, such as briefs, comments, testimony, exhibits, data responses, cross-examination or other documents, to be filed in a proceeding in which the information is obtained pursuant to a confidentiality or proprietary agreement, the following shall apply:

- (a) A confidential version of the filings containing the alleged confidential or proprietary information shall be filed, consistent with Sections 100 and 113 of these rules, with the Office of the Commission Secretary;
- (b) Direct or cross-examination by any party involving information which another party alleges to be confidential or proprietary shall be conducted during proceedings which shall be closed to all those who have not signed an appropriate proprietary or confidentiality agreement; provided, that there has been no prior Commission determination that such information is not confidential or proprietary. Two transcripts of the proceeding shall be prepared and filed with the Commission Secretary; one that shall include the confidential or proprietary information and one that shall exclude the confidential or proprietary information. The Office of the Commission Secretary shall maintain the transcript of the proceeding containing the confidential or proprietary information as confidential; and
- (c) If any party challenges the appropriateness of a claim that information is confidential or proprietary, the procedures set forth under Subsection 150.7 of this chapter shall apply.

**Section 199, DEFINITIONS, is amended as follows:**

**The following definitions in Subsection 199.1 are added to read as follows:**

**Docket** – the Commission’s formal record of a proceeding, including the filings.

**File** – to submit a filing to the Office of the Commission Secretary, utilizing the “eDocket” system available through the Commission website at [www.dcpsc.org](http://www.dcpsc.org), for the purpose of having that filing entered upon the docket of a proceeding.

**Party** – a person who appears in and has a direct interest in a proceeding before the Commission. Persons may become parties to proceedings by virtue of filing an application, complaint, or petition initiating the proceeding; by filing a response to an application, complaint, or petition; by statutory right; or by Commission authorization, such as the granting of a petition for intervention.

5. Any person interested in commenting on the subject matter of this proposed rulemaking may submit written comments not later than fifteen (15) days after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission’s website at: [https://edocket.dcpsc.org/public/public\\_comments](https://edocket.dcpsc.org/public/public_comments). Copies of the proposed rules may be obtained by visiting the Commission’s website at [www.dcpsc.org](http://www.dcpsc.org) or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the Authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2018 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007 (Act), effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 18 (Health Care Benefit Grants) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The DHCF is authorized under the Act to execute grants with governmental bodies, public and private agencies, institutions and organizations. Chapter 18 of Title 29 DCMR governs the standards for determining who may receive a grant and under what circumstances, and the procedures for awarding a grant.

DHCF is proposing an amendment to Section 1807 of this chapter, governing the submission of grant applications. First, DHCF is amending Subsection 1807.4 to add new language to require that applicants certify that all costs incurred under any grant agreement shall be in accordance with the Office of Management and Budget Circular A-122, “Costs Principals for Non-Profit Organizations.” Second, DHCF is further amending Subsection 1807.4 to add new language to incorporate changes made to the concerning grant administration in the District by the “Fiscal Year 2016 Budget Support Act of 2015,” effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905 (August 14, 2015)). Finally, DHCF is proposing technical amendments to Subsection 1807.4(a) to correct grammar.

This emergency rulemaking is necessary for the immediate preservation of the health, safety and welfare of District residents. The health care grant program allows DHCF to direct funds to providers to fund critical health care services and innovative reform initiatives. Emergency action is necessary to ensure that there is no disruption of funding to health care providers who are providing health care services or implementing reform efforts aimed at improving the quality of care for District Medicaid beneficiaries.

The emergency rulemaking was adopted on November 21, 2018 and shall become effective upon publication of this rulemaking in the *D.C. Register*. The emergency rules will remain in effect for one hundred and twenty (120) days from the date of adoption or until March 21, 2019, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.



**Chapter 18, HEALTH CARE BENEFIT GRANTS, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Subsection 1807.4 of Section 1807, APPLICATION SUBMISSION, is amended as follows:**

- 1807.4 As part of the application packet, the applicant shall submit a Statement of Certification, signed by the duly authorized officer of the applicant organization, the truth of which is sworn or attested to by the applicant which states:
- (a) That the applicant has provided the individuals, by name, title, address, and phone number who are authorized to negotiate with the Department on behalf of the organization;
  - (b) That the applicant is able to maintain adequate files and records and can and will meet all reporting requirements;
  - (c) That all fiscal records are kept in accordance with Generally Accepted Accounting Principles (GAAP) and account for all funds, tangible assets, revenue, and expenditures whatsoever; that all fiscal records are accurate, complete, and current at all times; and that these records will be made available for audit and inspection as required;
  - (d) That all costs incurred under this grant shall be in accordance with the Office of Management and Budget Circular A-122, “Cost Principals for Non-Profit Organizations”;
  - (e) That the applicant is in compliance with requirements set forth in D.C. Official Code § 1-328.15;
  - (f) That the applicant is current on payment of all federal and District taxes, including Unemployment Insurance taxes and Workers’ Compensation premiums. This statement of certification shall be accompanied by a certificate from the District of Columbia Office of Tax and Revenue (OTR) stating that the entity has complied with the filing requirements of District of Columbia tax laws and has paid taxes due to the District of Columbia, or is in compliance with any payment agreement with OTR;
  - (g) That the applicant has the demonstrated administrative and financial capability to provide and manage the proposed services and ensure an adequate administrative, performance, and audit trail;
  - (h) That, if required by the Department, the applicant is able to secure a bond, in an amount not less than the total amount of the funds awarded, against losses of money and other property caused by fraudulent or dishonest act committed by any employee, board member, officer, partner, shareholder, or trainee;

- (i) That the applicant is not proposed for debarment or presently debarred, suspended, or declared ineligible, as required by Executive Order 12549, “Debarment and Suspension,” and implemented by 2 CFR § 180, for prospective participants in primary covered transactions and is not proposed for debarment or presently debarred as a result of any actions by the District of Columbia Contract Appeals Board, the Office of Contracting and Procurement, or any other District contract regulating agency;
- (j) That the applicant has the financial resources and technical expertise necessary for the production, construction, equipment, and facilities adequate to perform the grant or subgrant, or the ability to obtain them;
- (k) That the applicant has the ability to comply with the required or proposed delivery or performance schedule, taking into consideration all existing and reasonably expected commercial and governmental business commitments;
- (l) That the applicant has a satisfactory record performing similar activities as detailed in the award or, if the grant award is intended to encourage the development and support of organizations without significant previous experience, that the applicant has otherwise established that it has the skills and resources necessary to perform the grant;
- (m) That the applicant has a satisfactory record of integrity and business ethics;
- (n) That the applicant has the necessary organization, experience, accounting and operational controls, and technical skills to implement the grant, or the ability to obtain them;
- (o) That the applicant is in compliance with the applicable District licensing and tax laws and regulations;
- (p) That the applicant complies with provisions of the Drug-Free Workplace Act;
- (q) That the applicant meets all other qualifications and eligibility criteria necessary to receive an award under applicable laws and regulations; and
- (r) That the applicant will, if successful, indemnify, defend, and hold harmless the Government of the District of Columbia and its authorized officers, employees, agents, and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this grant or subgrant from any cause whatsoever, including the acts, errors, or omissions of any person and for any costs or expenses incurred by the

District on account of any claim therefore, except where such indemnification is prohibited by law.

Comments on these rules should be submitted in writing to Melisa Byrd, State Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4<sup>th</sup> Street, N.W., Suite 900, Washington D.C. 20001, via telephone on (202) 442-8742 or via email at [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov) within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2018-092  
December 3, 2018

**SUBJECT:** Renaming of the Washington Regional Threat Analysis Center

**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) (2016 Repl.), it is hereby **ORDERED** that:

1. The District of Columbia Homeland Security and Emergency Management Agency (HSEMA) is the designated primary fusion center for the District of Columbia.
2. HSEMA houses the day-to-day operations of the Washington Regional Threat Analysis Center (WRTAC), which is the unit within HSEMA that carries out the day-to-day fusion center operations.
3. The WRTAC is hereby renamed the National Capital Region Threat Intelligence Consortium.
4. This Mayor’s Order supersedes Mayor’s Order 2012-37, dated March 19, 2012, and all other previous Mayor’s Orders to the extent of any inconsistency therein.
5. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-093  
December 4, 2018

**SUBJECT:** Reappointments and Appointments — Health Information Exchange  
Policy Board


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2016-035, dated March 10, 2016, it is hereby **ORDERED** that:

1. The following persons are reappointed as members to the Health Information Exchange Policy Board ("**Board**"), for a term to end June 25, 2021:
  - a. **AARON HETTINGER**, as an individual who works for a provider organization that provides primary care or specialty care services member;
  - b. **JUSTIN JAMES PALMER**, as the representative from the District of Columbia Hospital Association;
  - c. **DONNA RAMOS-JOHNSON**, as the representative from the District of Columbia Primary Care Association;
  - d. **ALISON REIN**, as a representative who is not currently employed by an organization that directly provides health care services;
  - e. **JAMES TURNER**, as a representative who is not currently employed by an organization that directly provides health care services; and
  - f. **LUCINDA WADE**, as a representative who is not currently employed by an organization that directly provides health care services.
  
2. The following persons are appointed as members of the Board, for a term to end June 25, 2021:
  - a. **ZINETHIA CLEMMONS**, as a representative who is not currently employed by an organization that directly provides health care services, replacing Victor Freeman;

- b. **KALYANI MARATHE**, as a medical provider who provides primary care or specialty services member, replacing Brian Jacobs;
  - c. **ERIC MARSHALL**, as a medical provider who provides primary care or specialty care services member, replacing Edwin Chapman;
  - d. **YAVAR MOGHIMI**, as a representative from a health plan, replacing Pete Stoessel;
  - e. **JANIS ORLOWSKI**, as a medical provider who provides primary care or specialty services member, replacing Angela Diop; and
  - f. **AMANDA RHOADS**, as a medical provider who provides primary care or specialty services member, replacing William Ward.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
MURIEL BOWSER  
MAYOR

ATTEST:   
LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2018-094  
December 4, 2018

**SUBJECT:** Appointments — Construction Codes Coordinating Board

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor’s Order 2009-22, dated February 25, 2009, as amended by Mayor’s Order 2012-32, dated February 29, 2012, it is hereby **ORDERED** that:

1. **CASEY STUDHALTER**, is appointed as the District Department of Energy and Environment representative member to the Construction Codes Coordinating Board, replacing Jay Wilson, to serve at the pleasure of the Mayor.
2. **CLARENCE WHITESCARVER**, is appointed as an Office of the Construction Code Official member to the Construction Codes Coordinating Board, replacing Susan Burnett, to serve at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-095  
December 4, 2018

**SUBJECT:** Amendments — District of Columbia Innovation and Technology  
Inclusion Council

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2014-139, dated June 11, 2014, establishing the District of Columbia Innovation and Technology Inclusion Council, and as amended by Mayor's Order 2014-236, dated October 10, 2014, and Mayor's Order 2014-326, dated December 19, 2014, it is hereby **ORDERED** that:

1. Section IV of Mayor's Order 2014-139, dated June 11, 2014, is amended as follows:
  - a. Amending Section IV.D: "A designee of the Deputy Mayor for Planning and Economic Development." to read: "The Deputy Mayor for Education, or his or her designee, who shall serve as an ex-officio voting member of the Council"
  - b. Amending Section IV.F: "A designee of the Director of the Department of Small and Local Business Development," to read: "The Director of the Department of Employment Services, or his or her designee, who shall serve as an ex-officio member of the Council."



2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 22, 2018.

  
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MURIEL BOWSER  
MAYOR

ATTEST:   
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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS  
CALENDAR**

**WEDNESDAY, DECEMBER 12, 2018  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009**

**Donovan W. Anderson, Chairperson  
Members: Nick Alberti, Mike Silverstein,  
James Short, Bobby Cato, Rema Wahabzadah,**

- |   |                |
|---|----------------|
| <b>Protest Hearing (Status)</b><br><b>Case # 18-PRO-00077;</b> West End DC, LLC, t/a To Be Determined, 1118-24<br>23rd Street NW, License #111311, Retailer CR, ANC 2A<br><b>Application for a New License</b>  | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 18-CMP-00181;</b> 1336 U Street, LLC, t/a Hawthorne, 1336 U Street NW<br>License #99603, Retailer CT, ANC 1B<br><b>Offering Entertainment After Board Approved Entertainment Hours,<br/>Violation of Settlement Agreement</b> | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 18-CMP-00144;</b> Dos Ventures, LLC, t/a Saint Yves, 1220 Connecticut<br>Ave NW, License #99876, Retailer CT, ANC 2B<br><b>Operating After Board Approved Hours</b>   | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 18-CIT-00438;</b> Dos Ventures, LLC, t/a Saint Yves, 1220 Connecticut<br>Ave NW, License #99876, Retailer CT, ANC 2B<br><b>No ABC Manager on Duty, Failed to Post License Conspicuously in the<br/>Establishment</b>          | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 18-CC-00098;</b> F&A, Inc., t/a Anacostia Market, 1303 Good Hope Road<br>SE, License #86470, Retailer B, ANC 8A<br><b>Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal<br/>Drinking Age</b>         | <b>9:30 AM</b> |

Board's Calendar  
December 12, 2018

**Show Cause Hearing (Status) 9:30 AM**

**Case # 18-CMP-00146;** Ugly Mug, LLC, t/a Jake's American Grille, 5016-5018 Connecticut Ave NW, License #86013, Retailer CR, ANC 3F  
**Substantial Change without Board Approval, Violation of Settlement Agreement**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 18-CMP-00164;** DC Live, LLC, t/a Elevate, 15 K Street NE, License #100316, Retailer CT, ANC 6C  
**Violation of Settlement Agreement, Substantial Change without Board Approval**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 18-CMP-00192;** Metro K Supermarket, Inc., t/a Metro K Supermarket 1864 Columbia Road NW, License #1751, Retailer B, ANC 1C  
**No ABC Manager on Duty**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 18-CMP-00167;** Maketto, LLC, t/a Maketto, 1351 H Street NE, License #90445, ANC 6A, Retailer CR  
**Violation of Settlement Agreement**

**Show Cause Hearing\* 10:00 AM**

**Case # 18-CMP-00049;** Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT ANC 1C  
**Failed to Comply with Board Order No. 2017-439**

**Show Cause Hearing\* 11:00 AM**

**Case # 18-CMP-00050;** Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT, ANC 1C  
**Failed to Comply with Board Order No. 2017-439**

**Show Cause Hearing\* 11:00 AM**

**Case # 18-CMP-00119;** Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT, ANC 1B  
**Failed to Comply with Board Orders No. 2017-603 and No. 2017-151, Operating After Board Approved Hours, Violation of Settlement Agreement (Three Counts)**  
*This hearing has been continued to January 30, 2019 at 4:30 pm.*

Board’s Calendar  
December 12, 2018

**BOARD RECESS AT 12:00 PM  
ADMINISTRATIVE AGENDA  
1:00 PM**

**Show Cause Hearing\* 1:30 PM**  
**Case # 18-CMP-00121;** Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A  
**Failed to Qualify as a Restaurant**

**Show Cause Hearing\* 2:30 PM**  
**Case # 18-CMP-00092;** Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT, ANC 1B  
**Failed to Comply with Board Orders No. 2017-603 and No. 2017-151, Operating After Board Approved Hours, Violation of Settlement Agreement**

**Fact Finding Hearing\* 3:30 PM**  
**Case # 18-251-00158;** Eagle N Exile, LLC, t/a DC Eagle, 3701 Benning Road NE, License #93984, Retailer CT, ANC 7F  
**Simple Assault Inside of the Establishment**

**Fact Finding Hearing\* 4:00 PM**  
Balducci's Holding, LLC, t/a To Be Determined; 3201 New Mexico Ave NW License #88667, Retailer B, ANC 3D  
**Request to Extend Safekeeping**

**Fact Finding Hearing\* 4:30 PM**  
**Case # 18-CMP-00199;** Black Whiskey, LLC, t/a Black Whiskey, 1410 14th Street NW, License #91434, Retailer CT, ANC 2F  
**Operating After Board Approved Hours, Interfered with an Investigation, Violation of Settlement Agreement**

**\*The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to DC Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, DECEMBER 12, 2018 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B11. The Establishment currently has outstanding citations/fines. No conflict with Settlement Agreement. **Tasty Burger**, 2108 8<sup>th</sup> Street NW, Retailer CR, License No. 100284.

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2. Review Request for Change of Hours of operation, sales and service, and entertainment. **Approved Hours of Operation, Alcoholic Beverage Sales and Consumption, and Live Entertainment:** Sunday 12pm to 1am, Monday-Thursday 11am to 2am, Friday 11am to 2am, Saturday 11am to 3am. **Proposed Hours of Operation, Alcoholic Beverage Sales and Consumption, and Live Entertainment:** Sunday 11am to 1am, Monday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. ANC 6A. SMD 6A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Dynamix Lounge**, 1220 H Street NE, Retailer CT, License No. 106194.

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3. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday-Saturday 7am to 11pm. **Approved Hours of Alcoholic Beverage Sales:** Sunday-Saturday 8am to 11pm. **Proposed Hours of Operation:** Sunday-Saturday 7am to 11:30pm. **Proposed Hours of Alcoholic Beverage Sales:** Sunday-Saturday 8am to 11:30pm. ANC 6C. SMD 6C05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Whole Foods Market**, 600 H Street NE, Retailer B Full-Service Grocery Store, License No. 104505.

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4. Review request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales:** Sunday 1pm to 9pm, Monday-Saturday 5am to 1am. **Proposed Hours of Operation and Alcoholic Beverage Sales:** Sunday-Thursday 5am to 2am, Friday-Saturday 5am to 3am. ANC 6E. SMD 6E03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Cotton & Reed**, 1330 5<sup>th</sup> Street NW, Manufacturer A, License No. 099505.

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5. Review Letter from Heidi Arnold of the American Heart Association requesting a Nonprofit Corporation Auction Permit to auction off items containing alcoholic beverages, such as wine donations, at the Heart's Delight fundraiser to be held on March 8, 2019 from 6:30pm to 11:00pm at the Andrew W. Mellon Auditorium, 1301 Constitution Avenue NW, and on March 9, 2019 from 4:00pm to 11:00pm at the Ritz-Carlton West End, 1150 22<sup>nd</sup> Street NW. License No. 18-AUCTION-00003.
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**\*In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Board of Industrial Trades  
1100 4th Street, S.W., Room 300  
Washington, D.C. 20024**

**AGENDA  
December 18, 2018**

1. Call to Order/Attendance – 1:00 p.m.
2. Minutes – Draft, November 20, 2018
3. Comments from the Public (None)
4. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code §2-575(b)(4)(A); D.C. Official Code 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
5. Recommendations
6. Old Business
7. New Business
8. Adjourn

Next Scheduled Regular Board Meeting, January 15, 2019

1100 4th Street, SW, Room 300B, Washington, DC 20024

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

SCHEDULE OF FEES

The Council of the District of Columbia passed legislation (Section 11 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*)) requiring DCRA to increase assessed fine amounts in tandem with the past year’s Consumer Price Index (CPI). Therefore, pursuant to the law, beginning January 1<sup>st</sup>, 2019, for all infractions listed in §§ 3301 through 3313 of Title 16 of the District of Columbia Municipal Regulations, assessed fine amounts will be increased by 2.0%. The new fine amounts as of Jan. 1 are listed in the table below under “Current Fine Amount”. The CPI adjustment is based on the September 2018 12-Month Consumer Price Index for All Urban Consumers (CPI-U) for the Washington Metropolitan Statistical Area, as published by the United States Bureau of Labor Statistics.

Fine Type	Previous Fine Amount	Current Fine Amount
<b>Class 1</b>		
For the first offense	\$2,034	\$2,075
For the second offense	\$4,068	\$4,149
For the third offense	\$8,136	\$8,299
For the fourth and subsequent offenses	\$16,272	\$16,597
<b>Class 2</b>		
For the first offense	\$1,017	\$1,037
For the second offense	\$2,034	\$2,075
For the third offense	\$4,068	\$4,149
For the fourth and subsequent offenses	\$8,136	\$8,299
<b>Class 3</b>		
For the first offense	\$509	\$519
For the second offense	\$1,017	\$1,037
For the third offense	\$2,034	\$2,075
For the fourth and subsequent offenses	\$4,068	\$4,149
<b>Class 4</b>		
For the first offense	\$102	\$104
For the second offense	\$203	\$207
For the third offense	\$407	\$415
For the fourth and subsequent offenses	\$814	\$830
<b>Class 5</b>		
For the first offense	\$51	\$52
For the second offense	\$102	\$104
For the third offense	\$203	\$207
For the fourth and subsequent offenses	\$407	\$415
<b>Class 6</b>		
For the first offense	\$10,170	\$10,373
For the second and subsequent offenses	\$20,340	\$20,747



**DEMOCRACY PREP CONGRESS HEIGHTS PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Payroll System**

Democracy Prep Congress Heights Public Charter School invites all interested and qualified vendors to submit proposals for replacing our current payroll system. The new payroll system should be functional by January 1, 2019

Proposals should include related modules such as time and attendance, production of tax documents, etc. Proposals are due no later than 5 P.M. December 14, 2018 via email to [jeff@thetensquaregroup.com](mailto:jeff@thetensquaregroup.com). The RFP with bidding requirements and supporting documentation can be obtained by contacting Jeff Cooper at [jeff@thetensquaregroup.com](mailto:jeff@thetensquaregroup.com)

**HEALTH BENEFIT EXCHANGE AUTHORITY****NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4<sup>th</sup> Floor, Washington, DC 20005 on **Wednesday, December 12, 2018 at 5:30 pm**. The call in number is 1-650-479-3208, and access code is 730 768 294. The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DEPARTMENT OF HEALTH (DC HEALTH)  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
December 19, 2018

On DECEMBER 19, 2018 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

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

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

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

**Limited Equity Cooperative Task Force Meeting Agenda**

December 12<sup>th</sup>, 2018

6:00 pm to 8:00 pm

University of the District of Columbia

David A. Clarke School of Law, Bldg. 52, Room 439

4340 Connecticut Ave., NW

Washington, D.C. 20008

Members: Sandra Butler-Truesdale, Jade Hall, Paul Hazen, Louise Howells, Amanda Huron, Janene Jackson, Vernon Oakes, Lolita Ratchford, Ana Van Balen, Risha Williams, Elin Zurbrigg

1. Call To Order
2. Approval of Agenda
3. Understanding the Need — Guest Speakers to discuss Asset Management for LECs
4. General Discussion
5. Discussion of Recommendations of the CNHED August 2004 Report
6. Team Reports
7. Other Business
8. Adjourn

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Notes:

**INTERAGENCY COUNCIL ON HOMELESSNESS****NOTICE OF PUBLIC MEETING****Full Council**

The DC Interagency Council on Homelessness (ICH) will be holding a meeting on Tuesday, December 11, 2018 at 2:00 pm. The meeting will be held at the John A. Wilson Building (Room: G-9, Address: 1350 Pennsylvania Avenue NW, Washington, DC).

Below is the draft agenda for this meeting.

For additional information, including updates on location, please visit the ICH calendar online at <http://ich.dc.gov/events>.

**Meeting Details**

Date: Tuesday, December 11, 2018

Time: 12:30 – 1:30 pm Pre-Meeting for advocates, agencies, consumers, providers  
2 – 3:30 pm Full Council

Location: John A. Wilson Building; Room G-9  
1350 Pennsylvania Avenue NW, Washington, DC

Updates will be available online <http://ich.dc.gov/events>

**Draft Agenda**

- I. Welcome and Opening Remarks
- II. Public Comments
- III. Homeward DC – Term One Review & Term Two Planning
- IV. Announcements
- V. Public Comments (*Time Permitting*)
- VI. Adjournment

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT  
NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2019 New Communities Initiative  
Comprehensive Case Management Program

**Grant Identification No.:** DMPED – NCI - 572819

**Background Information:** The District’s Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for the New Communities Initiative, Comprehensive Case Management Services Grants pursuant to Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 1-328.04) and from the Economic Development Special Account pursuant to D.C. Official Code §2-1225.21 (as amended).

**Purpose of Grant Program:** The Office of the Deputy Mayor for Planning and Economic Development (DMPED) is soliciting grant applications from qualified applicants for the purpose of providing comprehensive case management in ‘one’ of four New Communities (**Lincoln Heights/Richardson Dwellings**). The New Communities Initiative (NCI) is a comprehensive partnership designed to improve the quality of life for families and individuals living in distressed neighborhoods in Washington, DC. The NCI is a District-sponsored redevelopment of the physical and human architecture of neighborhoods troubled by concentrations of violent crime and poverty.

The NCI provides resources so that the community, in partnership with public and private entities, can work to transform highly concentrated low-income neighborhoods into healthy mixed-income neighborhoods. The NCI works with the community to address residents’ social and economic needs by providing linkages to job training, asset-building, counseling, and other supportive human services.

The NCI Human Capital Plan requires the development of comprehensive, strengths-based support services that address significant and immediate barriers to self-sufficiency among long-time residents. The provision of comprehensive case management services is one of the cornerstones of the approach. The ‘funded grantee’ will provide comprehensive case management services to heads of household and their family within the same household, for (**Lincoln Heights/Richardson Dwellings**) that is guided by a strengths-based case plan developed jointly by the case manager and consumer(s). The case plan will be tailored to the particular requirements and preferences of each consumer and will address immediate needs that may affect stability, as well as the achievement of self-sufficiency goals.

**Length of Award:** Date of grant execution through September 30, 2019.

**Anticipated Number of Awards:** DMPED will award an individual grant of up to a maximum of \$262,400.00. Total funding availability for this grant program is \$262,400.00

**Eligibility Criteria:**

Applicants must meet all of the following conditions:

- Be a community-based or faith-based organization with 501(c)(3) status in hand at time of application;
- Private or Public entities;
- Organization or program that serves District’s residents or business owners; and
- Organization is headquartered or program is conducted in the District of Columbia.

Preference will be given to applicants who demonstrate:

- Strong evidence of collaboration, partnership, and joint programming with other District Government agencies and community-based organizations;
- Effective cross-cultural community programs and services;
- Organizational capacity to deliver effective programs that address specific needs of the community and fill existing gaps in service delivery;
- Cultural diversity and linguistic competency to work with diverse segments of the District’s community, particularly those with limited or no English proficiency;
- Ability to effectively engage and work with culturally and linguistically diverse communities in the District; and
- Proven track record and ability to reach under-served groups within the District.

**NOTE:** *For organizations that are former and current NCI grantees, NCI staff will evaluate performance under their previous and/or current grant agreement. This includes timely submission of monthly and final close-out reports, site visit reports, and implementation of the program in accordance with the executed grant agreement. **\*If your organization has not completed or submitted a final close-out report for a prior year’s grant for which programming has ended the organization will be deemed ineligible to apply.***

***\*Applicants must be current and in good standing with all other funding received from any other District of Columbia agencies.***

**Availability of RFA:** The grant application will be released on Friday, December 14, 2018

([www.dmped.dc.gov](http://www.dmped.dc.gov)),  
([www.opgs.dc.gov](http://www.opgs.dc.gov))

The RFA will be posted on DMPED’s website and OPGS District Clearing house at

**Grant Information Sessions:**

A Pre-Application Conference will be hosted by DMPED. Prospective applicants that have questions regarding this Request for Applications (RFA) are encouraged to attend the information session. Please be sure to have a Government issued I.D. for entry into the building.

A conference line will also be available during the time of the Information session (see number below). The line will be open at 10:50am until noon.

An Information session will be held: **Monday, January 7<sup>th</sup>, 2019 at 11am – 12pm**

\* 1015 Half Street SE, Suite 675, Washington, DC 20003

**Conference line 1:** 866-793-8038

**Leader:** 7322642

**Participants:** 8466591

If you cannot attend, please feel free to dial in to the conference call.

**Contact Name:**

LaToyia Hampton, Grants Manager

[dmpedgrants@dc.gov](mailto:dmpedgrants@dc.gov)

202.724.7648

**Deadline for Electronic Submission:**

Applicants must submit a completed online application to DMPED via the MicroEdge system by **Wednesday, January 16, 2019 at 12:00 PM**

*\*DMPED 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*



OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT  
NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2019 New Communities Initiative  
Youth Development and Community Wellness Programs

**Grant Identification No.:** DMPED – NCI - 572818

**Background Information:** The District’s Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for the New Communities Initiative, Youth Development and Community Wellness Grants pursuant to Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 1-328.04), as amended, and from the Economic Development Special Account pursuant to D.C. Official Code §2-1225.21.

**Purpose of Grant Program:** The New Communities Initiative Human Capital Plan requires grantee organizations to provide Community Health and Wellness and Youth Development programs. **Community Health and Wellness programming** shall include a focus on healthy living, and making smart choices related to health and wellness. The program targets seniors (55 years and older) as well as youth (up to age 24). Examples include: health education programs, health screenings and testing, outreach and activities (i.e.: treatment and prevention; healthy food selection, understanding nutrition labels and food preparation, etc.).

**Youth Development and/or senior oriented programming** will focus on improving the lives and economic opportunities for youth (up to age 24) and seniors (55 years and older). Examples include: financial literacy programs, youth enrichment programs, pre-retirement planning, youth parenting classes, and higher education mentoring programs (i.e. SAT prep., application and financial aid instruction, college preparation etc.).

The target populations for this initiative are head of households and the members of their family in the households, in residing in the designated New Communities areas. The Human Capital Team in the Office of the Deputy Mayor for Planning & Economic Development (DMPED) will work with grantees to verify prospective clients are eligible for New Communities funded programs/services. These will include existing households and those either temporarily or permanently relocated from:

- Northwest One
- Barry Farm
- Lincoln Heights/Richardson Dwellings
- Park Morton

*\*Applicants targeting the Lincoln Heights/Richardson Dwellings (Ward 7) New Community with emphasis on prioritizing programming for residents of Richardson Dwellings will receive greater consideration during the review.*

**Length of Award:** Date of grant execution through September 30, 2019.

**Anticipated Number of Awards:** DMPED will award individual grants of up to a maximum of \$40,000.00. Total funding availability for this grant program is \$240,000.

**Eligibility Criteria:**

Not-for-Profit organizations that meet all of the following criteria are eligible to apply:

Applicants must meet all of the following conditions:

- Be a community-based or faith-based organization with 501(c)(3) status in hand at time of application with an active board of directors that is familiar with the community to be served;
- Be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), and the Internal Revenue Service (IRS) and the Department of Employment Services DOES);
- Organization or program that serves District’s residents or business owners; and
- Organization is headquartered or program is conducted in the District of Columbia

Preference will be given to applicants who demonstrate:

- A desire to offer programming in Lincoln Heights/Richardson Dwellings with emphasis on Richardson Dwellings;
- Strong evidence of collaboration, partnership, and joint programming with other District Government agencies and community-based organizations;
- Effective cross-cultural community programs and services;
- Organizational capacity to deliver effective programs that address specific needs of the community and fill existing gaps in service delivery;
- Cultural diversity and linguistic competency to work with diverse segments of the District’s community, particularly those with limited or no English proficiency;
- Ability to effectively engage and work with culturally and linguistically diverse communities in the District; and
- Proven track record and ability to reach under-served groups within the District.

**NOTE:** *For organizations that are former and current NCI grantees, NCI staff will evaluate performance under their previous and/or current grant agreement. This includes timely submission of monthly and final close-out reports, site visit reports, and implementation of the program in accordance with the executed grant agreement. **\*If your organization has not completed or submitted a final close-out report for a prior year’s grant for which programming has ended the organization will be deemed ineligible to apply.***

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**Availability of RFA:**  
2018

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([www.dmped.dc.gov](http://www.dmped.dc.gov)),  
([www.opgs.dc.gov](http://www.opgs.dc.gov))

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**Contact Name:**

LaToyia Hampton, Grants Manager  
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202.724.7648

**Deadline for Electronic Submission:** Applicants must submit a completed online application to  
DMPED via the MicroEdge system by **Wednesday,**  
**January 16, 2019 at 12:00 PM**

*DMPED 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*

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19630 of Elodie Goirand and Andreas Xenophontos**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 804.1, to permit an existing rear garage in the R-15 Zone at premises 4540 Lowell Street, N.W. (Square 1608, Lot 68).

**HEARING DATES:** December 20, 2017; February 28, April 25, and May 23, 2018

**DECISION DATE:** May 23, 2018

**DECISION AND ORDER**

On September, 21, 2017, Elodie Goirand and Andreas Xenophontos, owners of the property for which relief is sought, (the “Applicant” or “Property Owner”) filed an application with the Board of Zoning Adjustment (the “Board” or “BZA”), for a special exception under 11-D DCMR § 5201 from the lot occupancy requirements of 11-D DCMR § 804.1 to permit an existing non-compliant rear garage in the R-15 Zone at premises 4540 Lowell Street N.W. (Square 1608, Lot 68) (the “Subject Property”). For the reasons explained below, the Board voted to dismiss the application.

**PRELIMINARY MATTERS**

*Self-Certification.* The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Exhibits 5 (original) and 17 (revised).)

*Notice of Application and Notice of Hearing.* By memoranda dated October 31, 2017, the Office of Zoning (“OZ”) sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 3D, the ANC within which the Property is located, Single Member District 3D01 representative, the Councilmember for Ward Three, the At-Large Councilmembers and the Council Chair. A public hearing was scheduled for December 20, 2017. Pursuant to 11-Y DCMR § 402.1(a), the Office of Zoning published notice of the hearing on the application in the *D.C. Register*. (64 DCR 11500.) On October 31, 2017, OZ sent notice of the public hearing to the Applicant, ANC 3D, the Ward Councilmember, and all property owners within 200 feet of the Subject Property.

*Parties.* In addition to the Applicant, ANC 3D was automatically a party in the proceeding. The Board received party status requests in opposition from Stephen Weissman, owner of the property to the east of the Subject Property, at 4536 Lowell Street, N.W. (Exhibit 37) and Peter G. Baker, owner of the property to the west, at 4546 Lowell Street, N.W. (Exhibit 39.) The Board granted both requests for party status in opposition at the public hearing of December 20, 2017. (Exhibit 62.)

OP Report. OP filed a report dated December 28, 2017, in which OP declined to make a recommendation, stating that “the application is not eligible for relief pursuant to the provisions of Subtitle D Sec. 5201.1.” and that “an area variance for lot occupancy or removal of a portion of the improvements is necessary to bring the property into conformance.” (Exhibit 38.) OP confirmed with the Zoning Administrator that special exception relief is only available for additions to existing structures, not for new construction involving a principal dwelling. The Zoning Administrator considered the request to retain the accessory structure as a modification to Order No. 18659, which granted variance relief needed for new construction of a principal dwelling on the site, on the assumption that the rear garage would be demolished so as to not cause the lot occupancy to become noncompliant. OP and the Zoning Administrator considered the current application to be a request to retain that rear garage, and therefore a modification to the new construction allowed.

DDOT Report. DDOT also filed a report dated November 29, 2017, stating that it had no objection to the application. (Exhibit 33.)

ANC Report. ANC 3D submitted a written report to the Board dated December 9, 2017, indicating that at a duly-noticed, regularly-scheduled public meeting, the ANC voted unanimously to recommend denial of the application. (Exhibit 44.) The ANC recommended denial on the basis of concerns about the impacts on light, air, privacy, and neighborhood character. The ANC also raised concerns about the Applicant’s argument that, if denied, he would remove the roof of the garage structure to comply with lot occupancy. (Exhibit 44.) The ANC submitted a second report, dated April 4, 2018, indicating that it again voted to recommend denial of the application. (Exhibit 70.) In its second report, ANC 3D raised the issue that the Applicant incorrectly requests special exception relief and asked the Board to determine that a variance is required. (Exhibit 70.) The ANC provided further discussion in its second written report of its issues and concerns regarding the Applicant’s failure to meet the special exception criteria and the area variance test in this case. (Exhibit 70.)

## **FINDINGS OF FACT**

1. The property is located at premises 4540 Lowell Street, N.W. (Square 1608, Lot 68) (the “Subject Property”) in the R-15 Zone.
2. The Subject Property is currently improved with a detached dwelling unit and an accessory garage structure. (Exhibit 15.)
3. The Applicant notes that in 2012, major renovations were undertaken on the dwelling and that building permits for an addition were approved by the Department of Consumer and Regulatory Affairs (“DCRA”). (Exhibit 15.)
4. Based on concerns that the height and lot occupancy of the structure exceed the Zoning Regulations and that the existing structure was razed during construction, DCRA re-

BZA APPLICATION NO. 19630

PAGE NO. 2

examined the building permits that allowed the construction of the addition and accessory structure on the Subject Property. (Exhibit 10.)

5. DCRA found that, because the existing structure had been razed during the construction process, the project would be considered new construction, rather than an addition. Therefore, zoning relief was required from the side yard setback requirements of § 405.9 and the Wesley Heights Overlay front yard setback requirements of § 1543.4, under the Zoning Regulations of 1958, which were in effect at that time. (*BZA Order No. 18659 of Elodie Goirand and Andreas Xenophontos* (2014), p. 1-2.)
6. The Applicant filed BZA Application No. 18659 to seek relief from these requirements. In Order No. 18659, the Board noted that the application originally requested special exception relief under § 223 rather than a variance from § 405.9, but stated that the Zoning Administrator considered the Applicant’s project one of “new construction” since the dwelling unit had been demolished, and therefore the project was not eligible for relief as an addition under § 223.<sup>1</sup>
7. In Order No. 18659, the Board granted area variances from the side yard and front yard setback requirements, based on the assurance from the Applicant that lot occupancy will be below the matter-of-right limit. (*BZA Order No. 18659 of Elodie Goirand and Andreas Xenophontos* (2014), p. 6, Finding of Fact No. 14.)
8. The current lot occupancy of the Subject Property is approximately 34%, where a maximum of 30% is permitted as a matter of right in the R-15 Zone under 11-D DCMR § 804.1. (Exhibits 17 and 40.) As noted by DCRA, the demolition of the accessory garage structure would be required to reduce the lot occupancy to meet the regulatory requirement, if the appropriate zoning relief is not sought from the BZA. (Exhibit 40.)
9. On September 21, 2017, the Property Owner submitted a self-certified application to the Board requesting a special exception under 11-D DCMR § 5201 from the lot occupancy requirements of 11-D DCMR § 804.1. (Exhibit 17.) The Applicant indicated that no new construction is proposed, but that relief was needed for the existing structures to comply with the lot occupancy requirements. (Exhibit 1.)
10. Subtitle D § 5201 allows special exception relief from development standards, including restrictions on lot occupancy and the enlargement of nonconforming structures, in the case of an addition to a one-family dwelling or a new or enlarged accessory structure that is accessory to such a building.

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<sup>1</sup> Section 223 of the Zoning Regulations of 1958 allowed special exception relief from certain development standards in the case of additions to an existing structure or construction of a new accessory structure. Those provisions were carried over to the Zoning Regulations of 2016, and are found in Subtitle D § 5201, as they relate to R zones.

11. In its report, OP also opined that the special exception requested under Subtitle D § 5201 is not applicable in this case and noted that “an area variance for lot occupancy or removal of a portion of the improvements is necessary to bring the property into conformance.” (Exhibit 38.)
12. In a letter submitted to the record, the Office of the Zoning Administrator at DCRA opined that “the Property requires variance relief, not the special exception relief requested in this application, because the Property is currently in violation of the lot occupancy requirements of the Zoning Regulations (§ D-804.1) due to a failure to demolish the garage as shown on page 2 of Exhibit 10 in BZA Application 18659 which granted relief based on repeated assertions that the Property was in compliance with the 30% lot occupancy maximum for the R-15 Zone (then WH/R-1-B).” (Exhibit 40.)
13. DCRA further noted that “since the current violation is due to a failure to complete this garage demolition promised as part of the request for relief in BZA 18659, this current request for relief is effectively a modification to BZA 18659, in which the Board determined that then-Section 223 special exception relief was not available as the existing structure had been razed and so as new construction the relief required in BZA 18659 was deemed to be a variance.” (Exhibit 40.)
14. In addition, DCRA noted that the Applicant did not request relief from the maximum gross floor area (“GFA”) requirement of Subtitle D § 802.1 in the current application. DCRA indicated that such relief would be needed and that relief for GFA would also be a variance. (Exhibit 40.)
15. At the public hearing on December 20, 2017, the Board informed the Applicant that the relief requested is insufficient and continued the hearing to allow the Applicant an opportunity to amend the application to request variance relief. (BZA Public Hearing Transcript of December 20, 2017, pp. 240-242, and 248-256.)
16. After agreeing to amend his application, the Applicant asked for a postponement of the continued hearing to revise the application and submit supplemental information. (Exhibit 64.) The Board granted his postponement request. (Exhibit 66.)
17. The Applicant did not amend the application to request variance relief, and on March 12, 2018, the Applicant instead requested that the Board review the application as a special exception. (Exhibit 67.)

## CONCLUSIONS OF LAW

Under the Board’s Rules of Practice and Procedure in Subtitle Y § 300.6, an applicant may submit a “certification by an architect or attorney certifying the required zoning relief” in lieu of a memorandum from the Zoning Administrator stating what zoning relief is required. (11-Y DCMR § 300.6.) When applicants self-certify the relief required, pursuant to Subtitle Y §

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300.6(b), they undertake the risk that the relief requested is not correct or complete. Accordingly, in determining whether to grant or deny relief, the Board will typically not make a determination as to whether the relief requested in a self-certified application is sufficient. The Board is not required, however, to decide a self-certified application when the Board finds “no plausible basis to conclude that the relief requested is sufficient.” (*BZA Order No. 18263-B of Stephanie and John Lester* (2013), p. 10.) If the Board makes such a finding, it may dismiss the application on its own motion.

In this case, the Applicant proposes to modify the Board’s prior approval of new construction of a principal dwelling in order to retain an existing accessory structure. The accessory structure, together with the new construction previously approved, resulted in an existing lot occupancy of 34.6% where a maximum of 30% is permitted under 11-D DCMR § 804.1. Though the Applicant asks that the Board consider the self-certified request for special exception relief under Subtitle D § 5201, the Board finds that there is no plausible basis to conclude that the requested relief is sufficient in this case. Relief from the lot occupancy requirements of Subtitle D § 804.1 is permitted as a special exception under Subtitle D § 5201 only when the relief pertains to construction of:

- (a) An addition to a building with only one (1) principal dwelling unit; or
- (b) A new or enlarged accessory structure that is accessory to such a building.

The Board concludes that the application does not seek relief for an addition to a principal dwelling unit, nor does it seek relief for a new or enlarged accessory structure that is accessory to an existing principal dwelling unit. Instead, as the Board has previously found in Order No. 18659, this project was characterized by DCRA as new construction that included a principal dwelling, therefore the special exception provisions – found in § 223 of the Zoning Regulations of 1958 and in Subtitle D § 5201 on the Zoning Regulations of 2016 – are not applicable to this case. (Finding of Fact No. 6.) As noted by the Zoning Administrator, the Applicant’s request is to retain an accessory building that was supposed to be demolished under Order No. 18659 and must therefore be viewed as a request to modify the approval of the new construction to permit the non-demolished structure to remain. Because the special exception provisions of Subtitle D § 5201 do not apply in this case, the Board concludes that variance relief must be sought in order for the Applicant to achieve compliance with the Zoning Regulations.

In reaching the conclusion that the relief certified by the Applicant is not sufficient, the Board credits the recommendation of the Office of Planning. In its written report, OP opined that the special exception requested under Subtitle D § 5201 is not applicable in this case and noted that “an area variance for lot occupancy or removal of a portion of the improvements is necessary to bring the property into conformance.” (Exhibit 38.) The Board further credits the written response from the Office of the Zoning Administrator at DCRA, indicating that the application would require variance relief from the lot occupancy requirements, for the reasons described above, and noting that additional variance relief from the maximum gross floor area requirement of Subtitle D § 802.1 would be required for compliance with the Zoning Regulations. (Exhibit 40.)



Based on the finding that the relief sought is not sufficient, the Board gave the opportunity for the Applicant to amend the application in order to request variance relief. After initially agreeing to revise the application, the Applicant subsequently submitted a motion requesting that the Board consider the application as a special exception instead. (Exhibit 67.) The Board declines to consider the requested relief by the Applicant, as the Board has concluded that there is “no plausible basis” that the special exception relief requested is sufficient. (*See BZA Order No. 18263-B of Stephanie and John Lester* (2013), p. 10.) The Board voted to dismiss the application accordingly.

### **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 (2012 Repl.)) For the reasons discussed above, the Board concurs with OP’s recommendation in this case. (Exhibit 38.)

The Board is also required to give “great weight” to the issues and concerns raised by the 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) (2012 Repl.)) In this case, ANC 3D submitted two written reports, both recommending denial of the application. (Exhibits 44 and 70.) The “great weight” requirement, however, extends only to “issues and concerns that are ‘legally relevant.’” (*Concerned Citizens of Brentwood v. D.C. Bd. of Zoning Adjustment*, 634 A.2d 1234, 1241 (D.C. 1993) quoting *Bakers Local 118 v. D.C. Bd. of Zoning Adjustment*, 437 A.2d 176, 179 (D.C. 1981).)

Relevant to the legal issue before the Board here, in its second report, the ANC raised the issue that the application requires variance relief, rather than the special exception relief requested. (Exhibit 70.) The Board concurs with the ANC’s finding on this issue and voted to dismiss the application on that basis. The ANC raised additional issues and concerns in its reports that deal with the merits of the special exception criteria and of the variance test, as well as issues related to the zoning history of the property and DCRA’s enforcement. (Exhibits 44 and 70.) As the Board has dismissed the application before reaching the merits of the case, the concerns related to the special exception criteria and variance test are no longer legally relevant. The ANC’s issues relating to DCRA’s enforcement action and the proposal to remove the roof of the accessory structure are not within the Board’s jurisdiction. Thus, they too are not legally relevant.

Based on the record before the Board, and having given great weight to the reports filed by OP and the ANC, the Board concludes that there is no plausible basis to conclude that the relief requested is sufficient.

It is therefore **ORDERED** that the application is hereby **DISMISSED**.

**VOTE: 5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Michael G. Turnbull to DISMISS).

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**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:** November 20, 2018

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

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**BOARD OF ZONING ADJUSTMENT  
REVISED PUBLIC MEETING NOTICE  
WEDNESDAY, JANUARY 30, 2019  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

**TIME: 9:30 A.M.**

**FOR EXPEDITED REVIEW**

**WARD SIX**

19893            **Application of Elderidge Nichols and Lauren Santabar**, pursuant to 11 DCMR  
ANC 6A           Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot  
                     occupancy requirements of Subtitle E § 304.1, and the rear yard setback  
                     requirements of Subtitle E § 306.1, to construct a rear deck addition to an existing  
                     attached principal dwelling unit in the RF-1 Zone at premises 1210 Maryland  
                     Avenue N.E. (Square 1005, Lot 80).

**PLEASE NOTE:**

Failure of an applicant to supply a complete application to the Board, and address the required standards of proof for the application, may subject the application or appeal to postponement, dismissal or denial. The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Individuals and organizations interested in any application may submit written comments to the Board.

An applicant is not required to attend for the decision, but it is recommended so that they may offer clarifications should the Board have questions about the case.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.**\* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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The application will remain on the Expedited Review Calendar unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) OP; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at <http://dcoz.dc.gov/bza/calendar.shtm> and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

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

**Do you need assistance to participate?**

Amharic

ለሚጠቀሙ ዕርዳታ ያስፈልግዎታል?

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

Chinese

您需要有人帮助参加活动吗?

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

French

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Korean

참여하시는데 도움이 필요하세요?

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

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*Spanish*

¿Necesita ayuda para participar?

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

*Vietnamese*

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

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

**FREDERICK L. HILL, CHAIRPERSON  
LESYLLEÉ M. WHITE, MEMBER  
LORNA L. JOHN, MEMBER  
CARLTON HART, VICE-CHAIRPERSON,  
NATIONAL CAPITAL PLANNING COMMISSION  
A PARTICIPATING MEMBER OF THE ZONING COMMISSION  
CLIFFORD W. MOY, SECRETARY TO THE BZA  
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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