

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 22-285, Safe Disposal of Controlled Substances Act of 2018
- D.C. Council passes Law 22-288, Opioid Overdose Treatment and Prevention Omnibus Act of 2018
- D.C. Council passes Law 22-293, Safe Fields and Playgrounds Act of 2018
- D.C. Council passes Law 22-303, Students in the Care of D.C. Coordinating Committee Act of 2018
- Department of Behavioral Health updates standards for certifying health home providers
- Department of Insurance, Securities and Banking schedules a public hearing on the 2020 proposed health insurance rates
- Department of Small and Local Business Development announces funding availability for the Clean Team Grants
- Department of Youth Rehabilitation Services solicits proposals for implementing a comprehensive system of programs and services for D.C. court-involved youth and families

DISTRICT OF COLUMBIA REGISTER

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-280

"Public Restroom Facilities Installation and Promotion Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-223 on first and second readings December 4, 2018, and December 18, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-608 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1595). Act 22-608 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-608 is now D.C. Law 22-280, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-281

"Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-14 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-609 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1601). Act 22-609 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-609 is now D.C. Law 22-281, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-282

“Language Access for Education Amendment Act of 2018”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-75 on first and second readings November 13, 2018, and December 4, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-610 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1606). Act 22-610 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-610 is now D.C. Law 22-282, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-283

"Disabled Veterans Homestead Exemption Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-121 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-611 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1615). Act 22-611 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-611 is now D.C. Law 22-283, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-284

"East End Grocery Incentive Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-207 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-612 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1618). Act 22-612 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-612 is now D.C. Law 22-284, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-285

"Safe Disposal of Controlled Substances Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-228 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-613 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1621). Act 22-613 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-613 is now D.C. Law 22-285, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-286

"Principle-Based Reserves Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-276 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-615 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1637). Act 22-615 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-615 is now D.C. Law 22-286, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-287

"Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-317 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-616 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1650). Act 22-616 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-616 is now D.C. Law 22-287, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-288

"Opioid Overdose Treatment and Prevention Omnibus Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-459 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-617 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1656). Act 22-617 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-617 is now D.C. Law 22-288, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

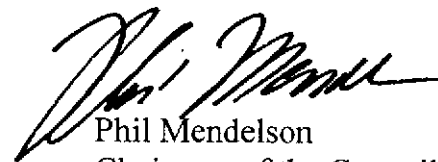
NOTICE

D.C. LAW 22-289

"Gas Station Advisory Board Abolishment Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-515 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-618 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1665). Act 22-618 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-618 is now D.C. Law 22-289, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-290

"Community Health Omnibus Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-558 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-619 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1668). Act 22-619 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-619 is now D.C. Law 22-290, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-291

"LGBTQ Health Data Collection Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-840 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-621 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1687). Act 22-621 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-621 is now D.C. Law 22-291, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

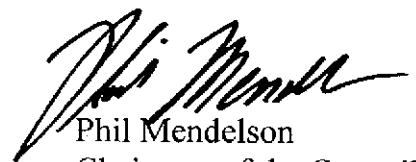
NOTICE

D.C. LAW 22-292

"Insurance Modernization and Accreditation Omnibus Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-935 on first and second readings November 27, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-622 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1691). Act 22-622 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-622 is now D.C. Law 22-292, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-293

"Safe Fields and Playgrounds Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-946 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-623 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1701). Act 22-623 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-623 is now D.C. Law 22-293, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-294

"School Safety Omnibus Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-951 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on January 30, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-624 and was published in the February 8, 2019 edition of the D.C. Register (Vol. 66, page 1707). Act 22-624 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-624 is now D.C. Law 22-294, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-295

"Economic Development Return on Investment Accountability Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-457 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-632 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2005). Act 22-632 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-632 is now D.C. Law 22-295, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-296

"Wage Garnishment Fairness Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-572 on first and second readings November 20, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-633 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2008). Act 22-633 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-633 is now D.C. Law 22-296, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-297

"Performing Arts Promotion Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-577 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-634 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2014). Act 22-634 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-634 is now D.C. Law 22-297, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-298

"Repeat Parking Violations Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-619 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-635 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2017). Act 22-635 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-635 is now D.C. Law 22-298, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-299

"DC Water Consumer Protection Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-662 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-636 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2020). Act 22-636 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-636 is now D.C. Law 22-299, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-300

"Athletic Trainers Clarification Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-688 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-637 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2024). Act 22-637 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-637 is now D.C. Law 22-300, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-301

"Hyacinth's Place Equitable Real Property Tax Relief Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-887 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-638 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2028). Act 22-638 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-638 is now D.C. Law 22-301, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-302

"Local Jobs and Tax Incentive Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-918 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-639 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2030). Act 22-639 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-639 is now D.C. Law 22-302, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

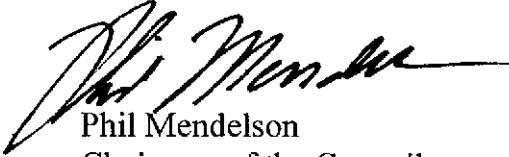
NOTICE

D.C. LAW 22-303

"Students in the Care of D.C. Coordinating Committee Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-950 on first and second readings December 4, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-640 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2037). Act 22-640 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-640 is now D.C. Law 22-303, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-304

"New Communities Bond Authorization Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-1040 on first and second readings November 27, 2018, and December 18, 2018, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-641 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2044). Act 22-641 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-641 is now D.C. Law 22-304, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-305

"Community Harassment Prevention Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-1054 on first, second and third readings December 18, 2018, and January 8, 2019, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-642 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2046). Act 22-642 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-642 is now D.C. Law 22-305, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-306

**"Power Line Undergrounding Program Certified Business Enterprise Utilization
Temporary Act of 2019"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-1065 on first and second readings December 18, 2018, and January 8, 2019, respectively. Following the signature of the Mayor on February 6, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 22-643 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 2048). Act 22-643 was transmitted to Congress on February 28, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-643 is now D.C. Law 22-306, effective April 11, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10

COUNCIL OF THE DISTRICT OF COLUMBIA

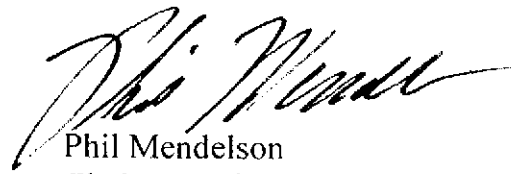
NOTICE

D.C. LAW 23-1

"Sports Wagering Procurement Practices Reform Exemption Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-25 on first and second readings February 5, 2019, and February 19, 2019, respectively. Following the signature of the Mayor on February 22, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-7 and was published in the March 1, 2019 edition of the D.C. Register (Vol. 66, page 2451). Act 23-7 was transmitted to Congress on March 7, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-7 is now D.C. Law 23-1, effective April 18, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-2

"Rental Housing Registration Extension Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-20 on first and second readings January 8, 2019, and February 5, 2019, respectively. Following the signature of the Mayor on February 25, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-8 and was published in the March 1, 2019 edition of the D.C. Register (Vol. 66, page 2453). Act 23-8 was transmitted to Congress on March 7, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-8 is now D.C. Law 23-2, effective April 18, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-3

"Federal Worker Housing Relief Temporary Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-81 on first and second readings January 22, 2019, and February 5, 2019, respectively. Following the signature of the Mayor on February 26, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-9 and was published in the March 1, 2019 edition of the D.C. Register (Vol. 66, page 2456). Act 23-9 was transmitted to Congress on March 7, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-9 is now D.C. Law 23-3, effective April 18, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-4

"Sports Wagering Lottery Clarification Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-3 on first and second readings January 8, 2019, and February 5, 2019, respectively. Following the signature of the Mayor on February 28, 2019, pursuant to Section 404(c) of the Charter, the bill became Act 23-19 and was published in the March 8, 2019 edition of the D.C. Register (Vol. 66, page 2694). Act 23-19 was transmitted to Congress on March 7, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-19 is now D.C. Law 23-4, effective April 18, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17

COUNCIL OF THE DISTRICT OF COLUMBIA

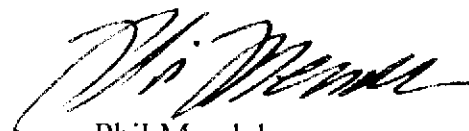
NOTICE

D.C. LAW 23-5

"Bryant Street Tax Increment Financing Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-109 on first and second readings February 5, 2019, and February 19, 2019, respectively. Following the signature of the Mayor on February 28, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-20 and was published in the March 8, 2019 edition of the D.C. Register (Vol. 66, page 2696). Act 23-20 was transmitted to Congress on March 7, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-20 is now D.C. Law 23-5, effective April 18, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17

ENROLLED ORIGINAL

A RESOLUTION

22-677

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$32 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Launchpad Development Company or Launchpad Development One DC, LLC, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Launchpad Development Revenue Bonds Project Approval Resolution of 2018”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Launchpad Development Company, a California nonprofit public benefit corporation or Launchpad Development One DC, LLC, a Delaware limited liability company, the sole member of which is Launchpad Development Company, a nonprofit corporation organized under the laws of the State of California, which is exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3) and which is liable for the repayment of the Bonds.

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

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(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Financing the acquisition of land and a facility located at 2335 Reynolds Place, S.E., Washington, D.C., which facility will be used as a public charter school campus designed to serve up to approximately 750 students in grades pre-K through 5th, commonly known as Rocketship Rise Academy PCS, and operated by Rocketship Education D.C., Public Charter School, Inc., a District of Columbia nonprofit corporation, and an affiliate of Rocketship Education, a California nonprofit public benefit corporation and operator of public charter schools;

(B) Funding any credit enhancement costs, liquidity costs, or debt service reserve fund relating to the Bonds; and

(C) Paying cost of issuance and other related costs to the extent permissible.

Sec. 3. Findings.

The Council finds that:

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(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$32 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the areas of elementary and secondary school facilities, within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$32 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

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Sec. 5. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

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(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

ENROLLED ORIGINAL**Sec. 8. Financing and Closing Documents.**

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

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(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as

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obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. 147(f)), as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

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Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 20. Effective date.

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.

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

B23-269 Health Care Reporting Amendment Act of 2019

Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PROPOSED RESOLUTIONS

PR23-241 Board of Industrial Trades Shawn Ellis Confirmation Resolution of 2019

Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR23-242 Board of Industrial Trades Courtney Braxton Confirmation Resolution of 2019

Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR23-243 Green Finance Authority Board Todd Monash Confirmation Resolution of 2019

Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

- PR23-244 Green Finance Authority Board Priya Jayachandran Confirmation Resolution of 2019
- Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
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- PR23-245 Green Finance Authority Board Lori Chatman Confirmation Resolution of 2019
- Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
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- PR23-246 Green Finance Authority Board Ricardo Nogueira Confirmation Resolution of 2019
- Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
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- PR23-247 District of Columbia Board of Ethics and Government Accountability Melissa Tucker Confirmation Resolution of 2019
- Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR23-248 District of Columbia Board of Ethics and Government Accountability Felice C. Smith Confirmation Resolution of 2019
- Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
-
- PR23-249 Contract Appeals Board Nicholas Majett Confirmation Resolution of 2019
- Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Facilities and Procurement
-
- PR23-250 Howard Tubman Quad Revenue Bonds Project Approval Resolution of 2019
- Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
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PR23-251 Shaed School Revenue Bonds Project Approval Resolution of 2019

Intro. 4-22-19 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Finance and Revenue

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE AND
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
&
COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCE A JOINT PUBLIC HEARING**

on

B23-0046, the “At-Risk School Funding Transparency Amendment Act of 2019”

And

B23-0239, the “School Based Budgeting and Transparency Amendment Act of 2019”

on

**Wednesday, June 26, 2019
10:00 A.M., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Chairman Phil Mendelson and Councilmember David Grosso announce the scheduling of a joint public hearing of the Committee of the Whole and the Committee on Education on B23-0046, the “At-Risk School Funding Transparency Amendment Act of 2019,” and B23-0239, the “School Based Budgeting and Transparency Amendment Act of 2019.” The hearing will be held on Wednesday, June 26, 2019 at 10:00 A.M in room 412 of the John A. Wilson Building.

The stated purpose of B23-0046 is to require District of Columbia Public Schools to include in its budget submission to the Council detailed information for each school's funding, a separate line-item for at-risk funding for each school, and a narrative description of programs and services funded by at-risk funds retained by the Chancellor. It also requires that Public Charter Schools make publicly available a report that delineates all programs or services supported by funds allocated during the previous fiscal year. The Public Charter School Board may withhold funds allocated pursuant to this section from a Public Charter School that fails to timely publish the report required.

The stated purpose of B23-0239 is to establish an electronic reporting system for all Local Education Agencies (LEAs) and public school budget expenditures to collect comparable data from schools and LEAs. It creates a line-item for at-risk funding for each school and delineates how DCPS and the Public Charter School Board shall delineate costs and expenditures in their budgets. It requires that public charter schools comply with the District of Columbia

Administrative Procedures Act and the Office of the State Superintendent of Education is required to create an electronic reporting system for public school expenditures for the public.

Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm on Monday June 24, 2019. Persons wishing to testify are encouraged, but not required, to submit 10-15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements should be submitted by email to Ashley Strange, Committee Assistant, at astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday July 10, 2019.

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

REVISED

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE**

on

Bill 23-0048, “Housing Conversion and Eviction Clarification Amendment Act of 2019”

and

Bill 23-0123, “Housing Production Trust Fund Transparency Amendment Act of 2019”

Thursday, May 30, 2019, at 10:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, May 30, 2019, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 23-0048, “Housing Conversion and Eviction Clarification Amendment Act of 2019” and Bill 23-0123, “Housing Production Trust Fund Transparency Amendment Act of 2019”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m. *The notice is being revised to reflect a change in the hearing date from May 6, 2019 to May 30, 2019.*

Bill 23-0048, “Housing Conversion and Eviction Clarification Amendment Act of 2019”, would amend the Housing Production Trust Fund Act of 1988 to authorize fees collected pursuant to the Conversion of Rental Housing to Condominium or Cooperative Status Act of 1980 to be deposited in the Housing Production Trust Fund; to amend the Conversion of Rental Housing to Condominium or Cooperative Status Act of 1980 to provide that an owner of housing who reduces the number of units in an accommodation of 10 or fewer units shall pay a fee to the Mayor, to expand the fee exemption if a unit is rented in certain circumstances, and to direct the Mayor to deposit in the Housing Productions Trust Fund all fees collected pursuant to this section; and to amend the Rental Housing Act of 1985 to provide for damages when a housing provider repossess a rental unit from a tenant in order to personally use and occupy or sell a housing unit and subsequently receives rent within the following 12-month period, and to provide that a tenant who recovers damages shall not be barred from bringing any other civil action.

Bill 23-0123, “Housing Production Trust Fund Transparency Amendment Act of 2019”, would amend the Housing Production Trust Fund Act of 1988 to require the Mayor to provide

information regarding all applications to the Housing Production Trust Fund including data used to determine funding awards.

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, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on May 29, 2019. 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 hearing, 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 G6, Washington, D.C. 20004. The record will close at 5:00 p.m. on June 13, 2019.

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

*Revised

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

ANNOUNCES A PUBLIC HEARING ON

**B23-0075 – THE “MYPHEDUH FILMS DBA SANKOFA VIDEO AND BOOKS REAL
PROPERTY TAX EXEMPTION ACT OF 2019”;**

**B23-0086 – THE “SUPERMARKET TAX INCENTIVES ELIGIBLE AREA AMENDMENT
ACT OF 2019” AND**

**B23-0131—THE “WARD 7 AND WARD 8 RESTAURANT INCENTIVE PROGRAM
ESTABLISHMENT ACT OF 2019”**

Monday, June 3, 2019, 10:00 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Monday, June 3, 2019, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development will hold a public hearing to consider Bill 23-0075, the “Mypheduh Films DBA Sankofa Video and Books Real Property Tax Exemption Act of 2019,” Bill 23-0086, the “Supermarket Tax Incentives Eligible Area Amendment Act of 2019”, and Bill 23-0131, the “Ward 7 and Ward 8 Restaurant Incentive Program Establishment Act of 2019”

The stated purpose of Bill 23-0075 is to amend Chapter 46 of Title 47 of the District of Columbia Official Code to exempt from taxation Lot 884, Square 2885, located at 2714 Georgia Avenue, N.W., and to provide equitable relief. The stated purpose of B23-0086 is to amend Chapters 38 and 46 of Title 47 of the District of Columbia Official Code. The amendment in Chapter 38 will expand the definition of the term “eligible area” to include a new census tract, and the amendment for Chapter 46 would exempt from taxation Deanwood Town Center because of the construction of certain eligible tax-exempt businesses in the town center. The stated purpose of Bill 23-0131 is to establish the Ward 7 and Ward 8 Restaurant Incentive Program within the Department of Small and Local Business Development to provide funding, business development assistance, incubation services, and technical assistance to those seeking to open a new restaurant or food establishment in Ward 7 or Ward 8.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, May 30th**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **five single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to cautrey@dccouncil.us. *Please note that this hearing was originally scheduled for May 15th and has been moved to June 3rd. The measures for consideration remain the same.*

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at cautrey@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on Monday, June 17th**.

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PROPOSED RESOLUTION 23-0120, THE “DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
CHARLES NOTTINGHAM CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0247, THE “DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
MELISSA TUCKER CONFIRMATION RESOLUTION OF 2019”**

AND

**PROPOSED RESOLUTION 23-0248, THE “DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
FELICE C. SMITH CONFIRMATION RESOLUTION OF 2019”**

**Monday, May 6, 2019, 1:00 p.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Monday, May 6, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to consider Proposed Resolution 23-0120, the “District of Columbia Board of Ethics and Government Accountability Charles Nottingham Confirmation Resolution of 2019”; Proposed Resolution 23-0247, the “District of Columbia Board of Ethics and Government Accountability Melissa Tucker Confirmation Resolution of 2019”; and Proposed Resolution 23-0248, the “District of Columbia Board of Ethics and Government Accountability Felice C. Smith Confirmation Resolution of 2019”. The roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 1:00 p.m.

The purposes of PR23-0120, -0247, and -0248 are to appoint Charles Nottingham, Melissa Tucker, and Felice C. Smith to the Board of Ethics and Government Accountability for terms to end July 1, 2020, July 1, 2022, and July 1, 2024, respectively.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Thursday, May 2**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on May 6.**

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

REVISED

NOTICE OF PUBLIC ROUNDTABLE ON

- PR23-127, the Department of Public Works Christopher Geldart Confirmation Resolution of 2019;
PR23-0146, the Green Finance Authority Board Brandi Colander Confirmation Resolution of 2019;
PR23-0147, the Green Finance Authority Board Hannah Hawkins Confirmation Resolution of 2019;
PR23-0148, the Green Finance Authority Board Edward Hubbard Confirmation Resolution of 2019;
PR23-0243, the Green Finance Authority Board Todd Monash Confirmation Resolution of 2019;
PR23-0244, the Green Finance Authority Board Priya Jayachandran Confirmation Resolution of 2019;
PR23-0245, the Green Finance Authority Board Lori Chatman Confirmation Resolution of 2019; and
PR23-0246, the Green Finance Authority Board Ricardo Nogueira Confirmation Resolution of 2019

Monday, May 20, 2019, at 11:00 a.m.
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Monday, May 20, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on Department of Public Works Christopher Geldart Confirmation Resolution of 2019; the Green Finance Authority Board Brandi Colander Confirmation Resolution of 2019; the Green Finance Authority Board Hannah Hawkins Confirmation Resolution of 2019; the Green Finance Authority Board Edward Hubbard Confirmation Resolution of 2019; the Green Finance Authority Board Todd Monash Confirmation Resolution of 2019; the Green Finance Authority Board Priya Jayachandran Confirmation Resolution of 2019; the Green Finance Authority Board Lori Chatman Confirmation Resolution of 2019; and the Green Finance Authority Board Ricardo Nogueira Confirmation Resolution of 2019.

PR23-127 would confirm Christopher Geldart as the Director of the District of Columbia Department of Public Works. PR23-146 would confirm Brandi Colander as a member of the Green Finance Authority Board. PR23-147 would confirm Hannah Hawkins as a member of the Green Finance Authority Board. PR23-148 would confirm Edward Hubbard as a member of the Green Finance Authority Board. PR23-243 would confirm Todd Monash as a member of the Green Finance Authority Board. PR23-244 would confirm Priya Jayachandran as a

member of the Green Finance Authority Board. PR23-245 would confirm Lori Chatman as a member of the Green Finance Authority Board. Finally, PR23-246 would confirm Ricardo Nogueira as a member of the Green Finance Authority Board. The roundtable will begin 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. 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.

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 or faxed to (202) 724-8118. The record will close at the end of the business day on June 3, 2019.

This notice is revised to reflect that the Committee will also hear testimony on PR23-146, PR23-147, PR23-148, PR23-243, PR23-244, PR23-245 and PR23-246 at the roundtable

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER BRANDON T. TODD
COMMITTEE ON GOVERNMENT OPERATIONS

NOTICE OF PUBLIC ROUNDTABLE ON:

**PR23-184 - Director of the Office on Asian and Pacific Islander Affairs Ben de Guzman
Confirmation Resolution of 2019**

**PR23-235 - Secretary of the District of Columbia Kimberly Bassett Confirmation
Resolution of 2019**

Thursday, May 9, 2019

9:00 a.m.

Room 123, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, DC 20004

On Thursday, May 9, 2019, Councilmember Brandon T. Todd, Chairperson of the Committee on Government Operations, will hold a public roundtable on **PR23-184**, the “Director of the Office on Asian and Pacific Islander Affairs Ben de Guzman Confirmation Resolution of 2019” and **PR23-235**, the “Secretary of the District of Columbia Kimberly Bassett Confirmation Resolution of 2019”.

PR23-184 would confirm Ben de Guzman as the Director of the Office on Asian and Pacific Islander Affairs. **PR23-235** would confirm Kimberly Bassett as Secretary of the District of Columbia. The roundtable will begin at 9:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave., N.W., Washington, D.C. 20004.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Manny Geraldo, Committee Director at (202) 724-6663 or mgeraldo@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 3:00 p.m. on Tuesday, May 7, 2019. Witnesses should bring 10 copies of their written testimony to the roundtable. 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 GovernmentOperations@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 117, Washington D.C. 20004. The record will close at the end of the business day on Monday, May 13, 2019.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 3, 2019
Protest Petition Deadline: June 17, 2019
Roll Call Hearing Date: July 1, 2019

License No.: ABRA-109955
Licensee: MGH Navy Yard, LLC
Trade Name: Circa at Navy Yard/El Bebe
License Class: Retailer's Class "C" Restaurant
Address: 99 M Street, S.E.
Contact: Nichole Barta: (703) 434-9394

WARD 6 ANC 6D SMD 6D02

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 July 1, 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

Applicant requests a Summer Garden Endorsement with 44 Seats.

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

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

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES

Sunday through Thursday 6pm - 2am, Friday and Saturday 6pm - 3am

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR THE OUTDOOR SIDEWALK CAFE

Sunday through Thursday 10am - 12am, Friday and Saturday 10am - 1am

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

Sunday through Thursday 10am - 12am, Friday and Saturday 10am - 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-011730

License Class/Type: C Restaurant

Applicant: Jumbo Seafood Restaurant Inc.

Trade Name: Tony Cheng's Seafood Restaurant

ANC: 2C01

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

619 H ST NW, #B, Washington, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-112447

License Class/Type: C Hotel

Applicant: BLDG Metro Capital, LLC

Trade Name: The Liaison Capitol Hill

ANC: 6C02

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

415 NEW JERSEY AVE NW, WASHINGTON Washington, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	9 am - 12 am	9 am - 12 am
Monday:	11 am - 12 am	11 am - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-073951

License Class/Type: C Restaurant

Applicant: Jun King Provisions, Inc

Trade Name: Full Kee Restaurant

ANC: 2C01

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

509 H ST NW, Washington, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 2 am	11 am - 2 am	-
Saturday:	11 am - 2 am	11 am - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-110084

License Class/Type: C Restaurant

Applicant: LUAM MIT LLC

Trade Name: Hanumanh

ANC: 6E01

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

1604 7TH ST NW, WASHINGTON, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Summer Garden

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

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	12 pm - 11 pm	12 pm - 11 pm
Monday:	12 pm - 11 pm	12 pm - 11 pm
Tuesday:	12 pm - 12 am	12 pm - 11 pm
Wednesday:	12 pm - 11 pm	12 pm - 11 pm
Thursday:	12 pm - 11 pm	12 pm - 11 pm
Friday:	12 pm - 12 am	12 pm - 12 am
Saturday:	12 pm - 12 am	12 pm - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-080501

License Class/Type: C Restaurant

Applicant: PQ Blaine Mansion, Inc.

Trade Name: Le Pain Quotidien

ANC: 2B02

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

2001 P ST NW, Washington, DC 20036

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Table with 4 columns: Days, Hours of Operation, Hours of Sales/Service, Hours of Entertainment. Rows for Sunday through Saturday.

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Table with 3 columns: Day, Hours Of Sidewalk Cafe Operation, Hours Of Sales Sidewalk Cafe. Rows for Sunday through Saturday.

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-088176

License Class/Type: D Restaurant

Applicant: PQ Carroll Square, Inc.

Trade Name: Le Pain Quotidien

ANC: 2C01

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

975 F ST NW, WASHINGTON, DC 20004

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-106089

License Class/Type: C Restaurant

Applicant: Laduree Washington, LLC

Trade Name: Laduree

ANC: 2E05

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

3060 M ST NW, WASHINGTON, DC 20007

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019**

Notice is hereby given that:

License Number: ABRA-090240

License Class/Type: C Restaurant

Applicant: BALKAN CONCEPTS LLC

Trade Name: Ambar

ANC: 6B03

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

523 8th ST SE, WASHINGTON, DC 20003

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2am	9am - 2am	9am - 2am
Monday:	9am - 2am	9am - 2am	9am - 2am
Tuesday:	9am - 2am	9am - 2am	9am - 2am
Wednesday:	9am - 2am	9am - 2am	9am - 2am
Thursday:	9am - 2am	9am - 2am	9am - 2am
Friday:	9am - 3am	9am - 3am	9am - 3am
Saturday:	9am - 3am	9am - 3am	9am - 3am

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	10am - 11pm (VA)	9am - 2 am
Monday:	10am - 11pn (VA)	9am - 2am
Tuesday:	10am - 11m (VA)	9am - 2am
Wednesday:	10am - 11am (VA)	9am - 2am
Thursday:	10am - 11pm (VA)	9am - 2am
Friday:	10am - 1am (VA)	9am - 3am
Saturday:	10 am - 1 am (VA)	9am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-007880

License Class/Type: C Restaurant

Applicant: Cheng Restaurant Corporation

Trade Name: Tony Chengs Mongolian Barbeque

ANC: 2C01

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

619 H ST NW, #A, Washington, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1 am	11 am - 1 am	-
Monday:	11 am - 1 am	11 am - 1 am	-
Tuesday:	11 am - 1 am	11 am - 1 am	-
Wednesday:	11 am - 1 am	11 am - 1 am	-
Thursday:	11 am - 1 am	11 am - 1 am	-
Friday:	11 am - 1 am	11 am - 1 am	-
Saturday:	11 am - 1 am	11 am - 1 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-110747

License Class/Type: C Restaurant

Applicant: Union Hospitality Group, LLC

Trade Name: Union Oyster Bar & Lounge

ANC: 5D01

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

501 MORSE ST NE, WASHINGTON, DC 20002

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Monday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Friday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Saturday:	11 am - 2 am	11 am - 2 am	11 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-107432

License Class/Type: C Restaurant

Applicant: The Heights Taproom, Inc.

Trade Name: Choongman Chicken Draft House

ANC: 1A06

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

3115 14TH ST NW, #1, WASHINGTON, DC 20010

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 12 am	10 am - 12 am	-
Monday:	10 am - 12 am	10 am - 12 am	-
Tuesday:	10 am - 12 am	10 am - 12 am	-
Wednesday:	10 am - 12 am	10 am - 12 am	-
Thursday:	10 am - 12 am	10 am - 12 am	-
Friday:	10 am - 1 am	10 am - 1 am	-
Saturday:	9 am - 1 am	10 am - 1 am	-

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	9 am - 11:30 pm	10 am - 11:30 pm
Monday:	10 am - 11:30 pm	10 am - 11:30 pm
Tuesday:	10 am - 11:30 pm	10 am - 11:30 pm
Wednesday:	10 am - 11:30 pm	10 am - 11:30 pm
Thursday:	10 am - 11:30 pm	10 am - 11:30 pm
Friday:	10 am - 12 am	10 am - 12 am
Saturday:	9 am - 12 am	10 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-112163

License Class/Type: C Restaurant

Applicant: 2029 P St LLC

Trade Name: Sorellina

ANC: 2B02

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

2029 P ST NW, WASHINGTON, DC 20036

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 12 am	8 am - 12 am	-
Monday:	7 am - 12 am	8 am - 12 am	-
Tuesday:	7 am - 12 am	8 am - 12 am	-
Wednesday:	7 am - 12 am	8 am - 12 am	-
Thursday:	7 am - 12 am	8 am - 12 am	-
Friday:	7 am - 2 am	8 am - 2 am	-
Saturday:	7 am - 2 am	8 am - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-110211

License Class/Type: C Restaurant

Applicant: Letta DC, LLC

Trade Name: Nicoletta Italian Kitchen

ANC: 6E07

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

901 4TH ST NW, WASHINGTON, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 1 am	8 am - 1 am	10 am - 1 am
Monday:	6 am - 1 am	8 am - 1 am	8 am - 1 am
Tuesday:	6 am - 1 am	8 am - 1 am	8 am - 1 am
Wednesday:	6 am - 1 am	8 am - 1 am	8 am - 1 am
Thursday:	6 am - 1 am	8 am - 1 am	8 am - 1 am
Friday:	6 am - 2 am	8 am - 2 am	8 am - 2 am
Saturday:	6 am - 2 am	8 am - 2 am	8 am - 2 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	8 am - 11 pm	8 am - 11 pm
Monday:	8 am - 11 pm	8 am - 11 pm
Tuesday:	8 am - 11 pm	8 am - 11 pm
Wednesday:	8 am - 11 pm	8 am - 11 pm
Thursday:	8 am - 11 pm	8 am - 11 pm
Friday:	8 am - 11 pm	8 am - 11 pm
Saturday:	8 am - 11 pm	8 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-077337

License Class/Type: C Restaurant

Applicant: PQ Georgetown, Inc.

Trade Name: Le Pain Quotidien

ANC: 2E06

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

2815 M ST NW, Washington, DC 20007

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 8:30 pm	10 am - 8:30 pm	-
Monday:	7 am - 8:30 pm	8 am - 8:30 pm	-
Tuesday:	7 am - 8:30 pm	8 am - 8:30 pm	-
Wednesday:	7 am - 8:30 pm	8 am - 8:30 pm	-
Thursday:	7 am - 8:30 pm	8 am - 8:30 pm	-
Friday:	7 am - 8:30 pm	8 am - 8:30 pm	-
Saturday:	7 am - 8:30 pm	8 am - 8:30 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-087083

License Class/Type: D Restaurant

Applicant: PQ 17th Street, Inc.

Trade Name: Le Pain Quotidien

ANC: 2B06

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

800 17TH ST NW, WASHINGTON, DC 20006

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-092075

License Class/Type: D Restaurant

Applicant: PQ Union Station, Inc.

Trade Name: Le Pain Quotidien

ANC: 6C04

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

50 MASSACHUSETTS AVE NE, WASHINGTON, DC 20002

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7AM - 10PM	8AM - 10PM	-
Monday:	7AM - 10PM	8AM - 10PM	-
Tuesday:	7AM - 10PM	8AM - 10PM	-
Wednesday:	7AM - 10PM	8AM - 10PM	-
Thursday:	7AM - 10PM	8AM - 10PM	-
Friday:	7AM - 10PM	8AM - 10PM	-
Saturday:	7AM - 10PM	8AM - 10PM	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-101155

License Class/Type: C Restaurant

Applicant: 2032 P St LLC

Trade Name: Emissary

ANC: 2B02

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

2032 P ST NW, WASHINGTON, DC 20036

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Table with 4 columns: Days, Hours of Operation, Hours of Sales/Service, Hours of Entertainment. Rows for Sunday through Saturday.

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Table with 2 columns: Hours Of Sidewalk Cafe Operation, Hours Of Sales Sidewalk Cafe. Rows for Sunday through Saturday.

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-096627

License Class/Type: C Restaurant

Applicant: Pops Seabar, LLC

Trade Name: Pop's Seabar 1

ANC: 1C03

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

1817 COLUMBIA RD NW, WASHINGTON, DC 20009

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10am - 1:30am	10am - 1am	-
Monday:	10am - 1:30am	10am - 1am	-
Tuesday:	10am - 1:30am	10am - 1am	-
Wednesday:	10am - 1:30am	10am - 1am	-
Thursday:	10am - 1:30am	10am - 1am	-
Friday:	10am - 3am	10am - 2:30am	-
Saturday:	10am - 3am	10am - 2:30am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	10am - 11pm	10am - 11pm
Monday:	10am - 11pm	10am - 11pm
Tuesday:	10am - 11pm	10am - 11pm
Wednesday:	10am - 11pm	10am - 11pm
Thursday:	10am - 11pm	10am - 11pm
Friday:	10am - 12am	10am - 12am
Saturday:	10am - 12am	10am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-095380

License Class/Type: D Restaurant

Applicant: Spice Jerk, LLC

Trade Name: Spice a Caribbean Jerk Joint

ANC: 4C08

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

826 SHEPHERD ST NW, WASHINGTON, DC 20011

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 10 pm	11 am - 10 pm	-
Monday:	11 am - 10 pm	11 am - 10 pm	-
Tuesday:	11 am - 10 pm	11 am - 10 pm	-
Wednesday:	11 am - 10 pm	11 am - 10 pm	-
Thursday:	11 am - 10 pm	11 am - 10 pm	-
Friday:	11 am - 10 pm	11 am - 10 pm	-
Saturday:	11 am - 10 pm	11 am - 10 pm	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 10 pm	11 am - 10 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 10 pm	11 am - 10 pm
Saturday:	11 am - 10 pm	11 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-093939

License Class/Type: C Restaurant

Applicant: Macon-DC, LLC

Trade Name: Macon-DC

ANC: 3G06

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

5520 CONNECTICUT AVE NW, WASHINGTON, DC 20015

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9am - 12am	9am - 12am	-
Monday:	9am - 12am	9am - 12am	-
Tuesday:	9am - 12am	9am - 12am	-
Wednesday:	9am - 12am	9am - 12am	-
Thursday:	9am - 12am	9am - 12am	-
Friday:	9m - 1am	9am - 1am	-
Saturday:	9am - 1am	9am - 1am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	9am - 12am	9am - 12am
Monday:	9am - 12am	9am - 12am
Tuesday:	9am - 12am	9am - 12am
Wednesday:	9am - 12am	9am - 12am
Thursday:	9am - 12am	9am - 12am
Friday:	9am - 1am	9am - 1am
Saturday:	9am - 1am	9am - 1am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-108125

License Class/Type: C Restaurant

Applicant: Spero L.L.C.

Trade Name: Reverie

ANC: 2E05

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

3210 Grace ST NW, WASHINGTON, DC 20007

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 1 am	10 am - 1 am	-
Monday:	8 am - 1 am	10 am - 1 am	-
Tuesday:	8 am - 1 am	10 am - 1 am	-
Wednesday:	8 am - 1 am	10 am - 1 am	-
Thursday:	8 am - 1 am	10 am - 1 am	-
Friday:	8 am - 2 am	10 am - 2 am	-
Saturday:	8 am - 2 am	10 am - 2 am	-

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	8 am - 12 am	10 am - 12 am
Monday:	8 am - 12 am	10 m - 12 am
Tuesday:	8 am - 12 am	10 am - 12 am
Wednesday:	8 am - 12 am	10 am - 12 am
Thursday:	8 am - 12 am	10 am - 12 am
Friday:	8 am - 12 am	10 am - 12 am
Saturday:	8am - 12 am	10 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-071065

License Class/Type: C Restaurant

Applicant: Thai Chili, Inc.

Trade Name: Thai Chili

ANC: 2C01

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

701 7TH ST NW, Washington, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1 am	11 am - 1 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 2 am	11 am - 2 am	-
Saturday:	11 am - 2 am	11 am - 2 am	-

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	11 am - 1am	11 am - 1 am
Monday:	11 am - 2 am	11 am - 2m
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 2 am	11 am - 2 am
Saturday:	11 am - 2 am	11 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-099054

License Class/Type: C Restaurant

Applicant: Tartufo, LLC

Trade Name: Tartufo

ANC: 3E03

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

4910 WISCONSIN AVE NW, WASHINGTON, DC 20016

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Table with 4 columns: Days, Hours of Operation, Hours of Sales/Service, Hours of Entertainment. Rows for Sunday through Saturday.

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Table with 2 columns: Hours Of Sidewalk Cafe Operation, Hours Of Sales Sidewalk Cafe. Rows for Sunday through Saturday.

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-112818

License Class/Type: C Hotel

Applicant: HPT TRS IHG-2, Inc.

Trade Name: Hotel Palomar / Urbana Restaurant and Wine Bar

ANC: 2B02

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

2121 P ST NW, WASHINGTON, DC 20037

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe

Table with 4 columns: Days, Hours of Operation, Hours of Sales/Service, Hours of Entertainment. Rows for Sunday through Saturday.

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Table with 2 columns: Hours Of Sidewalk Cafe Operation, Hours Of Sales Sidewalk Cafe. Rows for Sunday through Saturday.

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-091662

License Class/Type: C Restaurant

Applicant: Pinstripes, Inc.

Trade Name: Pinstripes

ANC: 2E05

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

3222 M ST NW, WASHINGTON, DC 20007

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 11:30 pm	8 am - 11 pm	6 pm - 11:30 pm
Monday:	8 am - 11:30 pm	8 am - 11 pm	6 pm - 11:30 pm
Tuesday:	8 am - 11:30 pm	8 am - 11 pm	6 pm - 11:30 pm
Wednesday:	8 am - 11:30 pm	8 am - 11 pm	6 pm - 11:30 pm
Thursday:	8 am - 11:30 pm	8 am - 11 pm	6 pm - 11:30 pm
Friday:	8 am - 1 am	8 am - 12:30 am	6 pm - 1 am
Saturday:	8 am - 1 am	8 am - 12:30 am	6 pm - 1 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	10 am - 9 pm	10 am - 9 pm
Monday:	10 am - 9 pm	10 am - 9 pm
Tuesday:	10 am - 9 pm	10 am - 9 pm
Wednesday:	10 am - 9 pm	10 am - 9 pm
Thursday:	10 am - 9 pm	10 am - 9 pm
Friday:	10 am - 10 pm	10 am - 10 pm
Saturday:	10 am - 10 pm	10 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-099728

License Class/Type: C Hotel

Applicant: RLJ HP Washington DC Lessee, LLC

Trade Name: Hyatt Place DC

ANC: 2B05

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

1522 K ST NW, WASHINGTON, DC 20005

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe Summer Garden

Table with 4 columns: Days, Hours of Operation, Hours of Sales/Service, Hours of Entertainment. Rows for Sunday through Saturday.

Table with 2 columns: Hours Of Sidewalk Cafe Operation, Hours of Summer Garden Operation. Rows for Sunday through Saturday.

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-080772

License Class/Type: D Restaurant

Applicant: PQ Spring Valley, Inc.

Trade Name: Le Pain Quotidien

ANC: 3D03

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

4872 MASSACHUSETTS AVE NW, Washington, DC 20016

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Table with 4 columns: Days, Hours of Operation, Hours of Sales/Service, Hours of Entertainment. Rows for Sunday through Saturday.

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Table with 3 columns: Day, Hours Of Sidewalk Cafe Operation, Hours Of Sales Sidewalk Cafe. Rows for Sunday through Saturday.

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-098740

License Class/Type: C Restaurant

Applicant: MOMOCCDC, LLC

Trade Name: Momofuku/MilkBar City Center DC

ANC: 2C01

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

1090 I ST NW, WASHINGTON, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 2 am	8 am - 2 am	-
Monday:	6 am - 2 am	8 am - 2 am	-
Tuesday:	6 am - 2 am	8 am - 2 am	-
Wednesday:	6 am - 2 am	8 am - 2 am	-
Thursday:	6 am - 2 am	8 am - 2 am	-
Friday:	6 am - 2 am	8 am - 2 am	-
Saturday:	6 am - 2 am	8 am - 2 am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	8 am - 11 pm	8 am - 11 pm
Monday:	8 am - 11 pm	8 am - 11 pm
Tuesday:	8 am - 11 pm	8 am - 11 pm
Wednesday:	8 am - 11 pm	8 am - 11 pm
Thursday:	8 am - 11 pm	8 am - 11 pm
Friday:	8 am - 11 pm	8 am - 11 pm
Saturday:	8 am - 11 pm	8 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-109779

License Class/Type: C Restaurant

Applicant: Simply Banh Mi Inc.

Trade Name: Simply Banh Mi

ANC: 2E02

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

1624 WISCONSIN AVE NW, WASHINGTON, DC 20007

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 9 pm	11 am - 9 pm	-
Monday:	Closed -	Closed -	-
Tuesday:	11 am - 9 pm	11 am - 9 pm	-
Wednesday:	11 am - 9 pm	11 am - 9 pm	-
Thursday:	11 am - 9 pm	11 am - 9 pm	-
Friday:	11 am - 9 pm	11 am - 9 pm	-
Saturday:	11 am - 9 pm	11 am - 9 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-074004

License Class/Type: C Restaurant

Applicant: Rainbow Inn, Inc

Trade Name: Jackey Cafe

ANC: 2C01

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

611 H ST NW, Washington, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 3 am	10:30 am - 2 am	-
Monday:	10 am - 3 am	10:30 am - 2 am	-
Tuesday:	10 am - 3 am	10:30 am - 2 am	-
Wednesday:	10 am - 3 am	10:30 am - 2 am	-
Thursday:	10 am - 3 am	10:30 am - 2 am	-
Friday:	10 am - 4 am	10:30 am - 3 am	-
Saturday:	10 am - 4 am	10:30 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-022889

License Class/Type: C Restaurant

Applicant: Serengeti Entertainment Group Inc.

Trade Name: Serengeti

ANC: 4A04

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

6210 GEORGIA AVE NW, #A, Washington, DC 20011

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	-
Monday:	10 am - 2 am	10 am - 2 am	-
Tuesday:	10 am - 2 am	10 am - 2 am	-
Wednesday:	10 am - 2 am	10 am - 2 am	-
Thursday:	10 am - 2 am	10 am - 2 am	6:30 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6:30 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6:30 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-080832

License Class/Type: D Restaurant

Applicant: PQ Capitol Hill, Inc.

Trade Name: Le Pain Quotidien

ANC: 6B02

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

666 PENNSYLVANIA AVE SE, Washington, DC 20003

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 10 pm	10 am - 10 pm	-
Monday:	7 am - 10 pm	8 am - 10 pm	-
Tuesday:	7 am - 10 pm	8 am - 10 pm	-
Wednesday:	7 am - 10 pm	8 am - 10 pm	-
Thursday:	7 am - 10 pm	8 am - 10 pm	-
Friday:	7 am - 10 pm	8 am - 10 pm	-
Saturday:	7 am - 10 pm	8 am - 10 pm	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	7 am - 10 pm	10 am - 10 pm
Monday:	7 am - 10 pm	8 am - 10 pm
Tuesday:	7 am - 10 pm	8 am - 10 pm
Wednesday:	7 am - 10 pm	8 am - 10 pm
Thursday:	7 am - 10 pm	8 am - 10 pm
Friday:	7 am - 10 pm	8 am - 10 pm
Saturday:	7 am - 10 pm	8 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-093865

License Class/Type: D Restaurant

Applicant: PQ Mt Vernon Inc

Trade Name: Le Pain Quotidien

ANC: 6E05

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

433 MASSACHUSETTS AVE NW, WASHINGTON, DC 20001

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7am - 10pm	8am - 10pm	-
Monday:	7am - 10pm	8am - 10pm	-
Tuesday:	7am - 10pm	8am - 10pm	-
Wednesday:	7am - 10pm	8am - 10pm	-
Thursday:	7am - 10pm	8am - 10pm	-
Friday:	7am - 10pm	8am - 10pm	-
Saturday:	7am - 10pm	8am - 10pm	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	8 am - 10 pm	8 am - 10 pm
Monday:	7 am - 10 pm	8 am - 10 pm
Tuesday:	7 am - 10 pm	8 am - 10 pm
Wednesday:	7 am - 10 pm	8 am - 10 pm
Thursday:	7 am - 10 pm	8 am - 10 pm
Friday:	7 am - 10 pm	8 am - 10 pm
Saturday:	8 am - 10 pm	8 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-113399

License Class/Type: C Restaurant

Applicant: Toli Moli, LLC

Trade Name: Thamee

ANC: 6A06

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

1320 H ST NE, WASHINGTON, DC 20002

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7am - 2am	8am - 2am	-
Monday:	7am - 2am	8am - 2am	-
Tuesday:	7am - 2am	8am - 2am	-
Wednesday:	7am - 2am	8am - 2am	-
Thursday:	7am - 2am	8am - 2am	-
Friday:	7am - 3am	8am - 3am	-
Saturday:	7am - 3am	8am - 3am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-112225

License Class/Type: C Restaurant

Applicant: Baekcity, Inc.

Trade Name: Tono Sushi

ANC: 3C01

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

2605 CONNECTICUT AVE NW, WASHINGTON, DC 20008

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	11 am - 11 pm	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/3/2019

Notice is hereby given that:

License Number: ABRA-101833

License Class/Type: C Restaurant

Applicant: AMML, LLC

Trade Name: LUPO OSTERIA

ANC: 3D05

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

4814 MACARTHUR BLVD NW, WASHINGTON, DC 20007

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

6/17/2019

A HEARING WILL BE HELD ON:

7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 11 pm	11 am - 11 pm	-
Monday:	11 am - 11 pm	11 am - 11 pm	-
Tuesday:	11 am - 11 pm	11 am - 11 pm	-
Wednesday:	11 am - 11 pm	11 am - 11 pm	-
Thursday:	11 am - 11 pm	11 am - 11 pm	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	11 am - 12 am	11 am - 12 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
4/12/2019

****CORRECTION**

Notice is hereby given that:

License Number: ABRA-071913

License Class/Type: C Restaurant

Applicant: Leeds The Way, LLC

Trade Name: Hank's Oyster Bar

ANC: 2B05

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

1622 - 1624 Q ST NW, WASHINGTON, DC 20009

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

5/28/2019

A HEARING WILL BE HELD ON:

6/10/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

Hours Of Sidewalk Cafe Operation

**Hours of Summer Garden Operation

Sunday:	11 am - 11 pm	11 am - 10 pm
Monday:	11 am - 11 pm	11 am - 10 om
Tuesday:	11 am - 11 pm	11 am - 10 pm
Wednesday:	11 am - 11 pm	11 am - 10 pm
Thursday:	11 am - 11 pm	11 am - 10 pm
Friday:	11 am - 12 am	11 am - 10 pm
Saturday:	11 am - 12 am	11 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
4/12/2019

****RESCIND**

Notice is hereby given that:

License Number: ABRA-071913

License Class/Type: C Restaurant

Applicant: Leeds The Way, LLC

Trade Name: Hank's Oyster Bar

ANC: 2B05

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

1622 - 1624 Q ST NW, WASHINGTON, DC 20009

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

5/28/2019

A HEARING WILL BE HELD ON:

6/10/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: May 3, 2019
Protest Petition Deadline: June 17, 2019
Roll Call Hearing Date: July 1, 2019
Protest Hearing Date: August 14, 2019

License No.: ABRA-113534
Licensee: Whenever Possible, LLC
Trade Name: Mary
License Class: Retailer's Class "C" Restaurant
Address: 2100 2nd Street, S.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 6

ANC 6D

SMD 6D05

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 July 1, 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 **August 14, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 147 and Total Occupancy Load of 250. An outdoor Summer Garden with 50 seats.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON

**5/3/2019

****READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-085705, ABRA-085705-2, ABRA-085705-3

Applicant: Boomerang Boat Tour, LLC

Trade Name: The Boomerang Boat, Boomerang Pirate Boat, Boomerang Yacht

ANC: 6D04

License Class/Type: C Marine Vessel

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

1300 Maine AVE SW, WASHINGTON, DC 20024

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

**6/17/2019

A HEARING WILL BE HELD ON:

**7/1/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON

**4/19/2019

****RESCIND**

Notice is hereby given that:

License Number: ABRA-085705, ABRA-085705-2, ABRA-085705-3

Applicant: Boomerang Boat Tour, LLC

Trade Name: The Boomerang Boat, Boomerang Pirate Boat, Boomerang Yacht

ANC: 6D04

License Class/Type: C Marine Vessel

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

1300 Maine AVE SW, WASHINGTON, DC 20024

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

**6/3/2019

A HEARING WILL BE HELD ON:

**6/17/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
4/5/2019

****RESCIND**

Notice is hereby given that:

License Number: ABRA-026246

License Class/Type: C Restaurant

Applicant: Tono Inc.

Trade Name: Tono-sushi Restaurant

ANC: 3C01

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

2605 CONNECTICUT AVE NW, Washington, DC 20008

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

5/20/2019

A HEARING WILL BE HELD ON:

6/3/2019

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	11 am - 11 pm	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF PUBLIC HEARING AND SOLICITATION OF PUBLIC COMMENT****Air Quality Permit for Smart Transportation Inc.**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, is proposing to issue an air quality permit (No. 6962) to Smart Transportation Inc. (also known as Smart Automotive) to modify a stack outlet on and operate one (1) semi-downdraft automotive paint spray booth at the facility located at 2615 Evarts Street NE, Washington DC 20018. The contact person for the facility is Mengstab Ghebretinsae, President, at (202) 733-3069.

Emissions Estimate:

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

Emissions Limits:

The proposed emission limits for the equipment are as follows:

- a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]
- b. The Permittee shall not use or apply to a motor vehicle, mobile equipment, or associated parts and components, an automotive coating with a VOC regulatory content calculated in accordance with the methods specified in this permit that exceeds the VOC content requirements of Table I below. [20 DCMR 718.3]

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

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

Coating Category	VOC Regulatory Limit As Applied*	
	(Pounds per gallon)	(Grams per liter)
Truck bed liner coating	1.7	200
Underbody coating	3.6	430
Uniform finish coating	4.5	540

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

- c. Each cleaning solvent present at the facility shall not exceed a VOC content of twenty-five (25) grams per liter (twenty-one one-hundredths (0.21) pound per gallon), calculated in accordance with the methods specified in this permit, except for [20 DCMR 718.4]:
 - 1. Cleaning solvent used as bug and tar remover if the VOC content of the cleaning solvent does not exceed three hundred fifty (350) grams per liter (two and nine-tenths (2.9) pounds per gallon), where usage of cleaning solvent used as bug and tar remover is limited as follows:
 - A. Twenty (20) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with four hundred (400) gallons or more of coating usage during the preceding twelve (12) calendar months;
 - B. Fifteen (15) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with one hundred fifty (150) gallons or more of coating usage during the preceding twelve (12) calendar months; or
 - C. Ten (10) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with less than one hundred fifty (150) gallons of coating usage during the preceding twelve (12) calendar months;
 - 2. Cleaning solvents used to clean plastic parts just prior to coating or VOC-containing materials for the removal of wax and grease provided that non-aerosol, hand-held spray bottles are used with a maximum cleaning solvent VOC content of seven hundred eighty (780) grams per liter and the total volume of the cleaning solvent does not exceed twenty (20) gallons per consecutive twelve-month (12) period per automotive refinishing facility;
 - 3. Aerosol cleaning solvents if one hundred sixty (160) ounces or less are used per day per automotive refinishing facility; or
 - 4. Cleaning solvent with a VOC content no greater than three hundred fifty (350) grams per liter may be used at a volume equal to two-and-one-half percent (2.5%) of the preceding calendar year’s annual coating usage up to a maximum of fifteen (15) gallons per calendar year of cleaning solvent.
- d. If on the container of an automotive coating, or a label or sticker affixed to the container, or in sales, advertising, technical, or product literature, a representation is made that indicates

that the coating meets the definition of or is recommended for use for more than one (1) of the coating categories listed in Condition (b) (relating to coating VOC content limits), then the lowest applicable VOC content limit shall apply. [20 DCMR 718.8]

- e. The Permittee may not possess either of the following [20 DCMR 718.9]:
1. An automotive coating that is not in compliance with Condition (b) (relating to coating VOC content limits); and
 2. A cleaning solvent that does not meet the requirements of Condition (c) (relating to cleaning solvent VOC content limits).
- f. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited [20 DCMR 903.1]
- g. Visible emissions shall not be emitted into the outdoor atmosphere from the paint booth. [20 DCMR 201.1, 20 DCMR 606, and 20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues.

A public hearing at which interested parties may present comments will also be held as follows:

Public Hearing: Monday, June 3, 2019

HEARING DATE: Monday, June 3, 2019
TIME: 5:30 pm
PLACE: Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington DC 20002

NoMa-Gallaudet (Red Line) Metro Stop

All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit paper or electronic copies of any written statements.

Written comments on the proposed permit not delivered in person at the hearing should be addressed to:

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

All relevant comments will be considered before taking final action on the permit application.

No comments submitted after June 3, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

NOTICE OF PUBLIC HEARING

1050 First Street, NE, Suite 801, Washington, DC 20002

**COMMISSIONER STEPHEN C. TAYLOR
DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

ANNOUNCES A PUBLIC HEARING

on

2020 PROPOSED HEALTH INSURANCE RATES

Monday, June 10, 2019

5:30 p.m.

**One Judiciary Square
Old Council Chambers
441 4th Street, NW
Washington, DC 20001**

Stephen C. Taylor, Commissioner of the Department of Insurance, Securities and Banking (Department), hereby gives notice of his intent to conduct a public hearing to review the 2020 individual and small group health insurance rates proposed by carriers offering health benefit plans in the individual and small business market in the District of Columbia. The hearing will be held at 5:30 p.m. on Monday, June 10, 2019 at One Judiciary Square, 441 4th Street, NW, Washington, DC 20001 in the Old Council Chambers.

The Department invites the public to testify or submit written testimony. Any person or organization wishing to testify at the hearing should contact the Department via email at Howard.Liebers@dc.gov or at 202-442-8571 by 5:00 p.m. on Friday, May 31, 2019 to have their names added to the witness list. Each witness should provide his or her name, telephone number, email address (if any), organizational affiliation (if any) and title (if any). Written statements should be sent to the email address above or mailed to the Department at District of Columbia Department of Insurance, Securities and Banking, 1050 First Street, NE, Suite 801, Washington, DC 20002, Attention: Howard Liebers. Witnesses should bring five copies of their written testimony.

If a party or witness is deaf, has a hearing impairment, or otherwise cannot readily understand or communicate in English, he or she may apply to the Department for the appointment of a qualified interpreter. In addition, if any hearing attendee requires other special accommodations, he or she should contact the Department at (202) 442-8571 by 5:00 p.m. on Monday, June 3, 2019.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE (REVISED)
WEDNESDAY, JUNE 12, 2019
441 4TH 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 TWO

19020-B
ANC 2C **Application of Jemal's Bulldog L.L.C.**, pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance to the plans approved in BZA Order No. 19020 and 19020-A, and pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the penthouse regulations of Subtitle C § 1500.3(c) to include a nightclub, bar, cocktail lounge, or restaurant use in the penthouse of an existing 13-story hotel building with cellar in the D-5-R Zone at premises 1011 K Street, N.W. (Square 342, Lots 61).

WARD FIVE

20002
ANC 5E **Application of Mattie and Sallie Johnson**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under C § 302.2 from the residential conversion requirements of Subtitle U § 320.2(m), to convert an existing flat to a three-unit apartment house in the RF-1 Zone at premises 21 Seaton Place N.E. (Square 3511, Lot 24).

WARD FOUR

20012
ANC 4C **Application of Andrew Engel**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the nonconforming structure requirements of Subtitle C § 202.2, and under Subtitle E § 5203 from the height requirements of Subtitle E § 303.3, to construct a third-story addition rear addition to an apartment house in the RF-1 Zone at premises 539 Randolph Street N.W. (Square 3232, Lot 102).

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WARD ONE20032
ANC 1A

Application of Tana LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, from the nonconforming structure requirements of Subtitle C § 202.2, and pursuant to Subtitle X, Chapter 10, for an area variance from the density requirements of Subtitle E § 201.4, to renovate and to expand an existing eight-unit apartment house to a ten-unit apartment house from in the RF-1 Zone at premises 585 Columbia Road N.W. (Square 3051, Lot 174).

WARD SIX20033
ANC 6B

Application of Matthew and Claire Portolese, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the nonconforming structure requirements of C § 202.2, and pursuant to Subtitle X, Chapter 10, for area variances from the lot occupancy requirements of Subtitle E § 504.1, and the rear yard requirements of Subtitle E § 506.1, to construct a two-story rear addition to an existing, attached principal dwelling unit in the RF-3 Zone at the premises at 302 South Carolina, S.E. (Square 794, Lot 39).

WARD THREE20034
ANC 3C

Application of Preservation DC LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the theoretical subdivision provisions of Subtitle C § 305, and under Subtitle C § 703 from the minimum parking requirements of Subtitle C § 701.5; and pursuant to Subtitle X, Chapter 10, for area variances from the rear yard requirements of Subtitle F § 305, and the side yard requirements of F § 306, to relocate an existing detached principal dwelling unit, and to construct a new six-story eight-unit apartment house in the RA-4 Zone at premises 3219 Wisconsin Avenue N.W. (Square 1921, Lot 11).

BZA PUBLIC HEARING NOTICE - REVISED

JUNE 12, 2019

PAGE NO. 3

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.

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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. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th 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

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0312 ለሕዝብ ግብይት Zelalem.Hill@dc.gov ለሕዝብ ግብይት ለማድረግ ለሌሎች ለሕዝብ ግብይት ለማድረግ

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JUNE 12, 2019

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Korean

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

Spanish

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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 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**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JUNE 19, 2019
441 4TH 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

20016 **Application of Richard Leavy**, pursuant to 11 DCMR Subtitle X, Chapter
ANC 7C 10, for an area variance from the side yard requirements of Subtitle D §
 206.3, to construct a new semi-detached principal dwelling in the R-2 Zone
 at premises 1121 48th Street N.E. (Square 5158, Lot 11).

WARD FIVE

20020 **Application of Scott and Emilee Tison**, pursuant to 11 DCMR Subtitle X,
ANC 5E Chapter 9, for special exceptions under Subtitle E §§ 206.2 and 5203.3,
 from the rooftop architectural elements provisions of Subtitle E § 206.1, to
 allow alteration of an existing porch rooftop architectural element on an
 existing, attached principal dwelling unit in the RF-1 Zone at premises
 2219 Second Street N.W. (Square 3121, Lot 71).

WARD SEVEN

20040 **Application of Department of General Services**, pursuant to 11 DCMR
ANC 7E Subtitle X, Chapter 10, for an area variance from the penthouse height
 limitations of Subtitle D § 303.2, to construct rooftop mechanical
 equipment screening on an existing public school in the R-3 Zone at
 premises 301 53rd Street, S.E. (Square 5301, Lot 809).

BZA PUBLIC HEARING NOTICE

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PLEASE NOTE:

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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. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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የሕዝብ ግብይት ለማድረግ ለሌሎች ሰው ለማድረግ ለሌሎች ሰው ለማድረግ (202) 727-
0312 ለሌሎች ሰው Zelalem.Hill@dc.gov ለሌሎች ሰው ለማድረግ ለሌሎች ሰው ለማድረግ

Chinese

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NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

TIME AND PLACE: **Monday, June 17, 2019, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, NW, Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 15-27A (Grosvenor USA Limited – Second-Stage PUD @ Square 3587, Lot 840)

THIS CASE IS OF INTEREST TO ANC 5D

On December 20, 2018, the Office of Zoning received an application from 300 Morse CPK Owner, LLC; 350 Morse CPK Owner C2, LLC; 350 Morse CPK Owner, LLC; Grosvenor USA Limited; and Carr Properties OC, LLC, for approval of a second-stage planned unit development (“PUD”) and modification of significance to a previously-approved first stage PUD for Buildings A2, C2, and D on Lots 840, 834, and 835, respectively, in Square 3587 that were originally approved as a consolidated and first-stage PUD in Z.C. Case No. 15-27.

On March 1, 2019, Grosvenor USA Limited filed a revision to the application, now limited to approval of a second-stage PUD solely for Building A2 on Lot 840 in Square 3587 (“Property”). The property is bounded by New York Avenue, N.E. (north), 4th Street, N.E. (northeast), Morse Street, N.E. (southeast), Florida Avenue, N.E. (southwest), and the Amtrak and Metrorail lines (west). The Property consists of approximately 35,640 square feet of land area and is proposed to be developed as a mixed-use building containing approximately 260 residential units and ground floor retail (“Building A2”). Applications for second-stage PUD approval for Buildings C2 and D will be filed separately.

The Office of Planning submitted its report on Building A2 to the Office of Zoning on March 29, 2019, and the application was set down for a public hearing by the Zoning Commission on April 8, 2019. The Applicant filed its Prehearing Statement with the Commission on April 12, 2019.

The Applicant proposes to redevelop the Property with a mixed-use building containing approximately 280,757 square feet of gross floor area (7.88 floor area ratio (“FAR”)) and a maximum building height of 130 feet. Building A2 will contain approximately 260 residential units, approximately 6,700 square feet of ground floor retail, and approximately 165 below-grade parking spaces. Building A2 will include affordable housing consistent with the requirements set forth in the first-stage PUD for the Property.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1. Applicant and parties in support 60 minutes collectively

- 2. Parties in opposition 60 minutes collectively
- 3. Organizations 5 minutes each
- 4. Individuals 3 minutes each

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

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

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DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF FINAL RULEMAKING**

The Interim Director of the Department of Behavioral Health (the “Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141-04, 7-1141.06 and 7-1141.07 (2012 Repl.)), hereby gives notice of the adoption of amendments to Chapter 25, entitled “Health Home Certification Standards”, of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”).

This Final Rulemaking aligns the Health Home regulations to the revised State Plan Amendment (“SPA”) approved by the Centers for Medicare and Medicaid Services on February 21, 2019. The three main revisions include establishing the requirements and process for certifying a Freestanding Mental Health Clinic (“FSMHC”) as a Health Home provider; removing community support from the ineligible services so it can be billed as a separate service; and making the edits to Health Home service definitions to reflect programmatic changes and changes to the SPA.

A Notice of Emergency and Proposed Rulemaking was published on January 11, 2019 at 66 DCR 000495. DBH did not receive any comments and no changes were made to the emergency and proposed rulemaking. This rule was adopted as final on March 19, 2019 and will be effective on the publication of this notice in the *D.C. Register*.

Chapter 25, HEALTH HOME CERTIFICATION STANDARDS, of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:

The following subsections in Section 2500, HEALTH HOME PROGRAM, are amended to read as follows:

- 2500.1 These rules establish the requirements and process for certifying a Mental Health Rehabilitation Services (MHRS) Core Services Agency (CSA) or a Freestanding Mental Health Clinic (FSMHC) as a Health Home provider in the District of Columbia.
- 2500.2 A Health Home is an MHRS CSA or FSMHC that serves as the coordinating entity for services offered to a person with a serious and persistent mental illness (consumer) who has or is at risk of developing co-occurring chronic medical conditions. The provider is the central point for coordinating patient-centered and population-focused care for both behavioral health and other medical services. The Health Home provider is compensated on a per member per month (PMPM) basis to coordinate care between itself as the behavioral health provider, and other physical and specialty health care providers and community-based services and supports. The purpose and goal of individualized care coordination is to increase collaboration and integration of behavioral, health and community based services,

improve management of chronic conditions, and reduce avoidable health care costs, specifically for hospital admissions, readmissions and emergency room visits.

The following subsections in Section 2501, CERTIFICATION REQUIREMENTS, are amended to read as follows:

2501.2 The following minimum eligibility requirements shall apply to any FSMHC or CSA seeking certification as a Health Home:

- (a) Current certification as an MHRS CSA in accordance with Chapter 34 of this subtitle or FSMHC in accordance with Chapter 8 of Title 29 (Public Welfare) of the D.C. Municipal Regulations;
- (b) Current enrollment as a D.C. Medicaid provider for the delivery of MHRS or FSMHC services;
- (c) Use of the Department of Behavioral Health's (the Department's), data management system for all Health Home-related services and functions;
- (d) No current or pending exclusions, suspensions or debarment from any federal or D.C. healthcare program; and
- (e) Demonstrated ability through readiness assessments and training to comply with the terms and requirements of this chapter.

2501.3 A FSMHC or MHRS CSA seeking certification shall submit an application in a format established by the Department.

...

2501.6 The Department's certification shall specify the number of Health Home teams certified at each provider. A Health Home team can serve up to three hundred (300) individuals and consists of the following required staff: Health Home Director, Primary Care Liaison, and Nurse Care Manager(s). No provider shall add additional Health Home teams unless the addition is approved by the Department.

Section 2504, HEALTH HOME SERVICES ELIGIBILITY, is amended to read as follows:

2504.1 To be eligible for Health Home services, a consumer shall:

- (a) Be eligible for Medicaid;
- (b) Be diagnosed as having a serious and persistent mental illness;

- (c) Be enrolled in a CSA or FSMHC; and
- (d) Consent to be enrolled in a Health Home and authorize the disclosure of his or her mental health, physical health and other relevant information for the purpose of integrating primary and behavioral health care and services.

2504.2 Consumers may only be enrolled with one (1) Health Home at a time and may opt-out at any time. Providers shall document in writing and in forms prescribed by the Department a consumer's informed consent to opt-in or opt-out of the Health Home program.

2504.3 The following categories of beneficiaries shall not be eligible for the Health Home program under this chapter:

- (a) Consumers currently enrolled in Assertive Community Treatment (ACT) as described in Chapter 34;
- (b) Consumers enrolled in the Home and Community-Based Services (HCBS) Waiver for the Elderly and Individuals with Physical Disabilities, as described in Chapter 42 of Title 29 of the District of Columbia Municipal Regulations (DCMR);
- (c) Consumers enrolled in the HCBS Waiver for Persons with Intellectual and Developmental Disabilities, as described in Chapter 19 of Title 29 DCMR;
- (d) Consumers residing in a nursing facility;
- (e) Consumers residing in an Intermediate Care Facility for Individuals with Intellectual Disabilities; and
- (f) Consumers enrolled in the *My Health GPS* program, as described in Chapter 102 of Title 29 DCMR. A consumer who is eligible for both this Health Home and the *My Health GPS* Program may choose to enroll in either program but not both.

Section 2506, COMPREHENSIVE CARE MANAGEMENT, is amended as follows:

2506.1 One of the goals of the Health Home Program is to maintain and/or improve the health of their population through the delivery of appropriate services. Comprehensive Care Management requires Health Home teams to gather demographic and health data about their consumers and tailor interventions and evidence based practices to meet the specific needs of their population. This population management approach requires the following:

- (a) Construction of standardized, evidence-based protocols and clinical pathways for mental health, physical health, social, employment, and economic needs;
- (b) Tracking and monitoring of the consumer's health, social and employment status based on the protocols and pathways;
- (c) Development and dissemination of reports on satisfaction, health status, cost and quality to guide Health Home service delivery and design;
- (d) Development of partnerships with physical health care providers and community-based entities in order to facilitate the sharing of information and timely responses to each consumer's needs; and
- (e) Health Homes will use aggregated data to determine levels of consumer engagement, progress toward goals, and adherence to or variance from treatment guidelines. Based on this analysis, Health Homes will prioritize outreach, reminders and notifications to individuals and/or providers. Health Homes will systematically review and report quality metrics, assessment results, and service utilization in order to evaluate health status, service delivery, and consumer satisfaction.

2506.2

Comprehensive Care Management is the assessment and identification of health risks leading to the development and implementation of a care plan that addresses health risks and the individualized needs of the whole person. Care plan development will be led by qualified practitioners operating within their scope of practice with input from members of the Health Home team and external resources. Activities include but are not limited to the following:

- (a) Monitoring of the consumer and population health status and service use;
- (b) Conduct an assessment of health risks and identification of high risk sub groups;
- (c) Collect behavioral, primary, acute and long-term care information from health and social service providers, including but not limited to MHRS Diagnostic Assessments and individual recovery or treatment plans, physical assessments from PCPs, and hospital discharge planners to facilitate the creation of a person-centered care plan for every enrolled individual, that is updated at set intervals (as detailed in the DCMR) and following an unplanned inpatient stay;
- (d) Reassessment of health assessment(s) annually or more frequently as required by the consumer's health;

- (e) Identification of service needs of consumers and construction of a person-centered comprehensive care plan addressing physical and behavioral health chronic conditions, current health status, and goals for improvement; and
- (f) Review and updates persons-centered care plan every one hundred eighty (180) days and as needed.

Section 2507, CARE COORDINATION, is amended as follows:

2507.1 Care Coordination is the facilitation or implementation of the comprehensive care plan through appropriate linkages, referrals, coordination and follow-up to needed services and support. Care Coordination provides assistance with the identification of individual strengths, resources, preferences and choices. Care Coordination is a function shared by the entire Health Home Team and may involve, but is not limited to, the facilitation or implementation of the following:

- (a) Developing strategies and supportive mental health intervention for avoiding out-of-home placement and building stronger family support skills and knowledge of the consumer's strengths and limitations;
- (b) Providing telephonic and other electronic reminders of appointments;
- (c) Providing telephonic consults and outreach;
- (d) Communicating with family members;
- (e) Identifying outstanding items on patient visit summaries such as referrals, immunization, self-management goal support and health education needs;
- (f) Assisting with medication reconciliation;
- (g) Making appointments;
- (h) Providing patient education materials;
- (i) Assisting with arrangements such as transportation, directions and completion of durable medical equipment requests;
- (j) Obtaining missing records and consultation reports;
- (k) Participating in hospital and emergency room (ER) transition care;
- (l) Coordination with other health care providers to ensure screenings follow-up is completed;

- (m) Coordinating with Fire and Emergency Medical Services to promote appropriate utilization of emergency medical and transport services; and
- (n) Ensure that consumers continue connections to and maintain eligibility for any public benefit to which the beneficiary may be entitled, including Medicaid.

Section 2508, COMPREHENSIVE TRANSITIONAL CARE, is amended as follows:

2508.1 Comprehensive Transitional Care includes the Health Home's efforts to reduce hospital emergency department and inpatient admissions, readmissions and length of stay through planned and coordinated transitions between health care providers locations, settings and levels of care. Health Homes will increase individual's and family members' ability to manage care and live safely in the community, shifting the use of reactive or emergency care and treatment to proactive health promotion and self-management. Comprehensive Transitional Care includes, but is not limited to:

- (a) Contact with the consumer within forty-eight (48) hours of the completed transition from inpatient settings and ER visits;
- (b) Outreach to consumers to ensure appropriate follow-up after transitions;
- (c) Ensuring visits for consumers with the appropriate health and community-based service providers following the completed transition;
- (d) Developing strategies and supportive health interventions that reduce the risk for or prevent out-of-home placements for adults and builds stronger family support skills and knowledge of the adult's strengths and limitations;
- (e) Developing chronic health prevention and illness management strategies and plans;
- (f) Reviewing the discharge summary and instructions;
- (g) Ensuring that medication reconciliation has been completed;
- (h) Ensuring that follow-up appointments and tests are scheduled and coordinated;
- (i) Assessing the patient's risk status for readmission or other failure to obtain appropriate community-based care;
- (j) Arranging for follow-up care, if indicated in the discharge plan;

- (k) Planning for appropriate clinical care post-discharge, including home health services or other necessary skilled care;
- (l) Planning for appropriate housing support services post-discharge, including facilitating linkages to temporary or permanent housing;
- (m) Arranging transportation for transitional care and follow-up appointments as needed;
- (n) Scheduling appointments for the beneficiary with a primary care provider or appropriate specialist(s) within one (1) week of discharge; and
- (o) Opting out of the Health Home Program.

Section 2509, HEALTH PROMOTION, is amended as follows:

2509.1 Health Promotion service involves the provision and facilitation of health education to the individual (family member and or significant other) specific to his/her chronic illness. The service may also involve the use of data to identify and prioritize particular areas of need within the patient population; research best-practice interventions; coordinate or refer individuals to appropriate health promotion activities in group and individual settings; evaluate the effectiveness of the interventions, and plan accordingly. Health promotion also involves ensuring the connection of the individual to peer/recovery supports including self-help/self-management and advocacy groups, to support for improving an individual's social network, and to educational opportunities for the individual about accessing care in appropriate settings. This service may include but is not limited to:

- (a) Providing consumer education and development of self-monitoring and health management related to consumers' particular chronic conditions as well as in connection with healthy lifestyle and wellness; nutrition counseling, substance abuse prevention, smoking prevention and cessation and physical activity;
- (b) Assisting with medication reconciliation;
- (c) Developing and implementing health promotion campaigns;
- (d) Connecting consumers with peer and recovery supports including self-help and self-management and advocacy groups;
- (e) Educating the consumer about accessing care in appropriate settings, including appropriate utilization of 911 services;
- (f) Assessing the consumer's understanding of their health conditions and motivation to engage in self- management; and

- (g) Using coaching and evidence-based practices such as motivational interviewing to enhance the beneficiary's understanding of his or her health conditions and motivation to achieve health and social goals.

Subsection 2510.2 of Section 2510, INDIVIDUAL AND FAMILY SUPPORT SERVICES, is amended as follows:

2510.2 Individual and Family Support Services include:

- (a) Activities that facilitate the continuity in relationships between consumer/family and physician and care manager;
- (b) Advocacy on a consumers' behalf to identify and obtain needed resources such as medical transportation and other benefits for which they may be eligible;
- (c) Consumer education on how to self-manage their chronic condition (s);
- (d) Providing opportunities for the families to participate in consumers' assessment and care treatment plan developments;
- (e) Efforts that ensure that Health Home services are delivered in a manner that is culturally and linguistically competent;
- (f) Efforts that promote personal independence and empower the consumers to improve their own environment and health. This may include engagement with consumers' families in identifying solutions to improve consumers' health and environment and helping consumers and their families with consumer's authorizations to access the consumers' health record information or other clinical information;
- (g) Language interpretation services;
- (h) Housing assistance services;
- (i) Providing consumers with access to their EHR or other clinical information, and providing access to their family members and authorized representatives if the beneficiary provides written authorization to do so;
- (j) Developing family support materials and services, including creating family support groups where appropriate;
- (k) Include the consumer family in the quality improvement process including surveys to capture their experience with Health Home services; and

- (l) Facilitate referrals to support services that are available in the individual's community and assist with the establishment of and connection to natural supports.

Subsection 2511.2 of Section 2511, REFERRAL TO COMMUNITY AND SOCIAL SUPPORT SERVICES, is amended as follows:

2511.2 The types of community and social support services to which consumers will be referred to may include, but are not limited to:

- (a) Wellness programs, including smoking cessation, fitness, weight loss programs;
- (b) Specialized support groups (*i.e.*, cancer, diabetes support groups, and others);
- (c) Substance use recovery support groups;
- (d) Housing resources;
- (e) The Supplemental Nutrition Assistance Program;
- (f) Legal assistance resources;
- (g) Faith-based organizations;
- (h) Access to employment and educational program or training;
- (i) Financial assistance, such as Temporary Assistance for Needy Families or Social Security
- (j) Child care; and
- (k) Social integration.

The following subsections of Section 2512, COMPREHENSIVE CARE PLAN, are amended as follows:

2512.1 A Comprehensive Care Plan (CCP) is the document that drives the delivery of all services. The CCP shall be the plan that collates all the consumer's services and providers of service in order to reduce any instances of duplication of service, prioritize the consumer's goal(s) and monitor the progress of the goal(s) in the plan.

2512.2 The development of a CCP shall include:

- (a) Active participation and partnership with the consumer;
- (b) Risk factors identified from the completion of the comprehensive health assessment. The assessment includes a physical health, behavioral health, substance-use and socioeconomic assessment;
- (c) The consumer’s goals as identified by the comprehensive health assessment, prioritized and the timeframes and strategies for addressing each;
- (d) The delineation of the specific roles and responsibilities of the members of the Health Home Team who are assisting the consumer in achieving his/her goals;
- (e) The signature of all participants in the development of the CCP. The Nurse Care Manager or the Primary Care Liaison from the Health Home Team must participate in the care planning process and sign the plan; and
- (f) All services the Health Home provider delivers to the consumer.

...

2512.4 The CCP shall be developed in coordination with the consumer’s healthcare providers. If the Health Home team develops the CCP, the MHRS Individual Recovery Plan (IRP), developed in accordance with Section 3408 of Chapter 34 of this title, shall be incorporated into the CCP. If the MHRS team develops the care plan the Health Home team will collaborate and participate in the care planning process to ensure the care plan is comprehensive.

The following subsections of Section 2513, HEALTH HOME STAFFING REQUIREMENTS, are amended as follows:

2513.1 Health Homes shall have the following staff:

- (a) Health Home Director;
- (b) Nurse Care Manager(s); and
- (c) Primary Care Liaison.

...

2513.4 The Primary Care Liaison shall be staffed with a licensed clinician or combination of clinicians based on the needs of the individual Health Home consumer. The Primary Care Liaison shall have experience in the care and treatment of the serious mentally ill and be a Medical Doctor, APRN, Nutritionist, Licensed Independent Clinical Social Worker, Licensed Professional Counselor, Physician

Assistant or Registered Nurse. A provider may use a combination of these staff to meet the full time equivalent (FTE) requirement. The Primary Care Liaison shall be licensed in the District of Columbia. The Health Home provider shall ensure one (1) full-time Primary Care Liaison per five hundred (500) Health Home enrollees. The responsibilities of the Primary Care Liaison shall include the following:

- (a) Provide medical consultation to the Health Home team;
- (b) Coordinate care with external medical and behavioral health providers; and
- (c) Assist with developing effective Health Home comprehensive care management and coordination of care protocols involving community and hospital medical providers.

2513.5 All Health Homes shall provide Health Home services in accordance with their Human Care Agreement (HCA) with the Department.

Subsections 2513.6 – 2513.8 are deleted.

Section 2514, ACUITY LEVELS, is amended to read as follows:

2514 [RESERVED]

The following subsections of Section 2515, HEALTH HOME REIMBURSEMENT, are amended as follows:

2515.1 The Department shall require all FSMHCs and CSAs certified as a Health Home provider to enter into a HCA with the Department. All payment for services shall be implemented through terms and conditions contained in the HCA and the D.C. Medicaid program.

2515.2 Only one (1) Health Home provider will receive payment for delivering Health Home services to a consumer in a particular month. A provider may not bill for ACT services for any consumer enrolled in the Health Home.

...

2515.4 The Health Home shall provide monthly a minimum of one (1) Health Home service.

The following subsections of Section 2516, HEALTH HOME RECORDS AND DOCUMENTATION REQUIREMENTS, are amended as follows:

2516.1 Each Health Home shall utilize the Department's designated electronic health record for documenting and billing all Health Home services.

...

2516.3 Health Home providers shall document each Health Home service and activity in the consumer's record in the Department's designated electronic health record. Any claim for services shall be supported by written documentation which clearly identifies the following:

- (a) The specific service type rendered;
- (b) The date, duration, and actual time, a.m. or p.m. for both the beginning and ending times, during which the services were rendered (there is no predetermined expectation of time spent with each service this requirement is only to verify when the service began and when it ended);
- (c) Name, title, and credentials of the person who provided the services;
- (d) The setting in which the services were rendered;
- (e) Confirmation that the services delivered are contained in the consumer's CCP;
- (f) Identification of any further actions required for the consumer's well-being raised as a result of the service provided;
- (g) A description of each encounter or service by the Health Home team member which is sufficient to document that the service was provided in accordance with this chapter; and
- (h) Dated and authenticated entries, with their authors identified, which are legible and concise, including the printed name and the signature of the person rendering the service, diagnosis and clinical impression recorded in the terminology of the International Statistical Classification of Diseases and Related Health Problems – 10 (ICD-10 CM) or subsequent revisions, and the service provided.

The following definitions in Subsection 2599.1 of Section 2599, DEFINITIONS, are amended as follows:

Mental Health Rehabilitation Services or MHRS – behavioral health services provided by a Department-certified community behavioral health provider

to consumers in accordance with the District of Columbia State Medicaid Plan and Chapter 34 of this subtitle.

Serious and Persistent Mental Illness – a diagnosable mental, behavioral, or emotional disorder (including those of biological etiology) which substantially impairs the mental health of the person or is of sufficient duration to meet diagnostic criteria specified within the DSM-V or its ICD-10-CM equivalent (and subsequent revisions) with the exception of DSM-V, "Z" codes, substance abuse disorders, intellectual disabilities and other developmental disorders, or seizure disorders, unless those exceptions co-occur with another diagnosable mental illness.

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF FINAL RULEMAKING**

The Interim Director of the Department of Behavioral Health (Department), pursuant to the authority set forth in Sections 104(8) and 105(5) of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04(8) and 7-1131.05(5) (2018 Repl.)), and Sections 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the adoption of the following amendments to Chapters 34 (Mental Health Rehabilitation Services Provider Certification Standards) and 39 (Psychosocial Rehabilitation Clubhouse Certification Standards) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

This Final Rulemaking to Chapters 34 and 39 alters current certification requirements restricting a Psychosocial Rehabilitation Clubhouse (Clubhouse) from legally operating in the District; reduces the limitations imposed on a Clubhouse as a variant of the Mental Health Rehabilitation Service (MHRS) Community Support Service; and responds to a need in the District to expand the continuum of care for consumers. These amendments will also create new certification standards for a MHRS Clubhouse. Psychosocial Rehabilitation Clubhouse services assist individuals with behavioral health diagnoses in social networking, independent living, budgeting, self-care, and other skills that affect their ability to live in the community and secure and retain employment. Clubhouses that operate in accordance with established standards coordinated by Clubhouse International have proved to be effective throughout the world.

The current regulations prevent new providers of Clubhouse services from legally operating in the District. Chapter 39 requires a potential provider to obtain Department certification prior to delivering Clubhouse services, which would only be issued if the provider is accredited by the International Center for Clubhouse Development, or its successor, Clubhouse International. Since accreditation by Clubhouse International requires a provider to operate as a Clubhouse for at least two years, no new provider of Clubhouse services could legally operate in the District. Chapter 39 also requires a Clubhouse be operated by a core service agency with current certification by the Department. The amendments would eliminate both of these hurdles.

In addition, the rulemaking would change how Clubhouse services are reimbursed. In the past year, the Department, MHRS providers and stakeholders engaged in discussions to identify areas where the regulations could improve to better serve individuals with behavioral health diagnoses. The Department, MHRS providers and stakeholders found Clubhouse services to be an alternative service to Rehabilitation/Day Services, and concluded that the Clubhouse model is best conceived as an independent specialty service, rather than a variant of Community Support Services. The reimbursement model for Clubhouse services are thus amended to parallel the model for Rehabilitation/Day Services, which use a per diem rate rather than a fifteen (15) minute rate.

A Notice of Emergency and Proposed Rulemaking was published on January 11, 2019 at 66 DCR 000508. DBH did not receive any comments and one technical change was made to the emergency and proposed rulemaking. In § 3905.2, the referenced section, § 3911, was changed to § 3912, which is the correct reference for the training section. This rule was adopted as final on April 3, 2019 and will be effective on the publication of this notice in the *D.C. Register*.

Chapter 34, MENTAL HEALTH REHABILITATION SERVICES PROVIDER CERTIFICATION STANDARDS, of Title 22-A DCMR, MENTAL HEALTH, is amended to read as follows:

Section 3402, SERVICE COVERAGE, is amended by amending § 3402.4 to read as follows:

3402.4 Rehabilitative services covered as MHRS are:

- (a) Diagnostic/Assessment;
- (b) Medication/Somatic Treatment;
- (c) Counseling;
- (d) Community Support;
- (e) Crisis/Emergency;
- (f) Rehabilitation/Day Services;
- (g) Intensive Day Treatment;
- (h) CBI;
- (i) ACT; and
- (j) Psychosocial Rehabilitation Clubhouse.

Section 3407, TREATMENT PLANNING PROCESS, is amended by amending § 3407.1 to read as follows:

3407.1 Each CSA shall coordinate the treatment planning process for its enrolled consumers, except that the treatment planning process for consumers authorized to receive:

- (a) CBI shall be coordinated by the consumer's CBI provider;
- (b) ACT services shall be coordinated by the consumer's ACT provider; and

- (b) Utilize behavioral, cognitive or supportive interventions to improve a member's potential for establishing and maintaining social relationships and obtaining occupational or educational achievements; and
- (c) Are provided in a collaborative environment where Clubhouse staff and members work side by side.

3900.2 Clubhouse participants are referred to collectively as "members" and each individually as a "member."

3900.3 Clubhouse members, with staff assistance, shall:

- (a) Operate all aspects of the Clubhouse, including food service, clerical, reception, janitorial, and other member supports and services such as employment, housing, and education;
- (b) Participate in the day-to-day decision-making and governance of the Clubhouse; and
- (c) Plan community projects and activities to engage members in the community.

3900.4 Each Clubhouse shall be organized through a Work-Ordered Day in accordance with Clubhouse Standards. The goal of the Work-Ordered Day, including all Clubhouse decision-making opportunities and activities, shall be for the members to achieve or regain the confidence and skills necessary to lead vocationally-productive and socially-satisfying lives.

3900.5 A Clubhouse shall be:

- (a) Organized and operated in accordance with the International Standards for Clubhouse Programs established by Clubhouse International, as amended from time to time;
- (b) Certified by the Department as a Clubhouse in accordance with the requirements of this chapter;
- (c) In compliance with the qualification standards described in § 3410 of this subtitle and the certification standards as required by this chapter, except an affiliation agreement with a CSA is not necessary for the provision of Clubhouse services; and
- (d) Currently accredited by Clubhouse International as a Clubhouse, or during its first thirty (30) months of operation, have applied for Clubhouse International accreditation as a Clubhouse and be declared by Clubhouse

International to be in reasonable compliance with the Clubhouse International accreditation action plan.

- 3900.6 A Clubhouse specialty provider shall establish and adhere to policies and procedures governing its relationship with a CSA, which address access to records, clinical responsibilities, legal liability, dispute resolution, and all other MHRS certification standards (CSA Referral Policy).
- 3900.7 A Clubhouse specialty provider shall establish and adhere to policies and procedures governing its collaboration with the referring CSA in the development, implementation, evaluation, and revision of each consumer's Plan of Care that comply with DBH rules (Collaboration Policy). The Collaboration Policy shall:
- (a) Be a part of each Clubhouse's Plan of Care Review Policy;
 - (b) Require sub-providers and specialty providers to incorporate CSA-developed Diagnostic/Assessment material into the sub-provider and specialty provider's Plan of Care process; and
 - (c) Require Clubhouse providers to coordinate the member's treatment with the member's primary treatment team.
- 3900.8 Each Clubhouse specialty provider shall offer access or referrals to core and specialty services, as clinically indicated.
- 3900.9 Each Clubhouse specialty provider with total annual revenues at or exceeding three hundred thousand dollars (\$300,000) shall have an annual audit by a certified public accounting firm in accordance with generally accepted auditing standards. The resulting financial audit report shall be consistent with formats recommended by the American Institute of Public Accountants. Each Clubhouse specialty provider shall submit a copy of the financial audit report to DBH ninety (90) days after the end of the fiscal year.
- 3900.10 Each Clubhouse specialty provider with total annual revenues less than three hundred thousand dollars (\$300,000) shall submit financial statements reviewed by an independent certified public accounting firm one hundred twenty (120) days to DBH after the end of the fiscal year.
- 3900.11 Each Clubhouse specialty provider shall have the capability to submit timely and accurate claims, encounter data, and other necessary submissions directly to the DBH contract management system.
- 3900.12 DBH shall review and approve the CSA Referral Policy and the Collaboration Policy upon certification and recertification.

3901 CERTIFICATION APPLICATION

- 3901.1 No person shall operate a Psychosocial Rehabilitation Clubhouse unless certified in accordance with this chapter.
- 3901.2 An organization seeking certification from the Department as a Clubhouse shall submit an application to the Department in the format established by the Department. The completed application shall include:
- (a) Evidence of current accreditation as a Clubhouse by Clubhouse International, or, for the first thirty (30) months of operation, evidence of having applied for Clubhouse International accreditation as a Clubhouse and having been declared by Clubhouse International to be in reasonable compliance with the Clubhouse International accreditation action plan; and
 - (b) Other evidence that may be required by the Department.
- 3901.3 Applications for certification as a Clubhouse shall be processed by the Department in accordance with the rules established for MHRS certification set forth in § 3401 of this subtitle.
- 3901.4 Certification as a Clubhouse is effective for a maximum of two (2) calendar years from the date of issuance of certification by the Department, subject to the provider's continuous compliance with the certification requirements in this chapter and the following limitations:
- (a) Certification shall remain in effect until it expires, or is renewed or revoked;
 - (b) Certification shall specify the effective date of the certification, which shall be included on the Clubhouse certification;
 - (c) For new Clubhouse providers that are not yet accredited by Clubhouse International but are seeking accreditation, department certification shall be for one (1) calendar year, which can be renewed for a total of up to three (3) years; and
 - (d) For existing providers accredited by Clubhouse International and seeking renewal, certification shall be for two (2) calendar years.
- 3901.5 Certification is not transferable to any other organization.

3902 CERTIFICATION REQUIREMENTS

3902.1 A Clubhouse providing services to members shall comply with all of the requirements set forth in Chapter 34 of this subtitle except for the requirements set forth in §§ 3408, 3410.7, 3410.9, 3410.12-3410.15, 3410.16, 3410.18, 3410.20, 3410.24, 3410.28(d), 3410.31(c), 3411, 3412, and 3415-3423.

3902.2 In addition to complying with the requirements set forth in § 3410.27 of this subtitle, each Clubhouse specialty provider Quality Improvement (QI) program shall be directed by a coordinator (QI Coordinator) who is a qualified practitioner and who has direct access to the Chief Executive Officer of the Clubhouse. The QI Coordinator shall review unusual incidents, deaths, and other sentinel events, monitor and review utilization patterns, and track consumer complaints and grievances. The QI Coordinator shall also collect and submit clinical outcome data using the process, timeline and tools specified or approved by DBH.

3903 CLUBHOUSE SERVICES ELIGIBILITY

3903.1 To be eligible for Clubhouse services, a consumer shall:

- (a) Be eligible for MHRS services in accordance to Chapter 34; and
- (b) Be at least eighteen (18) years of age.

3904 CLUBHOUSE SERVICES

3904.1 Clubhouse services are primarily rehabilitative in nature. Clubhouse services assist individuals with behavioral health diagnoses to develop social networking, independent living, budgeting, self-care, and other skills that will assist them to live in the community and to prepare for securing and retaining employment.

3904.2 Services within the Clubhouse may be delivered through individual (one-to-one) or group interaction between staff and members within the Clubhouse setting. Experiential opportunities through operating and maintaining the Clubhouse should include all of the formal activities engaged in during the Work-Ordered Day.

3904.3 A Clubhouse shall provide members with coping and wellness strategies to improve functioning through experiential learning opportunities, peer and professional support, and psycho-education. Areas of focus include:

- (a) Identification and management of situations and prodromal symptoms to reduce the frequency, duration, and severity of psychological relapses;
- (b) Competence responding to a psychiatric crisis;

- (c) Competence in understanding the role psychotropic medication plays in the stabilization of the members' well-being;
- (d) Independent living competencies (such as self-care, cooking, money management, personal grooming, and maintenance of living environment);
- (e) Social and interpersonal abilities (such as conversational competency, developing or maintaining a positive self-image, and the ability to evaluate the motivations and feelings of others to establish and maintain positive relationships);
- (f) Personal adjustment abilities to reduce dependency on professional caregivers and to enhance independence (such as stress management, leisure time management, coping with symptoms of mental illness);
- (g) Cognitive and adult role competency (such as using task-oriented activities to develop and maintain cognitive abilities or to maximize adult role functioning by improving attention, concentration, and memory, enhancing the ability to learn and establishing the ability to develop empathy);
- (h) Identification and development of organizational support (such as sustaining personal entitlements, locating and using community resources or other supportive programs); and
- (i) Identification and development of existing natural supports for addressing personal needs (such as families, employers, and friends).

3905 CLUBHOUSE STAFF

- 3905.1 A provider of Clubhouse services must have one or more staff persons certified by the Psychiatric Rehabilitation Association (PRA) as a Certified Psychiatric Rehabilitation Practitioner (CPRP) or that have an equivalent certification.
- 3905.2 Any staff members who have not been certified from the PRA as a CPRP must have at least a bachelor's level degree or two (2) years of work experience providing psychiatric rehabilitation services, and have received the training required by § 3912 of this chapter.
- 3905.3 Staffing ratios must comply with Clubhouse Standards.
- 3905.4 Clubhouse services may be provided by a team of staff that is responsible for an assigned group of consumers, or by staff who are individually responsible for assigned consumers.

- 3905.5 Clubhouse staff who are credentialed must be supervised by a Qualified Practitioner (QP) who is a psychiatrist, psychologist, licensed independent clinical social worker, and licensed professional counselor.
- 3905.6 Each Clubhouse shall satisfy the following minimum staffing requirements:
- (a) A Chief Executive Officer with professional qualifications and experience, who shall meet the requirements as established by the MHRS provider's governing authority, and is responsible for day-to-day management of the MHRS provider;
 - (b) A Consulting Psychiatrist who is a physician that has completed all training in a program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, approved by the American Board of Psychiatry and Neurology, Inc., or who is board-certified in psychiatry and advises the specialty provider on the quality of medical and psychiatric care provided;
 - (c) A Clinical Director who is a qualified practitioner with overall responsibility for oversight of the clinical program of the specialty provider; and
 - (d) The required staff listed in this subsection shall be either employees of the Clubhouse specialty provider or under contract to the Clubhouse specialty provider for an amount of time sufficient to carry out the duties assigned.

3906 DISTRICT REIMBURSEMENT LIMITATIONS

- 3906.1 Clubhouse treatment duration varies but generally last up to one hundred eighty (180) days. Clubhouse treatment can continue long-term in accordance with the Plan of Care for individuals experiencing ongoing rehabilitation needs. Clubhouse services may be reimbursed according to the consumer's Human Care Agreement (HCA) with the Department and medical necessity.
- 3906.2 The Department shall reimburse Clubhouse specialty providers for clubhouse services at a per diem rate. The services will only be reimbursable if the following requirements are met:
- (a) The member has engaged in at least three (3) hours of Clubhouse services per day; and
 - (b) A daily encounter note documenting the services provided to the member was prepared per day in accordance with § 3907.3 of this chapter.
- 3906.3 Clubhouse services require a Plan of Care.

- 3906.4 Clubhouse services may not be reimbursed for the same consumer on the same day as Rehabilitation/Day Services or Intensive Day Treatment.
- 3906.5 The District shall only reimburse one Clubhouse on behalf of each consumer per one hundred eighty (180) day period.
- 3906.6 In accordance with § 3425 of this subtitle, certain services may not be reimbursed through Medicaid.

3907 DOCUMENTATION REQUIREMENTS

- 3907.1 Each Clubhouse shall establish and adhere to policies and procedures concerning documentation, retention, maintenance, purging and destruction of clinical and rehabilitative records; security, confidentiality, and disclosure of consumer and family information that comply with applicable federal and District laws and regulations (Rehabilitation Records Policy). The Rehabilitation Records Policy shall:
- (a) Require the Clubhouse to maintain all clinical and rehabilitative records in a secured and locked storage area;
 - (b) Require the Clubhouse to maintain and secure a current, clear, organized, and comprehensive clinical and rehabilitative record for every individual assessed, treated, or served by the Clubhouse, including information deemed necessary to provide treatment or protect the Clubhouse, in a manner that complies with applicable federal and District laws and regulations; and
 - (c) Set forth requirements for documentation maintained in the clinical and rehabilitative record.
- 3907.2 The following documents shall be included in each member's clinical record:
- (a) Current behavioral health assessment;
 - (b) Referral source and reason for referral;
 - (c) Current Plan of Care prepared by the Clubhouse and if applicable, the Plan of Care prepared by the CSA in accordance with §§ 3407-3408 of this subtitle that includes a recommendation for Clubhouse services;
 - (d) Identifying information about the member, including enrollment information;
 - (e) Identification of individuals to be contacted in the event of emergency;

- (f) Basic screening and intake information;
- (g) Advance instructions and advance directives;
- (h) Methods for addressing the member's and his or her family's special needs, especially those which relate to communication, cultural, and social factors;
- (i) Detailed description of services provided;
- (j) Encounter notes as required by § 3907.3 of this chapter;
- (k) Discharge planning information;
- (l) Appropriate consents for service;
- (m) Appropriate release of information forms; and
- (n) A Consumer Rights Statement signed by the member, or if applicable, the member's guardian.

3907.3

The Clubhouse staff shall write a daily encounter note at the end of each member's session with the member encouraged but not required to participate in its drafting. The daily encounter note shall:

- (a) Identify the activities performed to enhance or support the member's rehabilitation in social, educational, and pre-vocational domains;
- (b) Identify what supportive interventions or activities were used to improve a member's potential for establishing and maintaining social relationships or obtaining occupational or educational achievements;
- (c) Document the member's response to that day's experience, including the choices of and perceptions by the member regarding the service(s) provided;
- (d) Demonstrate a relationship between the activities and interventions identified in the encounter note to at least one rehabilitation goal listed in the Plan of Care;
- (e) Include the arrival and departure time of the member; and
- (f) Be signed and dated by the staff member making the entry, and at the member's discretion, the member participating in the service.

- 3907.4 The Clubhouse shall provide the member's referring agency, if applicable, with a copy of the member's Plan of Care and any updates to the Plan of Care.
- 3907.5 The Clubhouse shall ensure that that all clinical and rehabilitative records of members are completed promptly, filed, and retained in accordance with the Clubhouse's Rehabilitation Records Policy.
- 3907.6 The member's referring agency shall provide the Clubhouse the member's current Plan of Care and any updates to the Plan of Care.

3908 CLUBHOUSE REFERRALS

- 3908.1 Referrals to the Clubhouse may be made by a CSA, family member, advocates, other service providers, or by the consumer.
- 3908.2 Referrals from a CSA shall be made in writing and include the following information:
- (a) Current Plan of Care;
 - (b) Current behavioral health assessment;
 - (c) Contact information for the consumer, including emergency contact information (family member, friend or guardian as applicable);
 - (d) Crisis Plan for the consumer (if available); and
 - (e) Advance Directives or instructions as described in § 3405.6 of this subtitle (if available).
- 3908.3 Self-referrals, referrals from a relative, other service provider or advocate shall be made in writing and include the following information:
- (a) Name of the person's CSA or current behavioral health service provider (if applicable);
 - (b) Current behavioral health assessment (if available);
 - (c) Contact information, including emergency contact information (relative, friend or guardian as applicable);
 - (d) Crisis Plan (if available); and
 - (e) Advance Directives or instructions (if available).

- 3908.4 A person enrolled with a CSA must have a behavioral health assessment and a Plan of Care that includes Clubhouse services in order to participate in the Clubhouse.
- 3908.5 A Clubhouse shall establish and adhere to policies and procedures governing its collaboration with a referring CSA in the development, implementation, evaluation, and revision of each member's Plan of Care, as appropriate, that comply with the Department rules (Collaboration Policy). The Collaboration Policy shall:
- (a) Be part of the Clubhouse's Plan of Care Review Policy as described in § 3911.5 of this chapter;
 - (b) Require the Clubhouse to incorporate CSA-developed Diagnostic/Assessment material into the rehab development process; and
 - (c) Require the Clubhouse to coordinate the consumer's program with the consumer's primary treatment team.

3909 PLAN OF CARE DEVELOPMENT PROCESS

- 3909.1 The Plan of Care development process for members shall, at a minimum, include:
- (a) The completion of a Diagnostic/Assessment service and required components as described in § 3415 of this subtitle, unless the referral comes from a CSA, in which case the CSA may provide the Diagnostic/Assessment report;
 - (b) Development of a Plan of Care as described in § 3910 of this chapter;
 - (c) Consideration of the member's beliefs, values, and cultural norms in how, what, and by whom Clubhouse services are to be provided; and
 - (d) Consideration, screening and assessment of the member for treatment via other appropriate evidence-based practices (EBP) offered through DBH MHRS providers.
- 3909.2 Court-appointed guardians for members, if applicable, shall be involved in the Plan of Care planning process. Family members and significant others of adult members may participate in the Plan of Care planning process to the extent that the adult member consents to the involvement of the family member and significant other.
- 3909.3 The Plan of Care shall be developed by the Clubhouse in accordance with the member's existing MHRS Plan of Care for those members enrolled in a CSA and in cooperation with other specialty providers if applicable.

3909.4 The Clubhouse Plan of Care shall be developed by the Clubhouse for those members not enrolled in a CSA or other specialty provider.

3910 PLAN OF CARE DEVELOPMENT

3910.1 Each Plan of Care shall:

- (a) Be person-centered;
- (b) Include the member's self-identified recovery goals; and
- (c) Provide for the delivery of services in the most normative, least restrictive environment that is appropriate for the member.

3910.2 The approval of the initial Plan of Care, as demonstrated by the electronic signature and date stamp of an independently licensed qualified practitioner, shall occur within thirty (30) calendar days from when the provider obtains consent to treatment from the member.

3910.3 Each Clubhouse specialty provider shall develop and maintain a complete and current Plan of Care for each enrolled member.

3910.4 The Plan of Care shall include the following elements:

- (a) An overall broad, long-term goal statement(s) that captures the member's short and long term goals for the future, ideally written from the member's perspective;
- (b) A list or statement of individual and family strengths that support goal accomplishment, including abilities, talents, accomplishments, and resources;
- (c) A list or statement of barriers that pose obstacles to the member's ability to accomplish the stated goal(s), including symptoms, functional impairments, lack of resources, consequences of substance use disorder and other challenges, which help to substantiate the medical necessity for treatment and recovery interventions;
- (d) Objective statements that identify the short-term changes in behavior, function or status that overcome the identified barriers and are building blocks toward the eventual accomplishment of the long-term goal(s) and describe outcomes that are measurable and include individualized target dates to be accomplished within the scope of the plan; and

- (e) Intervention statements that describe the Clubhouse opportunities and interventions intended to reduce or eliminate the barriers identified in the Plan of Care and support objective and eventual goal accomplishment, including natural support interventions and the non-billable supports delivered by resources outside of the formal behavioral health service-delivery system.

3911 PLAN OF CARE IMPLEMENTATION

- 3911.1 Clubhouse assigned staff and the member shall discuss the Plan of Care on an ongoing basis. An encounter note describing the member's response to, participation in and agreement to the Plan of Care shall be recorded in the member's clinical record.
- 3911.2 In situations where the member does not demonstrate the capacity to sign or does not sign the Plan of Care, the reasons the member does not sign shall be recorded in the member's clinical record, including each date when signature was attempted.
- 3911.3 An independently licensed qualified practitioner shall approve and sign the Plan of Care each time it is reviewed and updated.
- 3911.4 Documentation of participation of the member's court-appointed guardian, family and significant others in the development of the Plan of Care shall also be included in the members's clinical record, as appropriate.
- 3911.5 Each Clubhouse provider shall develop policies and procedures for the Plan of Care review (Plan of Care Review Policy), which shall:
 - (a) Include procedures for reviewing each member's Plan of Care and ensuring that the plan contains Goals, Objectives and Interventions designed to meet the Treatment Goals set forth in the Plan of Care with respect to the provision of Clubhouse services to the member; and
 - (b) Require that the Plan of Care be reviewed and updated every one hundred eighty (180) days and at any time there is a significant change in the member's condition or situation, which reflects progress toward or the lack of progress toward the treatment or recovery goals. The Plan of Care may be reviewed more frequently, as necessary, based on the member's progress or circumstances.
- 3911.6 In addition to the requirements of § 3907.4 of this chapter, each Clubhouse shall provide a copy of the Plan of Care for each member when updated to:
 - (a) The member;

- (b) Legal guardian (if applicable); and
- (c) Anyone designated by the member.

3912 CLUBHOUSE STAFF TRAINING REQUIREMENTS

3912.1 A staff member shall receive training in accordance with the Clubhouse Standards before he or she may work independently with a member.

3912.2 A Clubhouse provider shall have a current written plan for staff development and organizational onboarding, which shall be approved by the Department, that reflects the training and performance improvement needs of all employees working in that Clubhouse. The plan shall address the steps the Clubhouse provider will take to ensure the recruitment and retention of highly qualified employees and the reinforcement of staff development through training, supervision, the performance management process, and activities such as shadowing, mentoring, skill testing and coaching. The plan shall include culturally competent training and onboarding activities in the following core areas:

- (a) The program's approach to addressing psychosocial rehabilitation services, including philosophy, goals, and methods;
- (b) The staff member's specific job description and role in relationship to other staff;
- (c) Emergency preparedness plan and all safety-related policies and procedures;
- (d) The proper documentation of services in individual member records, as applicable;
- (e) Policies and procedures governing infection control, protection against exposure to communicable diseases, and the use of universal precautions;
- (f) Laws and policies governing confidentiality of client information and release of information;
- (g) Laws and policies governing reporting abuse and neglect;
- (h) Consumer rights; and
- (i) Other trainings deemed necessary and communicated by the Department.

3999 DEFINITIONS

3999.1 The definitions in § 3499 of this subtitle are incorporated by reference into and applicable to this chapter unless otherwise defined in § 3999.2.

3999.2 The following terms have the following meaning:

Clubhouse International – the international organization that establishes standards for the operation of accredited psychosocial rehabilitation Clubhouse services. Clubhouse International is responsible for evaluating and accrediting psychosocial rehabilitation clubhouse services.

Clubhouse Standards – the International Standards for Clubhouse Programs established by Clubhouse International.

Core Services Agency or **CSA** – a Department-certified community-based MHRS provider that has entered into a Human Care Agreement with the Department to provide specified MHRS in accordance with the requirements of 22-A DCMR Chapter 34.

Consumer – an adult, children, or youth who seek or receive mental health services or mental health supports funded or regulated by the Department.

Crisis Plan – a written plan designed to describe behaviors and help prepare for a crisis before one happens.

Department or **DBH** – the Department of Behavioral Health, the successor in interest to the Department of Mental Health (DMH), established pursuant to the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.01 *et seq.*).

Member – a consumer who has joined a Psychosocial Rehabilitation Clubhouse.

Mental Health Rehabilitation Services or **MHRS** - mental health rehabilitative or palliative services provided by a Department-certified community mental health provider to consumers in accordance with the District of Columbia State Medicaid Plan, the MAA (now Department of Health Care Finance)/DMH (now Department of Behavioral Health) Interagency Agreement, and this chapter.

Plan of Care – the individualized service plan for a person who is receiving MHRS.

Psychiatrist - a physician who has completed all training in a program in psychiatry accredited by the Accreditation Council for Graduate Medical

Education, approved by the American Board of Psychiatry and Neurology, Inc., or who is board-certified in psychiatry. A Psychiatrist is a qualified practitioner.

Qualified Practitioner – a Qualified Practitioner is a behavioral health clinician appropriately licensed by the jurisdiction where services are delivered and who may practice MHRS independently within the scope of their license.

Rehabilitation plan – the plan developed to provide services to Clubhouse members in accordance with ICCD standards.

Specialty services - ACT, CBI, Clubhouse, Crisis Intervention/Emergency, Psychosocial Rehabilitative Clubhouse, Intensive Day Treatment, and Rehabilitation/Day Services.

Work-Ordered Day – the structure of the day-to-day activity within a Clubhouse, organized to help members develop self-esteem, confidence and friendships, which make up the foundation of the recovery process. The general concept is that hours of operation mirror those of local businesses, and that the treatment comes with working alongside staff to jointly operate the Clubhouse.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the final action to amend Chapter 44 (Dietetics) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for dietitians to include continuing education in public health priorities as determined and amended from time to time by the Director.

The rulemaking was published as a proposed rulemaking in the *D.C. Register* on February 8, 2019 at 66 DCR 1846. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on April 10, 2019 and will be effective upon publication in the *D.C. Register*.

Chapter 44, DIETETICS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4406, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 4406.4 is amended to read as follows:

- 4406.4 To qualify for the renewal of a license, an applicant shall have completed, during the two (2)-year period preceding the date the license expires, thirty (30) hours of approved continuing education, which shall include the following:
- (a) Two (2) hours of LGBTQ continuing education; and
 - (b) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Subsection 4406.5 is amended to read as follows:

- 4406.5 To qualify for the reactivation of a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11 (2016 Repl.)), who submits an application to reactivate a license shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each license year that the applicant was in inactive status, up to a maximum of thirty (30) hours, provided further that ten percent (10%) of the total required continuing

education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Subsection 4406.6 is amended to read as follows:

4406.6 To qualify for the reinstatement of a license, an applicant shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each year after that the applicant was not licensed, up to a maximum of thirty (30) hours, provided further that ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Section 4499, DEFINITIONS, is amended as follows:

Subsection 4499.1 is amended as follows:

The following definition is added before the definition of “Nutritionist”:

Director – The Director of the Department of Health, or the Director’s designee.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the amendment to Chapter 79 (Speech-Language Pathology) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for speech-language pathologists to include continuing education in public health priorities as determined and amended from time to time by the Director.

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on February 22, 2019 at 66 DCR 2372. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on April 10, 2019 and will be effective upon publication in the *D.C. Register*.

Chapter 79, SPEECH-LANGUAGE PATHOLOGY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**Section 7906, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:****Subsection 7906.2 is amended to read as follows:**

- 7906.2 To qualify for the renewal of a license, an applicant shall have completed, during the two (2)-year period preceding the date the license expires, twenty (20) hours of approved continuing education, which shall include the following:
- (a) One (1) hour of ethics;
 - (b) Two (2) hours of LGBTQ continuing education; and
 - (c) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Subsection 7906.3 is amended to read as follows:

- 7906.3 Notwithstanding the requirement of §§ 7906.2 and 7808.2 of Chapter 78 of this title, an applicant for dual licensure renewal may qualify for the renewal of both licenses by completing thirty (30) hours of approved continuing education during

the two (2) year-period preceding the date the licenses expire, which shall include:

- (a) One (1) hour of ethics;
- (b) Two (2) hours of LGBTQ continuing education;
- (c) Five (5) hours of each of the audiology and speech-language pathology disciplines; and
- (d) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

PUBLIC EMPLOYEE RELATIONS BOARD**NOTICE OF PROPOSED RULEMAKING**

The Public Employee Relations Board (Board), pursuant to the authority set forth in the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.02(11) (2016 Repl.)) (CMPA), hereby gives notice of the intent to adopt the following amendments to Chapter 5 (Rules of the Public Employee Relations Board) of Title 6 (Personnel), Subtitle B (Government Personnel), 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*.

The proposed amendments improve readability, provide clarity, and ensure consistency with relevant statutes, court decisions, and other provisions of law.

The Board approved the proposed rules on March 21, 2019. The current Chapter 5 of Title 6 DCMR will be repealed in its entirety and the following amendments and new rules will be adopted upon publication of the final version of these proposed rules in the *D.C. Register*. The current Chapter 5 will remain in effect until the publication of the final version of these proposed rules.

The Board will consider comments received in response to this Notice of Proposed Rulemaking. Directions for submitting comments may be found at the end of this Notice.

Chapter 5, RULES OF THE PUBLIC EMPLOYEE RELATIONS BOARD, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:**500 GENERAL PROVISIONS**

- 500.1 The District of Columbia Public Employee Relations Board (“Board”) was established in 1979 by § 501(a) of the Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01(a) (2016 Repl.)) (“CMPA”), and administers the Labor-Management Relations Program for the District of Columbia pursuant to §§ 1701–1718 of the CMPA (D.C. Official Code §§ 1-617.01-1-617.18 (2016 Repl.)).
- 500.2 These rules should be construed broadly to effectuate the purposes and provisions of the CMPA.
- 500.3 The Executive Director is the principal administrative officer of the Board and performs duties designated by the CMPA or assigned by the Board, including the investigation of all petitions, requests, complaints, and other matters referred or submitted to the Board.
- 500.4 The Executive Director is authorized, among other things, to conduct conferences and hearings, administer oaths, issue subpoenas, sign and issue notices and

reports, certify copies of papers and documents, consider requests for extensions of time and requests to intervene in a case, and, pursuant to action by the Board or by an authorized panel thereof, sign and issue decisions and orders made by or on behalf of the Board.

- 500.5 The Executive Director is authorized to dismiss a case on motion of the complainant or petitioner or for any of the following reasons:
- (a) Untimeliness evident on the face of the complaint or petition;
 - (b) Failure to cure a deficiency in an initial pleading within seven (7) days of a notice of the deficiency given under § 502.11;
 - (c) Failure to allege facts that, if true, would entitle the complainant or petitioner to relief under the CMPA;
 - (d) Failure to prosecute the case;
 - (e) Noncompliance with an investigation of the case; or
 - (f) Any other ground for dismissal that the Board places within the discretion of the Executive Director.
- 500.6 A dismissal of a case by the Executive Director will become the final decision of the Board unless within fourteen (14) days after issuance of the dismissal a party files a motion requesting the Board to reconsider the dismissal.
- 500.7 Official documents of the Board, including but not limited to notices, subpoenas, and other communications may be signed on behalf of the Board by the Executive Director or any staff members or agents authorized to sign on the Board's behalf.
- 500.8 Communications other than pleadings may be addressed to the Public Employee Relations Board at its office, 1100 Fourth Street S.W., Suite E630, Washington, D.C. 20024.
- 500.9 The business hours of the office are from 8:30 a.m. to 4:45 p.m., Monday through Friday, exclusive of District of Columbia holidays.
- 500.10 The regular meetings of the Board are held on the third Thursday of each month at the Board's office, unless otherwise specified. The Board may hold a special meeting at any time at the request of the Chair, any member of the Board, or the Executive Director.
- 500.11 The Executive Director must give the public timely notice of all meetings of the Board. The notice must comply with D.C. Official Code § 2-576 (2016 Repl.).

- 500.12 The official acts of the Board must be recorded in the minutes of the Board. The Executive Director must maintain the minutes of the Board.
- 500.13 The Board is not bound in any way by any action or statement of an individual member or group of members of the Board, except when that action or statement is authorized by an official act of the Board or the provisions of this chapter.
- 500.14 Unless specifically provided for by a majority of the Board members present, only members of the Board, the Executive Director, staff, and agents of the Board may address the Board or participate in the discussion of matters at regular monthly, special, or emergency meetings of the Board.
- 500.15 Three (3) members constitute a quorum. No decision of the Board will be valid unless supported by the majority of a quorum.
- 500.16 If a Board member cannot attend a meeting in person, that member may participate in the Board meeting via teleconference upon approval of the Chair.
- 500.17 If a Board member cannot attend a meeting in person or via teleconference, that Board member must provide reasonable notice to the Chair and the Executive Director.
- 500.18 If the Government of the District of Columbia is closed due to weather or a national emergency or other event, then a meeting of the Board scheduled to occur during the closure is deemed cancelled.
- 500.19 The public may inspect the rules, decisions, and public records of the Board upon written request filed within a reasonable time period in advance of inspection. There is no prescribed form for requests for inspection. Written requests should be submitted to the Executive Director.
- 500.20 Any person may request in writing copies of the Board's opinions, decisions, orders, certifications, or other documents, in accordance with D.C. Official Code §§ 2-531-2-540 (2016 Repl.).
- 500.21 A labor organization that represents employees of the District of Columbia Government must send the Board the name, telephone number, electronic address, and mailing address of each appointed and elected office holder.

501 COMPUTATION AND EXTENSIONS OF TIME

- 501.1 When an act is required or allowed to be done within a specified time by these rules, the Board, Chair, or the Executive Director may, upon timely request, order the time period extended or reduced to effectuate the purposes of the CMPA, except that no extension may be granted for the filing of initial pleadings.

- 501.2 A motion for an extension of time must be in writing and made at least three (3) business days before the expiration of the filing period. The Executive Director may allow exceptions to this requirement for good cause shown.
- 501.3 A motion for an extension of time must indicate the purpose and reason for the requested extension of time and the positions of all interested parties regarding the extension.
- 501.4 Whenever a period of time is measured from the service of a pleading and service is by U.S. mail, five (5) days will be added to the prescribed period.
- 501.5 In computing any period of time prescribed by these rules, the time begins to run the day after the event occurs. Whenever the last day to file a document falls on Saturday, Sunday, or a District of Columbia holiday, the period extends to the next business day. All prescribed time periods are calendar days, unless specified as business days.

502 FILING AND SERVICE OF PLEADINGS

- 502.1 All pleadings filed with the Board must be filed electronically through File & ServeXpress as text-searchable documents and include the following:
- (a) The title of the proceeding (*i.e.*, arbitration review request, petition for compensation unit determination, petition to amend certification, petition for decertification, enforcement petition, impasse request, negotiability appeal, standards of conduct complaint, unfair labor practice complaint, petition for unit clarification, or petition for unit modification) and the case number, if known;
 - (b) The name, title, address, and telephone number of the person signing and the date of signing;
 - (c) The name, mailing address, electronic address, and telephone number of the representative, if any, of the party filing the pleading; and
 - (d) A certificate of service.
- 502.2 As illustrated in the following example, all pleadings must contain a caption setting forth the name of the Board, the title of the proceeding, the case number, if known, and the title of the pleading:

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

[Name of Party])	
Complainant or Petitioner)	
)	
v.	)	PERB Case No. ____
)	
[Name of Party])	
Respondent)	

[Title of the Proceeding]

502.3 Every pleading that is filed to initiate a proceeding with the Board must include the following:

- (a) The name, mailing address, electronic address, and telephone number of each party filing the pleading and, if known, of each opposing party;
- (b) A concise statement of the nature of the case, the basis for the claim, and the relief requested;
- (c) A concise statement of all information deemed relevant, which must be set forth in numbered paragraphs; and
- (d) A statement as to the existence of any related proceedings or other proceedings involving matters related to the complaint, and the status or disposition of those proceedings.

502.4 Pleadings submitted to the Board must be typed or legibly hand-written and limited to twenty (20) double-spaced pages. Requests to increase the page limitation must be submitted to the Executive Director at least three (3) business days before the pleading is due. The page limitation of this rule does not apply to pleadings filed with the trier of fact when the trier of fact is not the Board itself.

502.5 An initial pleading will not be considered filed with the Board unless it is received electronically pursuant to § 561.

502.6 A *pro se* party may file an initial pleading by personal delivery during the Board’s business hours established in § 500.9. A *pro se* party may utilize the Board’s public access terminal to upload the document free of charge.

- 502.7 An initial pleading must name as respondents all parties charged with a violation of the CMPA or these rules or, in connection with representation cases, all agencies and labor organizations affected by issues raised in the filing. The initial pleading must be served on the respondent or respondents by personal delivery, commercial delivery, or U.S. mail.
- 502.8 Non-initial pleadings must be filed with the Board electronically pursuant to § 561. A party submitting a non-initial pleading to the Board must concurrently serve a copy of the pleading on every other party, unless otherwise directed by these rules or by instructions from the Board. If a party is represented by an attorney or other representative, serving the attorney or representative is sufficient. Every pleading filed with the Board must include a signed certificate of service naming all other parties and attorneys or representatives, if any, on whom concurrent service was made. The certificate must state how and when such service was made.
- 502.9 All non-initial pleadings must be electronically served on every other party through File & ServeXpress, except for service on a *pro se* party. A *pro se* party must be served by personal delivery, commercial delivery, or U.S. mail, unless the *pro se* party has waived such method of service in writing and agreed to be served by email or electronically or has used File & ServeXpress for his own filings in the case. A *pro se* party may serve a party by File & ServExpress, personal delivery, commercial delivery, or U.S. mail.
- 502.10 An initial pleading that is filed will be assigned a filing date and case number. The Board or its designated representative will review the pleading to determine whether it was filed in accordance with the procedural requirements of the CMPA and these rules.
- 502.11 If review of a pleading reveals that the pleading does not comply with the CMPA or these rules, the Executive Director will notify the party or the party's representative of the deficiencies in the pleading and allow seven (7) days from the date of notice for the deficiencies to be cured. Failure to cure deficiencies in an initial pleading within that time may result in dismissal of the case without further notice. An amended pleading filed to cure deficiencies pursuant to a notice from the Executive Director relates back to the date of the original pleading.
- 502.12 An interested party who wishes to intervene in a pending proceeding must promptly file a request to intervene and state the grounds for intervention.
- 502.13 The Board or the Executive Director may grant or deny a request for intervention, taking into consideration the nature of the interests of the intervenor, whether those interests will be adequately protected by existing parties, and the timeliness of the intervenor's request.

- 502.14 Except as otherwise provided in these Rules, a party named as a respondent in an initial pleading must file no later than fourteen (14) days after service of the initial pleading an answer containing a statement of its position with respect to the allegations set forth in the initial pleading. The answer must also include a statement of any affirmative defenses.
- 502.15 The answer must include a specific admission or denial of each allegation or issue in the initial pleading or, if the respondent is without knowledge thereof, the answer must so state and such statement will operate as a denial. Admissions or denials may be made to all or part of an allegation but must clearly meet the substance of the allegation. Where an allegation is denied in part, the answer must specify the part that is denied and the part that is admitted. A paraphrase of an allegation does not constitute a denial.
- 502.16 A respondent who fails to file a timely answer will be deemed to have admitted the material facts alleged in the initial pleading and to have waived a hearing. The failure to deny an allegation will also be deemed an admission of that allegation.
- 502.17 An initial pleading may be amended as a matter of course before an answer is filed. Once an answer is filed, the initial pleading may be amended by motion. Unless the Board orders otherwise, an answer to an amended pleading must be made within the time remaining to respond to the original pleading or no later than fourteen (14) days after service of the amended pleading, whichever is later.
- 502.18 A complainant or petitioner may withdraw an initial pleading without prejudice at any time before an answer is filed. After an answer is filed, an initial pleading may be withdrawn only by order of dismissal by the Board or the Executive Director. Unless the order states otherwise, the dismissal is without prejudice.
- 502.19 When there is a change in representation, the new representative of a party must promptly enter a notice of appearance in the case and serve a copy on all parties to the proceeding.

503 EXCLUSIVE RECOGNITION AND NONCOMPENSATION UNIT DETERMINATION

- 503.1 A labor organization seeking exclusive recognition as the representative for an appropriate unit may file a "recognition petition." The recognition petition must include the following:
- (a) A description of the proposed unit including the name, address, and telephone number of the employing agency (and agency subdivision, if any), the number of employees in the proposed unit, and the general classifications of employees;

- (b) The name, address, and telephone number of any other labor organization known to the petitioner that claims recognition as a representative of any employees in the proposed unit;
- (c) A statement as to whether there is a collective bargaining agreement in effect covering the proposed unit or any part of it, including the effective date and expiration date of any such agreement;
- (d) A statement as to how the employees in the proposed unit share a community of interest, by virtue of such common factors as skills, working conditions, supervision, physical location, organizational structure, distinctiveness of functions performed, or the existence of integrated work processes;
- (e) A roster of the petitioner's officers and representatives, a copy of its constitution, articles of incorporation, and bylaws, if any, and a statement of its objectives; and
- (f) A statement that the petitioning labor organization subscribes to the standards of conduct for labor organizations, as set forth in § 1703(a) of the CMPA, D.C. Official Code § 1-617.03(a) (20164 Repl.).

503.2 A petition for exclusive recognition must be supported by a showing of interest, not more than one (1) year old, that at least thirty percent (30%) of the current employees in the proposed unit desire representation by the petitioner. Evidence of the employees' showing of interest must be submitted to the Board by commercial delivery, U.S. mail, or personal delivery to the Board's office. Forms of evidence may include the following:

- (a) Current dues deduction authorizations;
- (b) Notarized membership lists;
- (c) Membership cards;
- (d) Individual authorization cards or petitions signed and dated by employees indicating their desire to be represented by the labor organization; or
- (e) Other evidence as determined appropriate by the Board.

503.3 Upon service of the recognition petition by the petitioner, the agency must prepare an alphabetical list of all employees in the proposed unit for the last full pay period before the filing of the petition. This list, along with any comments concerning the petition, must be transmitted to the Board no later than fourteen (14) days after the agency's receipt of the petition. The Executive Director may

request additional payroll records from the agency in order to properly investigate the showing of interest.

- 503.4 The Board or its designee must determine whether the petitioner's evidence adequately shows that at least thirty percent (30%) of the current employees in the proposed unit desire representation by the petitioner. While signed and dated authorization cards, in accordance with § 503.2, will always be accepted as adequate evidence, other forms of evidence may be considered adequate by the Board as prescribed under § 503.2 above and § 503.12 below.
- 503.5 If the petition is amended to seek to represent a unit different from that in the original petition, the amended petition must be accompanied by a thirty percent (30%) showing of interest in the new unit.
- 503.6 In cases where an agency's staffing fluctuates due to the seasonal nature of the work or in cases where a unit is expanding, a showing of interest is required only among those employees employed at the time the petition was filed.
- 503.7 If the status of employees in the proposed unit or the appropriateness of the unit is disputed, the Executive Director may conduct a proceeding to resolve the dispute.
- 503.8 If the Executive Director is unable to resolve issues concerning the eligibility of employees or unit appropriateness, a hearing may be ordered in the matter. If the hearing examiner recommends a change in the unit, the petitioner may submit additional evidence to establish a showing of interest in the changed unit no later than seven (7) days after the issuance of the hearing examiner's report and recommendation.
- 503.9 The Board must maintain the confidentiality of the showing of interest submitted in support of a petition filed under this section or § 506, and this evidence will not be available for public access. The showing of interest must be filed under seal.
- 503.10 If the requirements of §§ 503.1, 503.2, and 503.3 are met, the Executive Director must prepare a notice of recognition petition to be posted by the agency in conspicuous places on all employee bulletin boards at work sites of employees in the proposed unit and to be distributed in a manner by which notices are normally distributed. The agency must post the notice no later than seven (7) days after the Board's transmittal of the notice and keep it posted for fourteen (14) consecutive days. The notice must include the following:
- (a) The name of the petitioner;
 - (b) A description of the proposed unit;
 - (c) The date the notice was posted;

- (d) The name of any other labor organization currently representing employees in the proposed unit; and
- (e) The requirements for intervention by any other labor organization.

503.11 A labor organization may file an intervention petition within the period required by the notice. The intervention petition must contain the same information as required of a petitioner under § 503.1.

503.12 An intervention petition must be accompanied by:

- (a) A showing of interest that at least ten percent (10%) of the employees in the bargaining unit set forth in the petition for exclusive recognition wish to be represented by the intervening labor organization, unless a different unit is proposed by the intervenor, in which case a showing of interest of at least thirty percent (30%) must accompany the intervenor's petition; or
- (b) Where applicable, a statement that the intervenor is the incumbent exclusive representative of the employees in the proposed unit. The incumbent labor organization must be allowed to intervene as a matter of right without submitting any showing of interest.

503.13 If the intervenor's showing of interest is insufficient, the request for intervention will be denied.

503.14 A petition for exclusive recognition will be barred if:

- (a) During the previous twelve (12) months, a valid majority status determination has been made for substantially the same bargaining unit, a certification of representative has been issued, or the Board has determined the compensation unit placement; or
- (b) A collective bargaining agreement is in effect covering all or some of the employees in the bargaining unit unless:
 - (1) The agreement is of three years or shorter duration and the petition is filed between one hundred twenty (120) and sixty (60) days before the scheduled expiration date or after the stated expiration of the contract; or
 - (2) The agreement has a duration of more than three years and the petition is filed after the contract had been in effect for nine hundred seventy-five (975) days.

- 503.15 Upon the filing of a petition under § 503.1 or § 503.10, the Executive Director may conduct a preliminary investigation. Thereafter, the Board must take appropriate action, which may include any one or more of the following:
- (a) Approving a withdrawal request;
 - (b) Dismissing the petition;
 - (c) Conducting an informal conference;
 - (d) Holding a hearing;
 - (e) Conducting an election.
 - (f) Approving the petition certifying the labor organization pursuant to § 503.15.
- 503.16 Hearings under § 503.15(d) are investigatory and not adversarial.
- 503.17 If the choice available to employees in an appropriate unit is limited to the selection or rejection of a single labor organization, the Board may approve the employing agency to recognize the labor organization without an election on the basis of evidence that demonstrates majority status (more than fifty percent (50%) support for the petitioning labor organization), such as documentary proof not more than one (1) year old, indicating that a majority of employees wish to be represented by the petitioning labor organization. The Executive Director must determine majority status and must recommend to the Board whether certification should be granted without an election.
- 503.18 If the proposed unit contains professionals and nonprofessionals, recognition without an election may be permitted only if a majority of the professional employees petition for inclusion in the unit and the requirements of § 503.17 are met.
- 503.19 If the choice available to employees in an appropriate unit includes two (2) or more labor organizations, the Board must order an election in accordance with these rules.

504 COMPENSATION UNIT DETERMINATION

- 504.1 An agency, a labor organization, or a group of labor organizations may file a “petition for compensation unit determination” seeking determination of an appropriate unit for the purpose of negotiations for compensation.
- 504.2 The Board may on its own motion initiate proceedings for the determination of units for compensation bargaining absent the filing of a petition by any party.

- 504.3 A petition for the determination of a compensation unit must include the following:
- (a) The name and address of each personnel authority, agency, and labor organization that might be affected by the petition;
 - (b) A description of the proposed unit, setting forth the numbers and types of employees to be included;
 - (c) A list of the pay, retirement, and other compensation systems to be included in the proposed unit; and
 - (d) A showing that the proposed unit consists of broad occupational groups so as to minimize the number of pay systems.
- 504.4 Upon the filing of a petition or commencement of proceedings by the Board on its own motion for the determination of a compensation unit, the Executive Director must prepare an official notice to be posted by the employing agency in conspicuous places on employee bulletin boards at work sites of employees in the proposed unit and to be distributed in a manner by which notices are normally distributed. The agency must post the notice no later than seven (7) days after the Board's transmittal of the notice and keep it posted for fourteen (14) consecutive days thereafter. The notice must indicate the following:
- (a) The party or parties that filed the petition or initiated the proceedings;
 - (b) Each labor organization that might be affected by the proposed unit;
 - (c) The proposed unit description;
 - (d) A list of the compensation systems proposed to be included;
 - (e) The date the notice was posted; and
 - (f) A statement that within fourteen (14) days after posting of the notice any interested labor organization or person may file written comments.
- 504.5 No later than fourteen (14) days after the notice is posted, a labor organization may file a request to intervene in the case and any party may file comments concerning the proposed unit.
- 504.6 The Executive Director must transmit a copy of the notice to each labor organization that has exclusive recognition for any employees in the proposed unit and to each affected agency or its representative.

- 504.7 Any labor organization that has exclusive recognition for any employees in the proposed unit may intervene.
- 504.8 After the filing of a petition or upon commencement of a proceeding, the Executive Director may conduct a preliminary investigation.
- 504.9 In making its determination regarding an appropriate compensation unit, the Board may take any one or more of the following actions:
- (a) Approving a withdrawal request;
 - (b) Dismissing the petition;
 - (c) Conducting an informal conference;
 - (d) Conducting a hearing; or
 - (e) Granting the petition or determining a unit.
- 504.10 Hearings under § 504.9(d) are investigatory and not adversarial.

505 MODIFICATION OF UNITS

- 505.1 A petition for unit modification of either a compensation or non-compensation unit may be filed by a labor organization or by a labor organization and an agency jointly. A unit modification may be sought for any of the following purposes:
- (a) To reflect a change in the identity or statutory authority of the agency;
 - (b) To add to an existing unit unrepresented classifications or employee positions created since the recognition or certification of the exclusive representative;
 - (c) To delete classifications that are no longer in existence or that, by virtue of changed circumstances, are no longer appropriate to the established unit;
 - (d) To consolidate two (2) or more bargaining units within an agency that are represented by the same labor organization; or
 - (e) To consolidate two (2) or more bargaining units within an agency when the bargaining units include the same classifications of employees.
- 505.2 A petition for unit modification must include the following:
- (a) The names and addresses of all labor organizations and agencies affected by the proposed change;

- (b) A description of each existing unit and the proposed unit, including the name and address of the employer, the number of employees in the existing and proposed units, and the personnel and payroll classifications of the employees;
- (c) The date of recognition or certification of each labor organization for the affected units;
- (d) A copy of the documentation evidencing any existing recognition or certification; and
- (e) An explanation of the reasons for the proposed modification.

505.3 Upon the filing of a petition for unit modification, the Executive Director must prepare an official notice to be posted by the agency in conspicuous places on employee bulletin boards at work sites of employees in the proposed unit and to be distributed in a manner by which notices are normally distributed. The agency must post the notice no later than seven (7) days after the Board's transmittal of the notice and keep it posted for fourteen (14) days thereafter. The notice must indicate the following:

- (a) The party or parties who filed the petition or initiated the proceedings;
- (b) The names and addresses of all labor organizations that would be affected by the proposed modification;
- (c) The existing and the proposed unit descriptions;
- (d) A list of the compensation systems proposed to be included;
- (e) The date the notice was posted; and
- (f) A statement that within fourteen (14) days after posting of the notice, any labor organization or person that would be affected may file written comments.

505.4 No later than fourteen (14) days after the notice is posted, any affected labor organization may file a request to intervene in the case and any party may file comments concerning the proposed modification. All comments or requests to intervene must meet the requirements of § 502.

505.5 Upon the filing of a petition under this section, the Board may direct a preliminary investigation and thereafter must take appropriate action, which may be any one or more of the following:

- (a) Approving a withdrawal request;
- (b) Dismissing the petition;
- (c) Conducting an informal conference;
- (d) Holding a hearing; or
- (e) Granting the modification sought.

505.6 Hearings under § 505.5(d) are investigatory and not adversarial.

506 CLARIFICATION OF UNITS

506.1 A petition filed for clarification of an existing unit may be filed by the agency or by the exclusive representative of the unit. The petition must include the following:

- (a) A description of the existing unit;
- (b) A copy of the documentation evidencing any existing recognition or certification; and
- (c) An explanation of why a clarification of the existing unit is requested.

506.2 The Board must grant or deny the petition following an appropriate investigation and recommendation to the Board by the Executive Director or a hearing examiner.

507 DECERTIFICATION PETITIONS

507.1 The purpose of a decertification proceeding is to determine whether a majority of the employees in a bargaining unit maintain their desire to be represented by the existing exclusive bargaining representative.

507.2 A petition to decertify an exclusive representative of a bargaining unit may be filed with the Board by the District or by an employee in the bargaining unit. The petition must be served on the exclusive representative in accordance with § 502.7 and must include the following:

- (a) The name, address, and telephone number of the exclusive representative;
- (b) The name, address, and telephone number of the employer;
- (c) A specific and detailed description of the bargaining unit including employee classifications or job titles;

- (d) The approximate number of employees in the bargaining unit;
- (e) The date that the exclusive representative was recognized and the method of recognition, if known; and
- (f) A brief description of any collective bargaining agreements covering any employees in the bargaining unit, including the expiration dates of the agreements.

507.3 A petition for decertification filed by an employee must be accompanied by a showing that at least thirty percent (30%) of the employees in the bargaining unit no longer desire to be represented by the exclusive representative.

507.4 An employing agency may not assist an employee or group of employees in the filing of a decertification petition.

507.5 A petition for decertification filed by the District must be accompanied by a sworn statement and supporting evidence of lack of activity by the exclusive representative. Such evidence may include evidence of failure to meet with management upon request, an absence of requests to bargain, or an absence of designated stewards.

507.6 The exclusive representative may file a response to the decertification petition no later than fourteen (14) days after the date of service of the petition. If the exclusive representative does not file a timely response indicating that it desires to continue to represent the employees, the Board may issue a decertification order.

507.7 If the exclusive representative files a timely response indicating that it desires to continue to represent the employees and the requirements of § 507.2 and § 507.3 or § 507.5 have been met, the Board must order an election to determine majority status.

507.8 The Board will not entertain a decertification petition in the following circumstances:

- (a) Within the preceding twelve (12) months, the Board has certified the results of an election among all or some of the employees in the bargaining unit or has determined the compensation unit placement;
- (b) The exclusive representative of the employees in the bargaining unit was voluntarily recognized within the preceding twelve (12) months and the recognition was certified by the Board; or
- (c) A collective bargaining agreement is in effect covering employees in the bargaining unit unless:

- (1) The agreement is of three years or shorter duration and the petition is filed between one hundred twenty (120) and sixty (60) days before the scheduled expiration date or after the stated expiration of the contract; or
- (2) The agreement has a duration of more than three years and the petition is filed after the contract had been in effect for nine hundred seventy-five (975) days.

- 507.9 Upon receiving a timely response from the exclusive representative pursuant to § 505.7, the Board must transmit a copy of the decertification petition to the agency. The agency must prepare an alphabetical list of all employees in the unit for the last full pay period before the filing of the petition. This list, along with any comments concerning the petition, must be transmitted to the Board no later than fourteen (14) days after the Board's transmittal of the petition to the agency.
- 507.10 The Board or its designee must determine the adequacy of the showing of interest.
- 507.11 If the requirements of §§ 507.2, 507.3 and 507.9 are met, the Executive Director must prepare a notice to be posted by the agency in conspicuous places on all employee bulletin boards at work sites of employees in the unit and to be distributed in a manner by which notices are normally distributed. The agency must post the notice no later than seven (7) days after the Board's transmittal of the notice and keep it posted for fourteen (14) consecutive days. The notice must include the following:
- (a) The name of the petitioner;
 - (b) A description of the unit;
 - (c) The date the notice was posted;
 - (d) The name of the labor organization currently representing employees in the unit; and
 - (e) The requirements for intervention by any other labor organization.
- 507.12 A labor organization may file an intervention petition within the period required by the notice. The petition must contain the same information as required under § 507.2.
- 507.13 An intervention petition must be accompanied by a showing of interest that at least ten percent (10%) of the employees in the bargaining unit set forth in the decertification petition wish to be represented by the intervening labor organization, unless a different unit is proposed by the intervenor, in which case a

showing of interest of at least thirty percent (30%) must accompany the intervenor's petition.

507.14 Upon the filing of a petition pursuant to § 507.2 or § 507.12, the Executive Director may conduct a preliminary investigation. Thereafter, the Board must take appropriate action, which may include any one or more of the following:

- (a) Approving a withdrawal request;
- (b) Dismissing the petition;
- (c) Conducting an informal conference;
- (d) Holding a hearing;
- (e) Conducting an election.

507.15 Hearings under § 507.14(d) are investigatory and not adversarial.

507.16 When there is no intervening labor organization, an election to decertify an incumbent exclusive representative is not held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election is held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

510 ELECTION PROCEDURES: GENERAL

510.1 Representation elections will be conducted by the Board or by an impartial body selected by the mutual agreement of the parties. The parties to a representation election must inform the Board as to whether they have selected by mutual agreement an impartial body to conduct the election. If they inform the Board that they have not selected an impartial body, the Board will conduct the election.

510.2 All elections must be by secret ballot.

510.3 The agent of the Board or other impartial body conducting the election must furnish to the agency and to the labor organization(s) that are parties to the proceeding an official notice setting forth the details of the election. This notice must be posted not less than seven (7) days before the date of the election and must remain posted until after the election. Copies of the Notice must be distributed in a manner by which notices are normally distributed.

510.4 In any election, each party to the election may be represented at each polling place by an equal, predesignated number of poll watchers of its choice, subject to

limitations that are either prescribed by the agent of the Board or other impartial body or mutually agreed upon by the parties and approved by the Board.

- 510.5 Each party must submit the names(s) of its designated observer(s) to the agent of the Board or other impartial body before the day of the election. The observers represent their principals, challenging voters and generally monitoring the election process.
- 510.6 When an election involves a bargaining unit containing professional and non-professional employees, all professional employees must be given two ballots: one for indicating whether they desire a combined professional/nonprofessional unit and a second for indicating the choice of representative, if any.
- 510.7 If the choice available to employees in an appropriate unit is limited to the selection or rejection of a single labor organization, the employing agency has submitted a written waiver of a hearing, and the Board cannot determine whether a majority of the proposed bargaining unit wish to be represented by the petitioning labor organization or the employing agency chooses not to voluntarily recognize the appropriate unit, an election pursuant to §§ 512 or 513 will be conducted.
- 510.8 Parties are encouraged to enter into election agreements. If the parties are unable to agree on procedural matters—specifically, the eligibility period, method of election, dates, hours, or locations of the election—the Executive Director will decide election procedures and issue a direction of election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.
- 510.9 When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor and the petitioner provides the Executive Director with a written request to withdraw the petition, an election will be held if the intervenor presents a thirty percent (30%) showing of interest within the time period established by the Executive Director.
- 510.10 The parties may consent to an election without holding a hearing on the appropriateness of the unit.

511 ELECTION PROCEDURES: ELIGIBILITY

- 511.1 To be eligible to vote in an election, an employee must have been employed in the bargaining unit during the full pay period before the date on which the Board ordered the election or as otherwise determined by the Board or consented to by the parties and must still be employed in the bargaining unit on the date of the election.

- 511.2 The employer must file with the Board and the labor organization(s) a list of employees eligible to vote in the election no later than seven (7) days after approval of an election agreement or seven (7) days after the Board or the Executive Director has directed an election, whichever occurs first. Such list must also include the home addresses of the eligible employees.
- 511.3 To be eligible to vote in a runoff election, an employee must have been eligible to vote in the original election and still be employed in the bargaining unit on the date of the runoff.
- 511.4 The agent of the Board or other impartial body or any authorized observer may challenge the eligibility of any voter and in so doing must state the reason for the challenge. A voter whose identity has been challenged may establish his or her identity by showing any piece of identification acceptable to the agent of the Board or other impartial body.
- 511.5 An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the agent of the Board or other impartial body are unable to resolve the challenged ballot(s) before the tally of ballots, the agent of the Board or other impartial body will impound and preserve the unresolved challenged ballot(s) until the Executive Director or the Board makes a determination regarding the eligibility of the voter.
- 511.6 A challenged ballot must be placed in a “challenged ballot” envelope. The envelope must be sealed by the agent of the Board or other impartial body and initialed by the observers. The agent of the Board or other impartial body must write the reason for the challenge and the voter’s name on the envelope and place the envelope in the ballot box.
- 511.7 The agent of the Board or other impartial body should attempt to resolve ballot challenges to the satisfaction of both parties before the ballots are counted.

512 ELECTION PROCEDURES: ON-SITE ELECTIONS

- 512.1 The procedures set forth in this section apply to an election conducted on-site, unless otherwise agreed to by the parties and approved by the Board.
- 512.2 The agent of the Board or other impartial body must designate the areas in proximity to the polling place in which electioneering will be prohibited.
- 512.3 The agent of the Board or other impartial body must examine the ballot box in the presence of the observers immediately before opening the polls and must seal the ballot box following the observers’ inspection of the polls and the ballot box. The seal must allow for only one opening on the top of the ballot box for voters to insert their ballots.

- 512.4 A voter casts a ballot by marking an (X) or a (√) in a circle or block designating the voter's choice in the election.
- 512.5 If a voter inadvertently spoils a ballot, the voter may return the ballot to the agent of the Board or other impartial body who must give the voter another ballot. The spoiled ballot must be placed in a "spoiled ballot" envelope. The envelope must be sealed by the agent of the Board or other impartial body and initialed by the observers. The agent of the Board or other impartial body must place the envelope in the ballot box.
- 512.6 A voter should fold his or her ballot so that no part of its face is exposed and on leaving the voting booth deposit the ballot in the ballot box.
- 512.7 Each ballot box must be sealed by the agent of the Board or other impartial body and initialed by the observers after each election session and so kept until the re-opening of the polls and must remain in the custody of the agent of the Board or other impartial body until the tallying of the ballots.
- 512.8 Upon request of a voter, the agent of the Board or other impartial body may privately assist the voter to mark his or her ballot.
- 512.9 Upon conclusion of the polling, ballots will be tallied in accordance with § 514.
- 512.10 If there is only one polling location, ballots will be tallied at the polling site. If there is more than one polling location, the agent of the Board or other impartial body must, upon conclusion of the voting, seal the ballot boxes, each of which must be initialed by the observers. The agent of the Board or other impartial body must transport them to a predetermined central location. When all of the ballot boxes have arrived, the agent of the Board or other impartial body must open the ballot boxes in the presence of observers and commingle the ballots for tallying.

513 ELECTION PROCEDURES: MAIL BALLOTS

- 513.1 Taking into consideration the desires of the parties, the Executive Director may direct an election to be conducted by mail when the schedules, shifts, or work sites of employees prevent them from being present at a common location at common times.
- 513.2 Unless otherwise agreed to by the parties and approved by the Board, the procedures in this section apply to an election conducted by mail ballot.
- 513.3 When an election is conducted by mail, the employing agency must, at least fourteen (14) days before the date of the election, provide to the Board a copy of the employee list in the form of mailing labels or in a format in which the information can be readily transferred to mailing labels. The list must distinguish between professional and nonprofessional employees.

- 513.4 The Agent must mail each eligible voter a packet containing a ballot, ballot envelope, pre-addressed stamped return envelope, and instructions.
- 513.5 The instructions must advise the voter to mark his or her ballot with an (X) or a (√) in the circle or block designating his or her choice in the election without identifying marks, place the ballot in the ballot envelope, seal the ballot envelope, place the ballot envelope in the return envelope, seal the return envelope, sign the return envelope, and mail the return envelope to the designated post office box or address provided in the instructions. The instructions must also advise the voter of the date by which envelopes must be received. Ballots not returned by U.S. mail will not be accepted.
- 513.6 When the election includes a vote on a combined professional/nonprofessional unit, the Agent must mail the appropriate voters separate ballots and ballot envelopes for unit preference and for choice of representative. The instructions must advise these voters to mark the ballots separately, to place them in their respective ballot envelopes, and to place both ballot envelopes in the return envelopes.
- 513.7 The parties may designate an equal number of representatives, as set by the Board, to observe the tallying of the ballots. The ballots will be tallied on a date set by the Board.
- 513.8 Ballots must remain unopened and be kept in the custody of the Agent until the date set for tallying. On the date set for tallying, the representatives and the Agent may challenge any ballots before the opening of the return envelopes.
- 513.9 Only ballots received on or before the date specified in the instructions will be counted.
- 513.10 Challenged ballots must be handled in accordance with § 511.6.
- 513.11 All ballots that have not been challenged must be separated from their return envelopes and commingled before tallying. The ballots will be tallied in accordance with § 514.

514 ELECTION PROCEDURES: TALLYING

- 514.1 Representation will be determined by the majority of the valid ballots cast. Each party may designate representative(s) to observe the tallying of the ballots. Ballots must be tallied in the presence of the parties' observers. The count must proceed as set forth in this section.

- 514.2 The agent of the Board or other impartial body must segregate the challenged ballots. The challenged ballots will be opened and counted only if the challenges have been resolved to the satisfaction of the parties.
- 514.3 When the election includes a vote on a combined professional/nonprofessional unit, the ballots on unit preference must be tallied first. If a majority of the professional employees casting valid ballots votes for a combined unit, the ballots on choice of representative, if any, must be tallied together. If a majority of professional employees voting fails to vote for a combined unit, the ballots on choice of representative, if any, must be tallied separately.
- 514.4 The Board must preserve all ballots until the conclusion of any related proceedings.
- 514.5 The participants in the tally are the agent of the Board or other impartial body and official observers, in the numbers necessary. Members of the press and other interested persons may be present to the extent permitted by the physical facilities and the permission of the owner of the premises being used. The agent in charge of the election has discretion to limit the number of participants.
- 514.6 The intent of the voter, if clearly ascertainable from the ballot itself, must be followed in assessing the marking of the ballot.
- 514.7 If the ballot is defaced, torn, or marked in a manner that it is not understandable or that identifies the voter, the ballot must be declared void.
- 514.8 If challenges to ballots have not been resolved to the satisfaction of the parties and the challenges are sufficient in number to affect the outcome of the election, the Board must resolve the challenges in accordance with §§ 515.2 and 515.3.

515 CERTIFICATION OF ELECTION RESULTS

- 515.1 No later than seven (7) days after the tally of ballots has been served, any party to the election proceeding may file with the Board objections to the election procedure or to any conduct that might have improperly affected the results of the election. The objecting party must include a specific statement of the reasons for each objection.
- 515.2 If the challenged ballots are sufficient in number to affect the results of the election or if objections are filed, the Executive Director, or other person designated by the Board, must conduct an investigation and make a report of findings to the Board. Any hearing held pursuant to this subsection is investigatory and not adversarial.
- 515.3 Following its consideration of all challenges and objections, the Board may:

- (a) Set aside the election;
- (b) Issue a certification of representative; or
- (c) Issue a certification that no union has been selected.

515.4 Except as provided in D.C. Official Code § 1-617.10(d), the Executive Director, on behalf of the Board, must certify the results of each election no later than ten (10) working days after the tally of ballots has been served.

515.5 Where there are three or more choices on the ballot, an election in which (after any determinative challenges have been resolved) none of the choices receives a majority of the valid votes cast is considered an inconclusive election. In such case, the Board must order that another election be conducted between the two choices on the original ballot that received the highest and next highest number of votes.

516 PETITIONS TO AMEND CERTIFICATION

516.1 An exclusive representative may file a petition with the Board to amend its certification when there is a change in the identity of the exclusive representative that does not raise a question concerning representation (e.g., whether the employees have designated a particular organization as their bargaining agent). A change in the identity of the representative that does not raise a question concerning representation may include a change in the name of the labor organization.

516.2 The petition must contain the following:

- (a) The name, address, and telephone number of the employer as shown in the certification;
- (b) The name, address, and telephone number of the exclusive representative, as shown in the certification;
- (c) The name, address, and telephone number of the petitioner's representative; and
- (d) A description of the proposed amendment.

516.3 The Board may grant or deny the petition following an appropriate investigation, which may include a hearing and recommendation to the Board by the Executive Director.

520 UNFAIR LABOR PRACTICE COMPLAINTS

- 520.1 An unfair labor practice complaint may be filed with the Board by a labor organization, an agency, or an aggrieved person.
- 520.2 Unfair labor practice complaints must include a clear and complete statement of the facts constituting the alleged unfair labor practice, including the date, time, and place of occurrence of each particular act alleged, the date the complainant became aware of such an act if that date is later than the date on which the act occurred, and the manner in which D.C. Official Code § 1-617.04 (2016 Repl.) is alleged to have been violated.
- 520.3 An unfair labor practice complaint must be filed not later than one hundred twenty (120) days after the date on which the alleged violation occurred or the date the complainant knew or should have known of the alleged violation, if later.
- 520.4 An amended complaint may allege an additional violation if the amended complaint is filed not later than one hundred twenty (120) days after the date on which the alleged additional violation occurred or the date the complainant knew or should have known of the alleged additional violation, if later.
- 520.5 If a review of the complaint and any response thereto reveals that there is no issue of fact to warrant a hearing, the Board may render a decision upon the pleadings or may request briefs and/or oral argument.
- 520.6 The Executive Director may investigate each complaint. The investigation may include an investigatory conference with the parties. When requested by the Executive Director, the parties must submit to the Executive Director evidence relevant to the complaint. Such evidence may include affidavits or other documents. If the evidence a complainant submits to the Executive Director is insufficient to establish the existence of an essential element of the complainant's case as to which it has the burden of proof, the Executive Director may dismiss the case.
- 520.7 If the investigation reveals that the pleadings present an issue of fact warranting a hearing, the Executive Director must issue a notice of hearing and serve it upon the parties.
- 520.8 The Board may order preliminary relief. A request for preliminary relief must be accompanied by affidavits or other evidence supporting the request. Preliminary relief may be granted where the Board's ultimate remedy may be inadequate and the Board finds that the conduct is clear-cut and flagrant, the effect of the alleged unfair labor practice is widespread, the public interest is seriously affected, or the Board's processes are being interfered with.

526 IMPASSE RESOLUTION PROCEEDINGS: COMPENSATION NEGOTIATIONS

- 526.1 A notice of impasse under D.C. Official Code § 1-617.17(f)(2) or (3) (2016 Repl.) must include the following:
- (a) The name of the chief negotiator for each party;
 - (b) The expiration date of the existing collective bargaining agreement (if any);
 - (c) A description of the unit affected by the impasse, including the approximate number of employees in the unit;
 - (d) The date when negotiations commenced and the date of the last meeting; and
 - (e) The nature of the matters in dispute and any other relevant facts, including a list of specific demands upon which impasse has been reached.
- 526.2 Upon receipt of a notice of impasse concerning compensation negotiations, other than an automatic impasse as prescribed under D.C. Official Code § 1-617.17(f)(2) (2016 Repl.), the Executive Director must verify with the other party (unless jointly filed) that the parties are at impasse.
- 526.3 Upon receipt of a notice of impasse and, if required, verification thereof, the Executive Director must consult with the parties regarding their choice of mediator, if any. If the parties are unable to agree upon a mediator, the Executive Director must appoint one or request that the Federal Mediation and Conciliation Service provide one.
- 526.4 Any information disclosed by the parties to a mediator, including all records, reports and documents prepared or received by the mediator in the performance of his or her duties is confidential.
- 526.5 If impasse is not resolved through mediation, using a method of their choosing, the parties may recommend an arbitrator or board of arbitration to be appointed by the Executive Director.
- 526.6 If the parties do not make a recommendation, an arbitrator will be selected in the following manner:
- (a) The Executive Director must submit to the parties a list of at least five (5) names of arbitrators.

- (b) The parties must confer in person or by telephone and select an arbitrator by means of alternate striking of names from the list until one remains.
- (c) The parties must give the remaining name to the Executive Director, who will appoint that individual as the arbitrator.
- (d) If the appointed arbitrator declines or is unable to serve, the above process will be repeated.

526.7 No later than seven (7) days after appointment, the arbitrator and the parties, with the assistance of the Executive Director, if necessary, must jointly select a date, time, and place for the hearing.

526.8 Arbitration awards must be in writing and signed by the arbitrator and must be served on the parties no later than thirty-five (35) days after the arbitrator has been appointed, unless otherwise agreed to by the parties. A statement of the arbitrator's fee and expenses should be submitted with the award.

527 IMPASSE RESOLUTION PROCEEDINGS: NONCOMPENSATION NEGOTIATIONS

527.1 A request for resolution of an impasse concerning terms and conditions of employment other than compensation must include the following:

- (a) The name of the chief negotiator for each party;
- (b) The expiration date of the existing collective bargaining agreement (if any);
- (c) A description of the unit affected by the impasse, including the approximate number of employees in the unit;
- (d) The date when negotiations commenced and the date of the last meeting; and
- (e) The nature of the matters in dispute and any other relevant facts, including a list of specific demands upon which impasse has been reached.

527.2 Upon receipt of a request for impasse resolution procedures for noncompensation matters, the Executive Director must initiate an informal inquiry. If the Executive Director determines that the parties have reached an impasse, despite diligent efforts, the Executive Director must consult with the parties regarding their choice of impasse resolution procedures. The parties may decide, by mutual agreement, to engage in any of the impasse resolution procedures outlined in D.C. Official Code §§ 1-617.02(c) and 1-617.17(f)(3A) (2016 Repl.).

- 527.3 If the parties have not reached agreement on the type of impasse resolution procedures to be utilized, the Executive Director will appoint a mediator. If mediation does not resolve the impasse, the Board may direct fact-finding using the following procedures:
- (a) The parties may jointly request the assignment of a specific fact-finder, fact-finder selection service, or request that the designated mediator also serve as the fact-finder or as a member of a fact-finding panel;
 - (b) If the parties are unable to make a selection from a list supplied by the Executive Director, the Executive Director must assign a fact-finder;
 - (c) The fact-finder must review the positions of the parties with a view towards focusing attention on the issues in dispute and resolving differences as to facts;
 - (d) The fact-finder must meet with the parties within seven (7) days after appointment, hold conferences and hearings, if necessary, to facilitate the fact-finding process, and take any other steps necessary to investigate and to effect settlement of the impasse through fact-finding;
 - (e) The fact-finder must make a written report of findings of fact and recommendations for resolution of the impasse. The Board may set a deadline for the submission of the report, which must be submitted confidentially to the parties and to the Board, unless the parties resolve the dispute before the submission of the written report; and
 - (f) If the parties are unable to resolve the dispute within seven (7) days after the Board receives the report and recommendations, the Board may make the report and recommendations public using the news media or other appropriate means.
- 527.4 If the parties are unable to agree upon a mediator, the Executive Director must appoint one or request that the Federal Mediation and Conciliation Service provide one.
- 527.5 Any information disclosed by the parties to a mediator, including all records, reports and documents prepared or received by the mediator in the performance of his or her duties is confidential.
- 527.6 The Executive Director may appoint as an arbitrator for noncompensation matters an arbitrator or Board of Arbitration currently appointed to consider compensation matters at impasse between the parties;
- 527.7 The parties may jointly request the assignment of a particular arbitrator, or the use of a particular arbitration selection service.

- 527.8 If the parties do not make a recommendation, an arbitrator will be selected in the following manner:
- (a) The Executive Director must submit to the parties a list of at least five (5) names of arbitrators.
 - (b) The parties must confer in person or by telephone and select an arbitrator by means of alternate striking of names from the list until one remains.
 - (c) The parties must give the remaining name to the Executive Director, who will appoint that individual as the arbitrator.
 - (d) If the appointed arbitrator declines or is unable to serve, the above process will be repeated.
- 527.9 No later than seven (7) days after appointment, the arbitrator and the parties, with the assistance of the Executive Director, if necessary, must jointly select a date, time, and place for the hearing.
- 527.10 Fact-finding or arbitration proceedings directed by the Board may proceed in the absence of any party who, after due notice, fails to be present and fails to obtain an adjournment.

532 NEGOTIABILITY APPEAL PROCEEDINGS

- 532.1 If in connection with collective bargaining, an issue arises as to whether a matter is within the scope of bargaining, the party proposing the matter may file a negotiability appeal with the Board. If a negotiability issue exists at the time the Executive Director determines that an impasse has occurred, a negotiability appeal must be filed with the Board no later than seven (7) days after the Executive Director's determination as to the existence of an impasse. Unless otherwise ordered by the Board, impasse proceedings will not be suspended pending the Board's determination of a negotiability appeal.
- 532.2 Except as provided in § 532.1, a negotiability appeal must be filed no later than thirty-five (35) days after a written communication from the other party to the negotiations asserting that a matter is nonnegotiable or otherwise not within the scope of collective bargaining under the CMPA.
- 532.3 A negotiability appeal must include the following:
- (a) The name, title, mailing address, electronic address, and telephone number of the chief negotiator for each party;

- (b) A clear and complete statement of the negotiability issue(s), including a copy of the proposed or existing provisions at issue and specific reference to any applicable statute, regulation, or collective bargaining agreement provision; and
- (c) Any written communication from the other party to the negotiation asserting that a matter is nonnegotiable.

532.4 The respondent may file an answer and supporting brief to the negotiability appeal within fourteen (14) days after the date of service of the appeal. The response must state in clear and complete terms the respondent's position on each negotiability issue raised in the appeal.

532.5 The petitioner may file a reply brief within fourteen (14) days after the date of service of the answer.

532.6 The Board must issue a written decision on negotiability as soon as possible following final submission of the matter.

538 GRIEVANCE ARBITRATION REVIEW REQUEST

538.1 A party to a grievance arbitration proceeding who is aggrieved by the arbitration award may file with the Board a request for review of the award not later than twenty-one (21) days after service of the award. Service of the arbitration award on a party occurs when the award is personally delivered during business hours; deposited in the United States mail, properly addressed, first class postage prepaid; or transmitted by electronic mail or facsimile. Whenever an award is served by U.S. mail, five (5) days will be added to the prescribed period of time to file an arbitration review request.

538.2 The arbitration review request must include the following:

- (a) The name, address, and telephone number of the arbitrator;
- (b) A brief in support of the arbitration review request explaining with citations of authority how one or more of the grounds for setting aside, remanding, or modifying an award set forth in Section 1-605.02(6) of the D.C. Official Code is present;
- (c) A copy of the award;
- (d) An affidavit or other proof of the date of service of the award; and
- (e) Any other portion of the arbitration record upon which the petitioner relies in the arbitration review request.

538.3 A brief in opposition to the arbitration review request may be filed with the Board by the other party to the arbitration proceeding not later than fourteen (14) days after service of the request. The respondent may file with its opposition any portion of the arbitration record not submitted by the petitioner.

538.4 The Board must make its decision after consideration of the review request, the parties' briefs, the record submitted by the parties, and oral arguments, if any.

544 STANDARDS OF CONDUCT COMPLAINTS

544.1 The provisions of D.C. Official Code § 1-617.03 (2016 Repl.), concerning the standards of conduct for labor organizations, must govern the conduct of any labor organization that has been accorded exclusive recognition under D.C. Official Code § 1-617.10(a) or §1-617.11(b) (2016 Repl.) or that is seeking to be certified as an exclusive representative by the Board.

544.2 Any individual aggrieved because a labor organization has failed to comply with the standards of conduct set forth in D.C. Official Code § 1-617.03(a) for labor organizations may file a complaint with the Board for investigation and appropriate action.

544.3 A standards of conduct complaint must include:

- (a) A clear and complete statement of the facts constituting the alleged standards of conduct violation, including date, time and place of occurrence of each particular act alleged;
- (b) The date the complainant became aware of each such act if that date is later than the date on which the act occurred;
- (c) And the manner in which D.C. Official Code § 1-617.03 (2016 Repl.) is alleged to have been violated.

544.4 A complaint alleging a violation under this section must be filed not later than one hundred and twenty (120) days from the date the alleged violation occurred or the date the complainant knew or should have known of the alleged violation, if later.

544.5 An amended complaint may allege an additional violation if the amended complaint is filed not later than one hundred twenty (120) days from the date the alleged additional violation occurred or the date the complainant knew or should have known of the alleged additional violation, if later.

544.6 A complainant may withdraw a complaint without prejudice at any time before an answer is filed.

- 544.7 The Executive Director must investigate each complaint. The investigation may include an investigatory conference with the parties. When requested by the Executive Director, the parties must submit to the Executive Director evidence relevant to the complaint. Such evidence may include affidavits or other documents. If the evidence a complainant submits to the Board or its designated representative is insufficient to establish the existence of an essential element of the complainant's case as to which it has the burden of proof, the Board may dismiss the case.
- 544.8 If the investigation reveals that the pleadings present an issue of fact warranting a hearing, the Executive Director will issue a notice of hearing and serve it upon the parties.
- 544.9 The Board may order preliminary relief. A request for preliminary relief must be accompanied by affidavits or other evidence supporting the request. Preliminary relief may be granted where the Board's ultimate remedy may be inadequate and the Board finds that the conduct is clear-cut and flagrant, the effect of the alleged violation is widespread, the public interest is seriously affected, or the Board's processes are being interfered with.

549 EX PARTE COMMUNICATIONS

- 549.1 For purposes of this section, the phrase "decision-making personnel" means any hearing examiner, employee, or member of the Board who reasonably may be expected to participate in the decision-making processes of the Board.
- 549.2 For purposes of this section, the phrase "*ex parte* communication" means any oral or written communication between decision-making personnel and a party in a proceeding, the party's representative, or any other person who might be affected by the outcome of a proceeding without the participation of the other parties to the proceeding.
- 549.3 No party or representative of a party may engage in any *ex parte* communication with a hearing examiner or with any member of the Board regarding proceedings pending before the Board.
- 549.4 Except during settlement discussions or mediations, *ex parte* communications with an employee of the Board that involve the merits of a case or that violate other rules requiring submissions to be in writing are prohibited until the Board has rendered a final decision on the case. Interested parties may make inquiries to the Executive Director about such matters as the status of a case and when it will be heard. Parties must not make orally a submission that is required to be made in writing or inquire about such matters as what defense they should use or whether their evidence is adequate.

- 549.5 If a prohibited *ex parte* communication is made orally, the hearing examiner or other presiding official must describe that occurrence on the record with notice to the parties either by filing a memorandum or by making a statement. If a prohibited *ex parte* communication is made in writing, the hearing examiner or presiding official must file into the record of the proceeding any writing delivered to him or her.
- 549.6 A Board member who receives an *ex parte* communication that violates § 549.3 must promptly report the communication to the chairperson of the Board and the Executive Director.
- 549.7 The Executive Director must promptly report to the Board any *ex parte* communications he or she receives that violate § 549.4. Any other employee of the Board who receives an *ex parte* communication that violates § 549.4 must promptly report the communication to the Executive Director.
- 549.8 Upon determining that a party has initiated a prohibited *ex parte* communication, the hearing examiner, the Executive Director, or the Board may impose procedural sanctions or take remedial actions that are appropriate under the circumstances.

550 HEARINGS

- 550.1 The purpose of a hearing is to develop a full and factual record upon which the Board may make a decision. A party with the burden of proof must carry that burden by a preponderance of the evidence.
- 550.2 In any proceeding when a hearing is to be held, the Executive Director may meet with the parties to conduct one or more pre-hearing conferences to do any one or more of the following:
- (a) Delineate the issues;
 - (b) Agree on facts, matters, and procedures that will facilitate and expedite the case; and
 - (c) Exchange lists of witnesses and exhibits.
- 550.3 No statement or communication made during the course of a pre-hearing conference may be offered as evidence in the same or a subsequent proceeding except upon agreement by all parties.
- 550.4 When a hearing has been directed by the Board or Executive Director, unless otherwise provided by these rules or directed by the Board, the Executive Director must issue a notice of hearing to all parties to the proceeding at least fourteen (14) days before the scheduled date of the hearing. The hearing will be conducted at

the time and place specified in the notice of hearing and will be open to the public.

- 550.5 The Executive Director may postpone a hearing for good cause shown by a party. A request for postponement must propose alternate dates for the hearing and state the positions of all other parties on the postponement and on the alternate dates.
- 550.6 Except under extraordinary circumstances, no request for postponement may be granted during the seven (7) days immediately preceding the date of a hearing.
- 550.7 Any party intending to introduce documentary exhibits at a hearing must make every effort to furnish a copy of each proposed exhibit to each of the other parties at least seven (7) days before the hearing.
- 550.8 When a copy of an exhibit has not been tendered to the other parties because it was not available before the opening of the hearing, a copy of the exhibit must be furnished to each of the other parties at the outset of the hearing.
- 550.9 One (1) copy of each documentary exhibit must be submitted to the hearing examiner at the time the exhibit is offered in evidence at the hearing, unless otherwise requested by the hearing examiner.
- 550.10 Objections to an exhibit are reserved until the exhibit is offered into evidence.
- 550.11 Any party intending to call witnesses to testify at a hearing must furnish a list of proposed witnesses to each of the other parties at least seven (7) days before the hearing. The party calling the witness is responsible for notifying the witness of the time and place of the hearing and, for witnesses who are employees of the District, so informing the representative of record for the District in the proceeding.
- 550.12 Hearings will be presided over by a hearing examiner, who is a representative of the Board. A hearing examiner will have full authority to conduct a hearing unless restricted by the Board.
- 550.13 Hearing examiners must conduct fair and impartial hearings, take all necessary action to avoid delay in the proceedings, and maintain order. To those ends, hearing examiners are authorized to:
- (a) Administer oaths and affirmations;
 - (b) Request the issuance of subpoenas;
 - (c) Rule upon motions;

- (d) Regulate the course of the proceeding, fix the time and place of any continuance of a hearing or conference, and exclude persons from such hearings or conferences for contumacious conduct;
- (e) Call and examine witnesses and introduce or exclude documentary or other evidence;
- (f) Recommend to the Board dismissal of a case based on a settlement agreement reached by the parties; and
- (g) Take any other appropriate action authorized by statute, these rules, or the Board.

550.14 All objections to evidence must be raised before the hearing examiner. Any objection not made before the hearing examiner is waived unless the failure to make such objection is excused by the Board because of extraordinary circumstances.

550.15 Strict compliance with the rules of evidence applied by the courts is not required. The hearing examiner may admit and consider proffered evidence that possesses probative value. Evidence that is cumulative or repetitious may be excluded.

550.16 The hearing examiner may impose procedural sanctions upon the parties as necessary to serve the ends of justice, including, but not limited to, the instances set forth in §§ 550.18, 550.19, and 550.20 below.

550.17 If a party fails to comply with an order for the production of evidence within the party's control or for the production of witnesses, the hearing examiner may:

- (a) Draw an inference in favor of the requesting party with regard to the information sought;
- (b) Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, testimony relating to the information sought;
- (c) Permit the requesting party to introduce secondary evidence concerning the information sought; and
- (d) Strike any part of the pleadings or other submissions of the party failing to comply with such request that relate to the requested information.

550.18 If a party fails to prosecute an action, the hearing examiner may recommend that the Board or Executive Director dismiss the action with prejudice or rule against the defaulting party.

550.19 The hearing examiner or Executive Director may refuse to consider any motion or other action that is not filed timely in compliance with this section.

550.20 The Board must reach its decision upon a review of the entire record. The Board may adopt the recommended decision of a hearing examiner to the extent that it is supported by the record, reasonable, and consistent with the Board's precedent.

552 CLOSING ARGUMENTS AND BRIEFS

552.1 Any party must be entitled, upon request, to a reasonable time for oral argument before the close of the hearing. Upon the agreement of all parties or at the direction of the hearing examiner, the parties may make oral closing arguments instead of filing post-hearing briefs.

552.2 Any party may submit to the hearing examiner a brief meeting the requirements of §§ 502 and 561. Briefs must be filed not later than thirty-five (35) days after the transcript becomes available and the parties are so informed. The Executive Director may, for good cause shown, extend the time for the filing of briefs.

553 HEARING EXAMINER'S REPORT/EXCEPTIONS

553.1 Following a hearing, the hearing examiner must submit a report and recommendations to the Executive Director and the parties not later than thirty-five (35) days following the submission of post-hearing briefs, if any, or following the conclusion of closing arguments. Upon request of the hearing examiner, the Executive Director may extend the time for submission of the report and recommendations.

553.2 A party may file exceptions and a brief in support of the exceptions not later than fourteen (14) days after service of the hearing examiner's report and recommendations. A response or opposition to the exceptions may be filed by a party not later than fourteen (14) days after service of the exceptions. A party may request oral argument before the Board, stating the reasons for the request.

554 SUBPOENAS

554.1 An application for issuance of a subpoena requiring a person to appear and testify at a specific place and time or to produce designated documents must be made in writing to the Executive Director. All requests for *subpoenas ad testificandum* must clearly identify the person subpoenaed and, except for employees of the District of Columbia, be accompanied by a forty dollar (\$40) per diem consisting of a certified check or money order payable to each person subpoenaed.

554.2 An application for issuance of a subpoena requiring a person to produce documents (including writings, drawings, graphs, charts, photographs, electronic records and other recordings, and other data compilations from which information

may be obtained) at a specific time and place must be made in writing to the Executive Director.

554.3 An applicant for a subpoena must arrange for service. A subpoena may be served in either of two ways:

(a) Personal service. Service of a subpoena may be made by any person who is not a party to the proceeding and who is at least eighteen (18) years of age. The person making such service must attest to the service of the subpoena in an affidavit. The attesting affidavit must state the date, time, and method of service.

(b) Service by certified mail. Service of a subpoena may be made by certified mail. If the subpoena is served by certified mail, the subpoena must be mailed to the address of the person or business entity to be served, at his or her residence, principal office, or place of business. The return receipt will serve as proof of service of the document.

554.4 Any motion to limit or quash the subpoena must be filed no later than seven (7) days after service of the subpoena or on the date for compliance with the subpoena, whichever is earlier. The motion must set forth all assertions of privilege, burdensomeness, irrelevance, or other factual and legal objections to the subpoena, including all appropriate arguments, affidavits, and other supporting documentation.

554.5 In the case of contumacy or failure to obey a subpoena issued, the Board may request enforcement of the subpoena in Superior Court pursuant to D.C. Official Code § 1-605.02(16) (2016 Repl.).

554.6 Board employees may not be subpoenaed.

554.7 When an employee of the District receives a subpoena to appear and testify or to produce designated documents, the employing agency must make the employee available to respond to the subpoena. When responding to a subpoena, a witness will be on official duty status and must not be required to use annual leave.

555 MOTIONS

555.1 Motions must briefly state the relief sought and set forth with particularity the grounds for the motion. A motion, other than one made at a hearing, must be filed with the Board and meet the requirements of §§ 502 and 561.

555.2 Any response to a written motion must be in writing and filed no later than fourteen (14) days after service of the motion or no later than two (2) days after service in the case of a motion for an extension of time filed under § 501.2 or a motion to increase the page limit filed under § 502.4. The Executive Director may

allow additional responses by the moving or responding party upon a request made no later than seven (7) days after service of a pleading.

555.3 The Executive Director may refer to a hearing examiner motions made before the issuance of a hearing examiner's report and recommendations. Motions made during a hearing will be ruled on by the hearing examiner, except when the hearing examiner refers the matter to the Board.

555.4 All rulings on motions must be in writing, except that rulings made at a hearing may be stated orally on the record.

556 INTERLOCUTORY APPEALS

556.1 Unless expressly authorized by the Board, interlocutory appeals to the Board from rulings by the Executive Director, a hearing examiner, or other Board agents are not permitted. The Board will consider objections to such rulings when it examines the full record of the proceeding.

557 DISQUALIFICATION

557.1 A hearing examiner or Board member must withdraw from proceedings whenever that person has a conflict of interest.

557.2 When a party requests a hearing examiner to withdraw and the hearing examiner does not withdraw, the hearing examiner must state the reason for his or her decision on the record. The Board must consider the request when it examines the full record of the proceeding.

558 SETTLEMENT OR ADJUSTMENT OF DISPUTES

558.1 It is Board policy to encourage voluntary efforts of parties to settle or adjust disputes involving issues of representation, unfair labor practices, standards of conduct, or issues arising during negotiations.

558.2 Parties' efforts at resolution and any settlements or adjustments reached must be consistent with the provisions, purposes, and policies of the CMPA.

558.3 No admissions, offers of settlement, or proposals of adjustment made during efforts toward resolution may be used in any proceeding as evidence or as an admission of a violation of any law or regulation.

558.4 At the discretion of the Board, parties filing pleadings before the Board may be required to submit to the mandatory mediation program established by the Board. The Executive Director may schedule a disputed case for mediation or for a settlement conference.

- 558.5 The Executive Director will designate the mediator in each matter scheduled for mediation.
- 558.6 The parties must make a good faith effort in all mediations before the Board to resolve the issues in dispute. Party representatives at mediation proceedings must have the settlement authority of the party.
- 558.7 Parties must inform the Board when they have pending before the Board multiple cases that raise common issues. The Board encourages the resolution and consolidation of multiple cases for the purpose of mediation.
- 558.8 If mediation does not resolve a dispute within a reasonable period of time, the Executive Director may terminate mediation and continue proceedings for resolution of the matter pursuant to these rules and the CMPA.

559 ISSUANCE AND RECONSIDERATION OF ORDERS

- 559.1 The Board will issue its decisions and orders through File & ServeXpress. Issuance of an order of the Board is complete upon service on the parties either through File & ServeXpress or as provided in § 502.9.
- 559.2 A party may file a motion for reconsideration of an order of the Board no later than fourteen (14) days after issuance of the order.
- 559.3 The Board will not entertain a motion to reconsider a ruling on a motion for reconsideration filed under § 559.2.

560 ENFORCEMENT

- 560.1 A prevailing party in a case may petition the Board to seek judicial process to enforce an order that the Board issued in the case if:
- (a) The respondent in the case has failed to comply with the order;
 - (b) Neither a motion for reconsideration nor judicial review is pending in the case; and
 - (c) No remedies for timely requesting reconsideration or judicial review of the order remain available.

561 ELECTRONIC FILING

- 561.1 All pleadings, motions, memoranda of law, orders, or other documents to be filed in connection with a case must be filed electronically through File & ServeXpress, except for documents excluded by these rules, including § 502.6 and § 502.9, or by order of the Board or Executive Director.

- 561.2 Unless the Board orders otherwise, an original of a document filed electronically, including original signatures, must be maintained by the party filing the document and must be made available, upon reasonable notice, for inspection by other counsel or the Board.
- 561.3 Any pleading filed electronically is deemed filed with the Board at the time the transaction is completed. Any document filed with the Board before midnight Eastern Time is deemed filed with the Board on that date; however, for the purpose of computing time for any other party to respond, any document filed on a day or at a time when the Board is not open for business must be deemed to have been filed on the day and at the time of the next opening of the Board for business.
- 561.4 File & ServeXpress is the agent of the Board for the electronic filing, receipt, service, or retrieval of any pleading or document filed electronically. Upon filing and receipt of a document, File & ServeXpress issues a confirmation that the document has been received. The confirmation serves as proof that the document has been filed.
- 561.5 If the electronic filing is not filed with the Board because of: (1) an error in the transmission of the document to File & ServeXpress, which was unknown to the sending party; (2) File & ServeXpress's failure to process the electronic filing upon receipt; or (3) other technical problems that the filer might experience, the Board or Executive Director may upon satisfactory proof enter an order permitting the document to be filed *nunc pro tunc* on the date it was first attempted to be filed electronically.
- 561.6 Documents filed electronically must be formatted as an 8½-inch by 11-inch document with black print on a white background.
- 561.7 Every pleading, document, and instrument electronically filed must be deemed to have been signed by the attorney or *pro se* party and must bear a facsimile or typographical signature of such person, along with the typed name, address, and telephone number. Typographical signatures must be styled “/s/ name” and must be treated as personal signatures for all purposes under these rules.
- 561.8 When cases are consolidated, a single filing in the oldest case is deemed to be filed in all cases consolidated with it.
- 561.9 The Board may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of this section.
- 561.10 Documents may be filed under seal if leave is granted by the Executive Director upon motion of a party. Redacted copies of documents filed under seal may be filed and served electronically. Documents filed under seal containing

confidential information may be filed conventionally (in physical form) or as a sealed electronic document.

566 LIST OF NEUTRALS

- 566.1 The Board must establish and maintain a list of persons qualified to act as neutrals in resolving disputes. The list must specify, for each person, the capacities (*i.e.*, mediator, fact-finder, arbitrator, hearing examiner) for which that person is qualified. Unless otherwise specified by these rules or by the parties' mutual agreement, the selection of mediators, fact-finders, and arbitrators must be made in order from the list of neutrals maintained by the Board, assuming the availability of the selected neutral.
- 566.2 Nomination of a person to the list referred to in this section may be made by a member of the Board, the Executive Director, or any other person including the nominee, by writing to the Executive Director. A nomination should include the following information:
- (a) The name, occupation, residence, business address, and telephone number of the nominee;
 - (b) A résumé, which includes any relevant professional memberships; and
 - (c) A statement of any association the nominee has or had, other than as a neutral, with an agency or with a labor organization that represents or seeks to represent employees in the District of Columbia Government.
- 566.3 In making appointments to the list, the Board must consider such factors as experience and training, membership on other recognized mediation or arbitration panels, education, prior published awards, current advocacy in employment relations matters, potential conflicts of interest, letters of recommendations supporting the application, and any other relevant material supplied by the applicant or requested by the Board. Special consideration will be granted to applicants who are residents of the District of Columbia.
- 566.4 Every person appointed to the list must file a fee schedule with the Board. An individual on the list who is selected to serve in a case as a mediator, fact finder or arbitrator, must not charge a fee greater than that listed in the fee schedule he or she has filed with the Board. A minimum of thirty (30) days prior written notice must be given to the Board of changes in fee schedules.

567 AMENDMENTS TO RULES

- 567.1 Whenever the Board deems amendment of these rules to be in the public interest, it must give notice of the proposed amendments to all labor organizations and personnel authorities of the District of Columbia Government. Copies of the

proposed amendments must be posted as appropriate and published in the *D.C. Register*.

567.2 Any interested person may petition the Board in writing for amendments to any portion of the rules and may provide specific proposed language together with a statement of grounds in support of the amendment.

567.3 Any person desiring to comment on a proposed amendment may do so within the time specified by the Board in the notice of the proposed amendment published in the *D.C. Register*. Comments must be in writing unless otherwise stated in the notice.

599 DEFINITIONS

599.1 As used in this chapter, the following terms and phrases must have the meanings ascribed:

Agency- Any unit of the District of Columbia government required by law, by the Mayor of the District of Columbia, or by the Council of the District to administer any law, rule, or any regulation adopted under authority of law. The term “agency” must also include any unit of the District of Columbia government created by the reorganization of one or more of the units of an agency and any unit of the District of Columbia government created or organized by the Council of the District of Columbia as an agency. The term “agency” must not include the Council.

CMPA - the Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-601.01 to 1-636.03 (2016 Repl.)).

Days - Calendar days, unless otherwise specified.

Board - The District of Columbia Public Employee Relations Board.

Impasse - The point in collective bargaining negotiations at which no further progress can be made by the parties without the intervention of a neutral third party, except as otherwise defined by the CMPA for compensation bargaining.

Party - A person, employee, organization, agency, or agency subdivision initiating a proceeding authorized by these rules or named as a participant in a proceeding or whose intervention in a proceeding has been granted or directed under the authority of the Board.

Pleading - A complaint, petition, appeal, notice of impasse, request for review or resolution, motion, exceptions, briefs, or a response to one of the foregoing.

Pro se party - A party who is neither represented by legal counsel nor represented in proceedings before the Board by a representative from a labor organization.

Showing of Interest - Documents offered to the Board to establish that a percentage (as defined by these rules) of employees in a proposed or existing unit desires representation by a petitioner seeking exclusive recognition or by another labor organization seeking to intervene in a representation proceeding, or that the unit employees no longer desire representation by a labor organization.

All persons interested in commenting on the proposed rules may submit comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, to Clarene Martin, Executive Director, Public Employee Relations Board, 1100 4th Street, S.W., Suite 630 East, Washington, D.C. 20024, or via e-mail at perb@dc.gov. Comments may be submitted through <https://www.dcregs.dc.gov/>. Copies of this proposed rulemaking are available upon written request to the address listed above. A copying fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGRM29-2019-01, IN THE MATTER OF 15 DCMR CHAPTER 29-RENEWABLE ENERGY PORTFOLIO STANDARD- CLEANENERGY DC OMNIBUS AMENDMENT ACT OF 2018

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 29 (Renewable Energy Portfolio Standard) (“RPS”) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations, in accordance with the CleanEnergy DC Omnibus Amendment Act of 2018¹ (CleanEnergy Act or Act) in not less than thirty (30) days after the publication of this Notice in the *D.C. Register*.

2. The proposed amendments to Subsection 2901.5 require electricity suppliers to report information regarding: (a) their energy supply contracts that were executed prior to the October 8, 2016, effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016² and are not, therefore, subject to the increased solar compliance fees pursuant to that Act in their annual RPS compliance reports; and (b) their energy supply contracts that were executed prior to the March 22, 2019, effective date of the CleanEnergy Act and are not, therefore, subject to the increased Tier One and Solar Energy standards pursuant to that Act in their annual RPS compliance reports. In addition, language has been added to Subsection 2901.5 to allow the compliance report form to be updated as needed by public notice. The proposed amendments to Subsection 2901.7 change the deadline from April 1 to the period October 1 to November 1 for the submission of annual compliance fees. Subsection 2901.9 has been similarly revised to reflect this change. Subsection 2901.12 has been revised to reflect that energy supply contracts executed prior to the effective date of the CleanEnergy Act are not subject to the increased Tier One and Solar Energy standards. Subsection 2902.16 has been revised to extend the three hundred dollars (\$300) compliance fee for each Renewable Energy Credit (REC) shortfall for solar energy sources from §§ 2029 through 2032 to 2029 through 2041 and provides for a one hundred-dollar (\$100) compliance fee for each REC shortfall for solar energy sources in § 2042 and thereafter consistent with the Act.

3. In addition, pursuant to the Act, the proposed amendments to Subsection 2902.16 change the definition of a Renewable Energy Credit (REC) under the Act by phasing out the certification and the eligibility of RECs in states adjacent to PJM. The proposed amendments to Subsection 2903.4 extend the life of Solar Renewable Energy Credits from three (3) years from the date of generation to five (5) years from the date of generation. The proposed amendments to Subsection 2999.1 harmonize the definition of a REC with the Act; and add a new term and

¹ *CleanEnergy DC Omnibus Amendment Act of 2018*, effective March 22, 2019 (D.C. Law 22-257; 66 DCR 1344 (February 1, 2019)).

² *Renewable Portfolio Standard Expansion Amendment Act of 2016*, effective October 8, 2016 (D.C. Law 21-154; 63 DCR 10138 (August 5, 2016)).

definition for “compliance year.”

Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2901, RPS COMPLIANCE REQUIREMENTS, is amended as follows:

2901.5 Each Electricity Supplier must prepare and submit an annual compliance report to the Commission, in format that may be updated pursuant to a Public Notice. The compliance report shall include, but shall not be limited to, the following information:

- (a) The quantity of its annual District of Columbia retail electricity sales;
- (b) A calculation of the annual quantity of required Tier One, Tier Two, and Solar Energy RECs;
- (c) The quantity of Tier One, Tier Two, and Solar Energy RECs purchased and evidence of those purchases;
- (d) The quantity of Tier One, Tier Two, and Solar Energy Credits transferred to the Electricity Supplier by a Renewable On-Site Generator;
- (e) A calculation of any compliance fees that the Electricity Supplier owes;
- (f) A summary report of RECs retired during the reporting period;
- (g) For Compliance Years 2018, 2019, 2020, and 2021 include:
 - (1) The number of the energy supply contracts that were executed prior to October 8, 2016, the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016 (RPSEAA) (D.C. Official Code § 34-1434, note);
 - (2) The length of each such energy supply contract; and
 - (3) The amount of electricity sold pursuant to each such energy supply contract for the current Compliance Year and an estimate of the amount of electricity to be sold pursuant to each such energy supply contract for each Compliance Year through 2021. However, no estimates shall be required for inclusion in the compliance report for Compliance Year 2021;
- (h) In addition to the information required by subsection (g), for Compliance Years 2019, 2020, and 2021 include the number of the energy supply

contracts that were executed prior to March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (D.C. Law 22-257):

- (1) The length of each such energy supply contract;
- (2) The amount of electricity sold pursuant to each such energy supply contract for the Compliance Year that is the subject of the compliance report being filed and an estimate of the amount of electricity to be sold pursuant to each such energy supply contract for each Compliance Year through 2021. However, no estimates shall be required for inclusion in the compliance report for Compliance Year 2021; and
- (3) For the year following the Compliance Year that is the subject of each compliance report being filed, an estimate of the amount of Compliance Fees to be paid;
 - (i) All documentation supporting the data appearing in the annual compliance report; and
 - (j) Certification of the accuracy and veracity of the compliance report.

...

2901.7 An Electricity Supplier’s annual compliance report shall be submitted to the Commission by April 1 of the calendar year following the Compliance Year. After notification of a decision of non-compliance by the Commission, the supplier shall, within ten (10) calendar days, take the actions necessary to come into compliance, or file its response contesting the decision of non-compliance, or file a response indicating that it will submit the appropriate payment to the District of Columbia Department of Energy & Environment payable to the District of Columbia Renewable Energy Development Fund between October 1 and November 1 of the calendar year following the Compliance Year. The supplier shall concurrently file proof of payment with the Commission.

...

2901.9 Any Electricity Supplier that fails to meet its Renewable Energy Portfolio Standard requirements shall submit to the District of Columbia Department of Energy & Environment the required annual compliance fee payable to the District of Columbia Renewable Energy Development Fund between October 1 and November 1 of the calendar year following the Compliance Year. The supplier shall concurrently file proof of payment with the Commission.

...

2901.12

- (a) Energy supply contracts prior to August 1, 2011, shall not be subject to the increased solar energy requirement as required by the Distributed Generation Amendment Act of 2011 (D.C. Law 19-36); but any extension or renewal of such contracts, executed on or after August 1, 2011, shall be subject to the increased Solar Energy requirement as required by this act;
- (b) Energy supply contracts executed prior to October 8, 2016, the effective date of the RPSEAA, shall not be subject to the increased solar energy compliance fees as required by that act until October 8, 2021; but any extension or renewal of such contracts shall be subject to the increased solar energy compliance fee as required by that act; and
- (c) Energy supply contracts executed prior to March 22, 2019, the effective date of the CleanEnergy Act, shall not be subject to the increased Tier One and Solar Energy requirements required by that act through January 1, 2022; but any extension or renewal of such contracts shall be subject to the increased Tier One and Solar Energy requirements as required by that act.

2901.13

The Compliance Fee shall be:

- (a) Fifty dollars (\$50) for each REC shortfall for Tier One resources;
- (b) Ten dollars (\$10) for each REC shortfall for Tier Two resources; and
- (c) Three hundred dollars (\$300) for each REC shortfall for Solar Energy resources in 2008; five hundred dollars (\$500) for each REC shortfall for Solar Energy resources in 2009 through 2023; four hundred dollars (\$400) for each REC shortfall for Solar Energy resources in 2024 through 2028; three hundred dollars (\$300) for each REC shortfall for Solar Energy resources in 2029 through 2041; and one hundred dollars (\$100) for each REC shortfall for Solar Energy resources in 2042 and thereafter.

Section 2902, GENERATOR CERTIFICATION AND ELIGIBILITY, is amended as follows:

2902.16

As of March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (*D.C. Law 22-257*), Tier One or Tier Two sources located within a state that is adjacent to the PJM Interconnection region shall not be eligible for certification as qualified sources by the Commission. After December 31, 2019, a generating facility certified as a Tier Two renewable source shall not be eligible to generate RECs for the District of Columbia's RPS program. After January 1, 2029, a generating facility that was certified, as of March 22, 2019, the effective date of the CleanEnergy Act, as a

Tier One source located within a state that is adjacent to the PJM Interconnection region, shall not be eligible to generate RECs for the District of Columbia's RPS program.

Section 2903, CREATION AND TRACKING OF RENEWABLE ENERGY CREDITS, is amended as follows:

2903.4 RECs shall be valid for a three (3)-year period from the date of generation, except that Solar RECs produced by Solar Energy systems which meet the requirements of D.C. Official Code § 34-1432(e)(1) and which may, therefore, be used to meet the Solar Energy portion of the Tier One requirement shall be valid for a five (5)-year period from the date of generation. A newly certified Renewable Generator can produce RECs starting from January 1st of the year in which it was certified, except that any Renewable Generator certified in January of any year can produce RECs starting January 1st of the year before that certification.

Section 2999, DEFINITIONS, Subsection 2999.1, is amended as follows:

Compliance Year – the calendar year for which the electricity supplier seeks to establish compliance with the District of Columbia's renewable energy portfolio standard by filing a compliance report.

Renewable Energy Credit or REC - a credit representing one megawatt hour (1 MWh) of energy produced by:

- (a) A Tier One or Tier Two renewable source located within the PJM Interconnection region; or
- (b) Until January 1, 2029, a Tier One or Tier Two renewable source located within a state that is adjacent to the PJM Interconnection region that was certified by the Commission as of March 22, 2019, effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (D.C. Law 22-257).

4. Any person interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or electronically on the Commission's website at: https://edocket.dcpsec.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsec.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.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1335 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the intent to amend Chapter 3 (Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendment to Section 316 (Real Property Tax Sale Redemption and Tax Deed Issuance Rules) is necessary to clarify the circumstances under which a tax sale certificate can be canceled.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

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

Subparagraph (b)(3), of Subsection 316.11, of Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, is amended by striking the words “Class 1”.

316.11

...

(b) ...

- (3) The amount of tax sold was less than two thousand, five hundred dollars (\$2,500) for improved properties;

Comments on this proposed rulemaking should be submitted to Sonia Kamboh, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Sonia Kamboh may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 442-6500; or, email at sonia.kamboh@dc.gov. Copies of this rule and related information may be obtained by contacting Sonia Kamboh as stated herein.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 07-08C

(Text Amendment – 11-C DCMR § 718)

(To Extend Expiration Dates of Certificates of Occupancy for Temporary Surface Parking Lot Use for Specific Squares in the Proximity of Nationals Ballpark)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Rep1.)), hereby gives notice of its intent to amend Subtitle C (General Rules) of Title 11 (Zoning Regulations of 2016), of the District of Columbia Municipal Regulations (DCMR).

Substantively, the Commission proposes to amend 11-C DCMR § 718 to extend the expiration dates for certificates of occupancy for temporary surface parking lots on Lots 44-47 in Square 767, Lots 19-22 in Square 768, and Lot 77 in Square 882 from the current April 1, 2018 date to April 1, 2023.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold** and underlined text and deletions are shown in ~~striketrough~~ text):

Section 718, TEMPORARY SURFACE PARKING LOTS FOR BALLPARK, of Chapter 7, VEHICLE PARKING, of Title 11-C DCMR, GENERAL RULES, is amended as follows:

718.1 A temporary surface parking lot for the Ballpark shall be permitted on Squares 603, 605, 657, 658, 660, 661, 662, 662E, 664, 664E, 665, 700, 701, 707, 708, 708E, 708S, 744S, and 882; Square 658, Lot 7; Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 769, Lots 18-21 (“the subject squares”), when permitted by the regulations of the relevant land use subtitle, and subject to the provisions of this section.

718.2 ...¹

718.3 Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018, **except that, with respect to Square 767, Lots 44-47, Square 768, Lots 19-22, and Square 882, Lot 77, any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2023.**

718.4 ...

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

718.7 If and when valid building permits issued pursuant to this section authorize an aggregate of three thousand seven hundred seventy-five (3,775) or more parking spaces, the construction and use of additional temporary spaces on any of the subject squares shall require special exception approval of the Board of Zoning Adjustment pursuant to Subtitle X, and in accordance with Subtitle §§ 718.8 through 718.10 and the following provisions:

- (a) Any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2018, **except that, with respect to Square 767, Lots 44–47, Square 768, Lots 19–22, and Square 882, Lot 77, any certificate of occupancy issued pursuant to this subsection shall expire no later than April 1, 2023.**
- (b) ...

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

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

Mayor's Order 2019-023
April 26, 2019

SUBJECT: Grants for Non-Profit Organizations Providing Services through the AmeriCorps National Service Network

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. 792, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and in accordance with the State Education Office Establishment Act of 2000 (“Act”), effective October 21, 2000, D.C. Law 13-176, D.C. Official Code § 38-2601 *et seq.*, it is hereby **ORDERED** that:

1. The Office of the State Superintendent of Education (“OSSE”), pursuant to section 2a of the Act (D.C. Official Code § 38-2601.01), serves as the state education agency and performs the functions of a state education agency for the District of Columbia, including grant-making.
2. Subject to the availability of funds in fiscal years 2019 and 2020, OSSE shall use its grant-making authority to provide funding, through a formula grant, to non-profit organizations that provide opportunities for individuals to serve as members of the AmeriCorps national service network through a program or programs that serve residents of the District of Columbia.
3. A non-profit organization shall be awarded funding under paragraph 2 of this Order in a fixed amount for each individual that the organization supports to serve as a member of the AmeriCorps national service network through a program that serves residents of the District of Columbia.
4. In order to be eligible for a grant under paragraph 2 of this Order, a non-profit organization must:
 - a. Have attempted to apply for funding through the FY2019 AmeriCorps State and National Grants program run by the Corporation for National and Community Service, but must not have received such funding;
 - b. Have been awarded funding through the AmeriCorps State and National Grants program for at least the past three (3) years for programs participating in the AmeriCorps national service network;
 - c. Serve District of Columbia public schools with a low-income population by:

- i. Promoting academic engagement or social-emotional skills in pre-K through 12th grade programs with a focus on reading and mathematics; or
 - ii. Promoting literacy through intervention and tutoring programs in pre-K through elementary schools.
 - d. Timely apply for the grant and provide such information as may be required by OSSE.
5. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MAY 8, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Protest Hearing (Status) Case # 19-PRO-00017; Brothers Burger Bar, LLC, t/a Aroma, 707 H Street NE License #112502, Retailer CR, ANC 6C Application for a New Application	9:30 AM
Show Cause Hearing (Status) Case # 19-AUD-00021; Bee Hive, LLC, t/a Sticky Rice/Sing Sing Karaoke 1222 H Street NE, License #72783, Retailer CR, ANC 6A Failed to File Quarterly Statement	9:30 AM
Show Cause Hearing (Status) Case # 19-CMP-00009; Ms. Hana, LLC, t/a Mignot, 4815 Georgia Ave NW License #100407, Retailer CR, ANC 4D Operating After Hours, Substantial Change in Operation Without Board Approval	9:30 AM
Show Cause Hearing (Status) Case # 18-251-00234; Solloso, Inc., t/a El Rincon, 1826 Columbia Road NW License #60003, Retailer CR, ANC 1C Allowed Establishment to be Used for Unlawful or Disorderly Purposes	9:30 AM
Show Cause Hearing (Status) Case # 18-CMP-00078; Mythology, LLC, t/a Mythology & Lore/Dirty Water 816 H Street NE, License #95033, Retailer CT, ANC 6A Sub-Leasing the ABC License and Transferred 50% of Ownership without Board Approval, Trade Name Change Without Board Approval	9:30 AM

Board's Calendar

May 8, 2019

Show Cause Hearing (Status) 9:30 AM

Case # 18-CIT-00497; ISG Restaurant, Inc., t/a Lemon Cuisine of India, 2120 P Street NW, License #104923, Retailer CR, ANC 2F

Failed to File Quarterly Statement

Show Cause Hearing (Status) 9:30 AM

Case # 19-CIT-00025; La Trattoria, LLC, t/a Siroc, 915 15th Street NW, License #80975, Retailer CR, ANC 2F

No ABC Manager on Duty

Show Cause Hearing (Status) 9:30 AM

Case # 18-CIT-00457; Ambi, Inc., t/a Quality Convenience Store, 2922 Martin Luther King, Jr Ave SE, License #83074, Retailer B, ANC 8C

No ABC Manager on Duty

Fact Finding Hearing* 10:00 AM

Fresh Direct, LLC, t/a Fresh Direct (No Location), License #104699, Retailer A
Request to Extend Safekeeping

Fact Finding Hearing* 10:30 AM

Case # 19-251-00051; Decades, LLC, t/a Decades, 1219 Connecticut Ave NW License #103505, Retailer CN, ANC 2B

Simple Assault

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Protest Hearing* 1:30 PM

Case # 19-PRO-00011; Officina Café, LLC, t/a To Be Determined, 1615 L Street NW, License #112472, Retailer CR, ANC 2B

Application for a New License

Protest Hearing* 2:00 PM

Case # 19-PRO-00006; ADBHS, LLC, t/a Electric Cool-Aid, 512 Rhode Island Ave NW, License #112294, Retailer CT, ANC 6E

Application for a New License

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

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

**NOTICE OF MEETING
CANCELLATION AGENDA**

**WEDNESDAY, MAY 8, 2019
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be cancelling the following licenses for the reasons outlined below:

ABRA-089730 – **Ezra's** – Internet – A – 1420 U Street NW
[Licensee did not pay 2nd year payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, MAY 8, 2019
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, May 8, 2019 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case# 19-CMP-00051, Empire Lounge, 1909 9th Street N.W., Retailer CT, License # ABRA-110702

2. Case# 19-251-00037, The Brixton, 901 U Street N.W., Retailer CT, License # ABRA-082871

3. Case# 19-CMP-00047, Langston Bar and Grille, 1831 Benning Road N.E., Retailer CT, License # ABRA-076260

4. Case# 19-CC-00046, Safeway, 1100 4th Street S.W., Retailer B, License # ABRA-097697

5. Case# 19-CMP-00048, Luke’s Lobster, 1211 Potomac Street N.W., Retailer CR, License # ABRA-095958

6. Case# 19-CMP-00040, 1942 DC, 1942 9th Street N.W., Retailer CR, License # ABRA-070728

7. Case# 19-CC-00053, City Tap House, 901 9th Street N.W., Retailer CR, License # ABRA-101102

8. Case# 19-CMP-00055, Mezcalero Cocina Mexicana, 3714 14th Street N.W., Retailer CR,
License # ABRA-097794

9. Case# 19-CC-00056, Absolute Noodle, 722 5th Street N.W., Retailer CR, License # ABRA-
090241

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, MAY 8, 2019 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Change of Hours for Summer Garden. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:* Sunday-Thursday 8am to 11pm, Friday-Saturday 8am to 12am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:* Sunday-Thursday 8am to 12am, Friday-Saturday 8am to 2am. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Dangerously Delicious DC*, 1339 H Street NE, Retailer CR, License No. 087422.

 2. Review Application for Entertainment Endorsement. *Proposed Hours of Live Entertainment Indoors Only:* Sunday-Thursday 12pm to 10pm, Friday-Saturday 12pm to 2am. ANC 1A. SMD 1A02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Karibbean Kitchen*, 1400 Meridian Place NW, Retailer CT, License No. 109111.
-

***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.**

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****General Contractor**

Carlos Rosario School is looking for a general contractor to renovate its boardroom and reception area. For more information, please contact Randy Asbury at rasbury@comcapital.org or 202-797-4700 ext. 727. All Bids are due by 4pm on May 10, 2019.

E.L. HAYNES PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Event Equipment and Furniture Rental

E.L. Haynes Public Charter School (“ELH”) is seeking proposals from qualified vendors to provide rental furniture and equipment for special events.

Proposals are due via email to Kristin Yochum no later than 5:00 PM on Friday, May 10, 2019. We will notify the final vendor of selection. The RFP with bidding requirements can be obtained by contacting:

Kristin Yochum
E.L. Haynes Public Charter School
Phone: 202.667-4446 ext 3504
Email: kyochum@elhaynes.org

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

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

VACANT: 2F05

Petition Circulation Period: **Monday, May 6, 2019 thru Tuesday, May 28, 2019**

Petition Challenge Period: **Friday, May 31, 2019 thru Thursday, June 6, 2019**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

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

For more information, the public may call **727-2525**.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

**Certification of Filling a Vacancy
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Deborah R. Thomas
Single-Member District **1B04**

John C. Bottino, Jr.
Single-Member District **2F03**

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR U.S. GENERAL SERVICES ADMINISTRATION, SAINT ELIZABETHS WEST CAMPUS**

Notice is hereby given that U.S. General Services Administration has applied for a facility-wide Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following emission units and miscellaneous sources of air emissions at Saint Elizabeths West Campus, 2701 Martin Luther King, Jr. Ave. SE, Washington DC 20032:

- Two (2) 16.74/16.8 MMBtu/hr dual-fuel Burnham hot water boilers;
- Two (2) 12.50/12.60 MMBtu/hr dual-fuel Burnham hot water boilers;
- Two (2) 21.00 MMBtu/hr dual-fuel Hurst hot water boilers;
- One (1) 2,000 kWe Caterpillar diesel-fired Pump House emergency generators;
- Three (3) 2,500 kWe Caterpillar diesel-fired emergency generators;
- Three (3) 2,000 kWe Caterpillar diesel-fired emergency generators;
- One (1) 600 kWe Caterpillar Trailer-mounted diesel-fired emergency generator;
- Two (2) 3,500 kWe Cummins diesel-fired emergency generators with emission control SCR;
- One (1) 2,500 kWe Cummins diesel-fired emergency generator with emission control SCR;
- Ten small natural gas-fired hot water heaters with heat input ratings less than 5 MMBTU/hr;
- Seven natural gas-fired kitchen appliances;
- Four natural gas-fired door heaters (Gate 6);
- Three 550-gallon aboveground storage tanks for ultralow sulfur diesel fuel (ULSD);
- Two 15,000 gallon aboveground storage tanks for ULSD;
- One 17,500 gallon aboveground storage tank for ULSD;
- Three 400 gallon storage tanks for ULSD;
- One 700 gallon storage tank for ULSD;
- One 12,500 gallon storage tank for ULSD;
- One 428 gallon storage tank for ULSD;
- Three 26,629 gallon storage tanks for ULSD;
- Four 1,900 gallons per minute wet cooling towers;
- Two 1,800 gallons per minute wet cooling towers;
- Four CUP chillers associated with the cooling towers; and
- Two MUP chillers associated with the cooling towers

The contact person is for the facility is Fonda Corbitt, Property Manager, at (202) 573-3048 or fonda.corbitt@gsa.gov.

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

FACILITY-WIDE EMISSIONS SUMMARY	
Criteria Pollutants	Potential Emissions (tons per year)
Oxides of Sulfur (SO _x)	1.10
Oxides of Nitrogen (NO _x)	29.54
Total Particulate Matter, including condensables (PM Total)	3.15
Volatile Organic Compounds (VOC)	5.19
Carbon Monoxide (CO)	54.70
Total Hazardous Air Pollutants (Total HAP)	0.628

Saint Elizabeths West Campus (SEWC), has the potential to emit 29.54 tons per year (TPY) of oxides of nitrogen (NO_x). The value for this criteria pollutant exceeds the major source threshold in the District of Columbia of 25 TPY of NO_x or VOC, and/or 100 TPY of any other criteria pollutant. Because potential emissions of NO_x exceed the relevant major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 044-R1 has been prepared.

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

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

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

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

No comments or hearing requests submitted after June 3, 2019 will be accepted.

For more information, please contact John C. Nwoke at (202) 724-7778 or john.nwoke@dc.gov

DEPARTMENT OF HEALTH (DC HEALTH)**PUBLIC NOTICE**

The District of Columbia Board of Dentistry (“Board”) hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the following meeting dates and public hearings:

Wednesday, May 15, 2019, the Board will reschedule its annual retreat. The Board will now hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month at 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002. The agendas for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at www.doh.dc.gov.

**DEPARTMENT OF HEALTH (DC HEALTH)
HIV/AIDS, HEPATITIS, STD, TUBERCULOSIS ADMINISTRATION (HAHSTA)**

**REVISED NOTICE OF FUNDING AVAILABILITY (NOFA)
RFA# HAHSTA_VAMAI03.22.19**

Minority AIDS Initiative (MAI) Youth Reach for Virginia Providers Only

This notice supersedes the notice published in DC Register on March 8, 2019 Vol 66/10

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

General Information:

Funding Opportunity Title:	Minority AIDS Initiative (MAI) Youth Reach for Virginia Providers Only
Funding Opportunity Number:	FO-HAHSTA-PG-00113-019
Program RFA ID#:	HAHSTA_VAMAI03.22.19
Opportunity Category:	Competitive
DC Health Administrative Unit:	HIV/AIDS, Hepatitis, STD, Tuberculosis Administration
DC Health Program Bureau	Care and Treatment Division
Program Contact:	Ebony Fortune, Part A Program Coordinator, ebony.fortune@dc.gov, 202.671.4819
Program Description:	The HIV/AIDS, Hepatitis, STD, Tuberculosis Administration is soliciting applications from qualified organizations to provide services under the MAI Youth Reach program targeting individuals between the ages of 13 - 30.
Eligible Applicants	Not-for-profit organizations, including healthcare entities and universities; government-operated health facilities; for-profit health and support service providers demonstrated to be the only entity able to provide the service. All applicants must be located within and provide services within the 11 cities and 6 counties of the Northern Virginia jurisdiction of the Washington, DC EMA.
Anticipated # of Awards:	2
Anticipated Amount Available:	\$400,000.00

Floor Award Amount:	\$150,000.000
Ceiling Award Amount:	\$N/A

Funding Authorization

Legislative Authorization	Ryan White HIV/AIDS Treatment Extension Act of 2009
Associated CFDA#	93.914
Associated Federal Award ID#	H89HA00012
Cost Sharing / Match Required?	No
RFA Release Date:	March 22, 2019
Pre-Application Meeting (Date)	April 25, 2019 via Webinar
Pre-Application Meeting (Time)	10:00am – 12:00pm
Pre-Application Meeting (Webinar)	Webinar Access: join.me/CAREWare.dc
Letter of Intent Due date:	April 29, 2019
Application Deadline Date:	May 3, 2019
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse DC Health EGMS https://dcdoh.force.com/GO_ApplicantLogin2

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

DEPARTMENT OF HEALTH (DC HEALTH)**CORRECTED NOTICE OF PUBLIC MEETING**

The Director of the Department of Health hereby gives the following corrected notice pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66); D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2015 Supp.)(Act), and 17 DCMR § 10316.

The District of Columbia Prescription Drug Monitoring Program Advisory Committee will hold a public meeting on:

**Tuesday, April 30, 2019, from 10:00 a.m. until 12:00 p.m.
At 899 North Capitol St., NE, 2nd Floor, Room 216
Washington, D.C. 20002**

A copy of the meeting agenda may be obtained on the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp

Please monitor the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp for updates. Phone inquiries will not be accepted regarding this topic.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Landscape and Snow Removal Services**

KIPP DC is soliciting proposals from qualified vendors for Landscape and Snow Removal Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on May 21, 2019. Questions can be addressed to jason.ray@kippdc.org.

Background Check Services

KIPP DC is soliciting proposals from qualified vendors for Background Check Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on May 17, 2019. Questions can be addressed to daondra.thompson@kippdc.org.

Visitor Management Services

KIPP DC is soliciting proposals from qualified vendors for Visitor Management Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on May 14, 2019. Questions can be addressed to eugene.han@kippdc.org.

Painting Services

KIPP DC is soliciting proposals from qualified vendors for Painting Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on May 22, 2019. Questions can be addressed to jessica.gray@kippdc.org.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
Alliance of Independent Workers Labor)	
Organization,)	
	)	PERB Case No. 10-RC-03
)	
Petitioner,)	
	)	Certification No. 153
and)	
)	
District of Columbia Office of the Chief)	
Medical Examiner,)	
Agency)	
_____)	

CERTIFICATION OF REPRESENTATIVE

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board (“Board”), in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978, the Rules of the Board, and an Election Agreement executed by the parties, and it appearing that a majority of valid ballots have been cast for a representative for the purpose of exclusive recognition;

Pursuant to the authority vested in the Board by D.C. Code § 1-605.02(2) and Section 515.3 of the Board rules;

IT IS HEREBY CERTIFIED THAT:

The Alliance of Independent Workers Labor Organization has been designated by the employees of the above-named public employer in the unit described below, as their exclusive representative for the purpose of collective bargaining over terms and conditions of employment, including compensation, with the named employer.

Unit Description:

All non-professional employees employed by the District of Columbia Office of the Chief Medical Examiner, excluding Maintenance mechanics, all management Officials, supervisors,

PERB Case No. 10-RC-03
Certification of Representative
Page 2 of 2

confidential employees, or any employees engaged in work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 21139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

September 2, 2011

CERTIFICATE OF SERVICE

This is to certify that the attached Certification of Representative in PERB Case No. 10-RC-03 was transmitted via Fax and U.S. Mail to the following parties on this the 2nd day of September 2011.

Jonathan K. O'Neill, Esq.
Office of Labor Relations
And Collective Bargaining
441 4th Street, N.W.
Suite 820 North
Washington, D.C. 20001

FAX & U.S. MAIL

John Berry, Esq.
John Berry, P. L.L.C.
1750 Presidents Street
Suite 220
Reston, VA 20190

FAX & U.S. MAIL

Sheryl V. Harrington
Secretary

**Government of the District of Columbia
Public Employee Relations Board**

<hr/>)	
In the Matter of:)	
)	
International Union of Public Employees		)	PERB Case No. 12-RC-02
)	
Petitioner)	
)	
and		)	Certification No. 165
)	
		)	CORRECTED COPY
District of Columbia Office of)	
Unified Communications)	
)	
Agency)	
)	
and)	
)	
National Association of Government)	
Employees, Local R3-07)	
)	
Intervenor)	
<hr/>)	

CERTIFICATION OF REPRESENTATIVE

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board (“Board”), in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978, the Rules of the Board, and an Election Agreement executed by the parties, and it appearing that the majority of valid ballots have been cast for a representative for the purpose of exclusive recognition;

Pursuant to the authority vested in the Board by D.C. Official Code § 1-605.02(2) and Section 515.3 of the Board rules;

IT IS HEREBY CERTIFIED THAT:

The National Association of Government Employees, Local R3-07, has been designated by the employees of the above-named public employer in the unit described below, as their exclusive representative for the purpose of collective bargaining over terms and conditions of employment, including compensation, with the named employer.

Certificate of Representation

PERB Case No. 12-RC-02

Page 2

Unit Description:

All employees of the Government of the District of Columbia Office of Unified Communications, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

December 5, 2018

Clarene Phyllis Martin
Executive Director

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
National Association of		)	PERB Case No. 18-RC-02
Government Employees)	
)	
	Petitioner)	
		)	Certification No. 166
)	
and)	
)	
District of Columbia Office of the)	
Chief Medical Examiner)	
)	
	Respondent)	
_____)	

CERTIFICATION OF REPRESENTATIVE

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board, in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978, the Rules of the Board, and an Election Agreement executed by the parties, and it appearing that the majority of valid ballots have been cast for a representative for the purpose of exclusive recognition; and

Pursuant to the authority vested in the Board by D.C. Official Code § 1-605.02(2) and Section 515.3 of the Board Rules;

IT IS HEREBY CERTIFIED THAT:

The National Association of Government Employees has been designated by the employees of the above-named public employer in the unit described below, as their exclusive representative for the purpose of collective bargaining over terms and conditions of employment, with the named employer.

Unit Description:

All non-professional employees employed by the District of Columbia Office of the Chief Medical Examiner, excluding all management officials, supervisors, confidential employees or any employees engaged in personnel work other than in

Certificate of Representation

PERB Case No. 18-RC-02

Page 2

a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

March 21, 2019

/s/ Clarene Phyllis Martin
Clarene Phyllis Martin
Executive Director

CERTIFICATE OF SERVICE

This is to certify that the attached Certification No. 166 in PERB Case No. 18-RC-02 was transmitted to the following parties on this the 25th day of March 2019.

Robert J. Shore
National Association of Government Employees
1020 N. Fairfax Street
Suite 200
Alexandria, VA 22314

Stephanie T. Maltz
Office of Labor Relations
and Collective Bargaining
441 4th Street, NW
Suite 820 North
Washington, D.C. 20001

/s/ Sheryl Harrington
Public Employee Relations Board
1100 4th Street, SW
Suite E630
Washington, D.C. 20024
Telephone: (202) 727-1822

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
Local 1199, Service Employees)	
International Union)	
	)	PERB Case No. 19-UM-01
Petitioner)	
	)	Opinion No. 1703
and)	
)	
District of Columbia)	
Department of Behavioral Health)	
)	
Respondent)	
_____)	

DECISION AND ORDER

I. Introduction

On December 21, 2018, the Service Employees International Union, Local 1199 (“Union”) and the District of Columbia Department of Behavioral Health (“Agency”) filed a joint petition for unit modification. The parties request that the Board amend Certification No. 68 to reflect a change in the identity of the employing agency. A notice was posted at the Agency. No objections or requests to intervene were received from any employees or labor organizations.

II. Background

In 1992, the Union was certified as the sole and exclusive bargaining representative of the following bargaining unit:

All Licensed Social Workers employed by the Department of Human Services, Commission on Mental Health services excluding all other classifications of workers, all other classifications of Social Workers, all management officials or supervisors, confidential employees or employees engaged in personnel or in administering the labor relations of the Department of Human Services, Commission on Mental Health Services.

Decision and Order
PERB Case No. 19-UM-01
Page 2

The Commission on Mental Health Services went on to become the Department of Mental Health which later became the Department of Behavioral Health.¹ The Union and the Agency both agree that the certification should be updated to reflect the current name of the employer.²

The parties agreed to the description of the bargaining unit as follows:

All Licensed Social Workers employed by the Department of Behavioral Health excluding all other classifications of workers, all other classifications of Social Workers, all management officials or supervisors, confidential employees or employees engaged in personnel or in administering the labor relations of the Department of Behavioral Health.

III. Discussion

PERB Rule 504.1(a) provides that a unit modification may be sought “[t]o reflect a change in the identity or statutory authority of the employing agency.” The Board has held that “when the functional role and employees of a public employer/agency are transferred to a new entity established to perform in the same capacity . . . the new agency is not a new employer for the purposes of collective bargaining.”³ The parties have requested a modification as a result of a change in identify of the employing agency. The parties do not state any changes regarding the community of interest shared by the employees in the bargaining unit. The Union and Agency continue to operate under the collective bargaining agreement that covered the affected employees when they were employed by the Department of Human Services, Commission on Mental Health Services.

The requested modification does not give rise to a question concerning the representation of the unit that would necessitate an election. The Board finds that the proposed modifications to Certification No. 68 would continue to promote effective labor relations and the efficiency of agency operations. Therefore, the Board grants the parties’ joint petition and modifies the bargaining unit as described in the Order.

ORDER

IT IS HEREBY ORDERED THAT:

1. The unit for which the Service Employees International Union, Local 1199 is certified as the exclusive bargaining representative is modified as will be described as set forth below:

Unit Description:

¹ Petition at 2.

² Petition at 2.

³ *Am. Fed’n of State, Cty. and Mun. Emp., Dist. Council 20 & Local 2921 v. D.C. Pub. Sch. & Office of the State Superintendent of Educ.*, 60 D.C. Reg. 16499, Slip Op. No. 1440 at 5, PERB Case No. 13-U-09 (2013).

Decision and Order
PERB Case No. 19-UM-01
Page 3

All Licensed Social Workers employed by the Department of Behavioral Health, excluding all other classifications of workers, all other classifications of Social Workers, all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Douglas Warshof.

Washington, D.C.

March 21, 2019

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-UM-01, Op. No. 1703 was sent by File and ServeXpress to the following parties on this the 22nd day of March 2019.

Daniel M. Rosenthal
James & Hoffman, P.C.
1130 Connecticut Avenue, NW
Suite 950
Washington, D.C. 20036

Kathryn Naylor
Office of Labor Relations
and Collective Bargaining
441 4th Street, NW
Suite 820 North
Washington, D.C. 20001

/s/ Sheryl Harrington
Public Employee Relations Board
1100 4th Street, SW
Suite E630
Washington, D.C. 20024
Telephone: (202) 727-1822

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFFELECTRIC TARIFF 00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No. 1

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its final action taken in the above-captioned proceeding.

2. On March 1, 2019, pursuant to D.C. Code § 10-1141.06,² the Potomac Electric Power Company (Pepco) filed with the Commission an updated Rider Public Space Occupancy Surcharge (PSOS).³ In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia for the rental of public structures in public space. Pepco proposes to amend the following tariff page to reflect a reduction in the PSOS:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
Twenty-First Revised Page No. R-33**

3. According to Pepco, the Surcharge Update consists of two parts reflecting: 1) the payments to be made by Pepco to the District of Columbia for the current year, and 2) the over or under recovery from the prior year.⁴ Pepco proposes a PSOS rate of \$0.00211 per kilowatt-hour delivered to the customer, which is an increase from the current PSOS rate of \$0.00207 per kilowatt-hour approved in 2018.⁵ The rate is based on a rate of \$0.00217 per kilowatt-hour for estimated 2019 payments and a rate of \$0.00006 per kilowatt-hour for the over/under collection of payments made by Pepco in

¹ D.C. Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.).

² D.C. Code § 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

³ *Electric Tariff 00-2, In the Matter of Potomac Electric Power Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1* ("ET00-2"), Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Dennis P. Jamouneau, Assistant General Counsel, Re: ET00-2 – Rider "PSOS," filed March 1, 2019 ("Surcharge Update").

⁴ ET00-2, Surcharge Update at 1.

⁵ ET00-2, Surcharge Update at 2 and Attachment B.

2018.⁶ Pepco proposed that its Surcharge Update become effective with meter readings on and after March 1, 2019.⁷

4. On March 15, 2019, the Commission published a Notice of Proposed Tariff (NOPT) in the *D.C. Register* inviting public comment on Pepco's Surcharge Update.⁸ In the NOPT, the Commission stated that Pepco has a statutory right to implement the Rider PSOS; but if the Commission were to discover any inaccuracies in the calculation of the proposed surcharge rate, Pepco could be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT and the Commission is satisfied that Pepco's proposed surcharge complies with D.C. Code § 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on April 24, 2019, took final action approving Pepco's Rider PSOS Surcharge Update tariff filing effective with meter readings on and after March 1, 2019, and officially upon publication of this Notice of Final Tariff in the *D.C. Register*.

⁶ ET00-2, Surcharge Update at 2 and Attachment C.

⁷ ET00-2, Surcharge Update at 1.

⁸ 66 *D.C. Reg.* 003123-003124 (March 15, 2019).

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY (NOFA)

CLEAN TEAM GRANTS

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to manage a **DC Clean Team Program** (“the Program”) in seventeen service areas (listed below). This revised NOFA includes eligibility review and correction criteria. **The submission deadline is Friday, June 21, 2019, 12:00 PM.**

Through this grant, DSLBD will fund clean teams, which will achieve the following objectives.

- Improve commercial district appearance to help increase foot traffic, and consequently, opportunity for customer sales.
- Provide jobs for DC residents.
- Reduce litter, graffiti, and posters, which contribute to the perception of an unsafe commercial area.
- Maintain a healthy tree canopy, including landscaping, along the corridor.
- Support Sustainable DC goals by recycling, mulching street trees, using eco-friendly supplies, and reducing stormwater pollution generated by DC’s commercial districts.

Eligible applicants are nonprofit organizations which are incorporated in the District of Columbia and businesses which are Certified Business Enterprises. All applicants must be current on all taxes. Applicants should have a demonstrated capacity with the following areas of expertise.

- Providing clean team services or related services to commercial districts or public spaces.
- Providing job-training services to its employees.
- Providing social support services to its Clean Team employees.

DSLBD will **award** one grant for **each** of the following **service areas** (i.e., a total of seventeen grants). The size of grant is noted for each district.

12th Street	\$109,618.00
Alabama Avenue	\$100,000.00
Bellevue	\$110,500.00
Benning Road (Ward 6)	\$100,000.00
Benning Road (Ward 7)	\$110,000.00
Connecticut Avenue	\$104,982.00
Georgia Avenue	\$104,982.00
Glover Park	\$128,000.00
Kennedy Street	\$103,618.00
Lower Georgia Avenue	\$103,000.00
Mid-City	\$100,000.00
New York Avenue	\$122,000.00
Pennsylvania Avenue	\$110,000.00

Upper 14th Street NW	\$100,000.00
Upper Georgia Avenue	\$103,000.00
Ward 1	\$163,618.00
Wisconsin Avenue	\$116,521.00

The **grant performance period** to deliver clean team services is October 1, 2019 through September 30, 2020. Grants may be renewed for a second performance period of October 1, 2019 through September 30, 2020.

The **Request for Application** (RFA) includes a detailed description of clean team services, service area boundaries, and selection criteria. DSLBD will post the RFA on or before **Monday, May 6, 2019** at www.dslbd.dc.gov. Click on the *Our Programs* tab, then *Neighborhood Revitalization*, and then *Solicitations and Opportunities* on the left navigation column.

The online application will be available on or before **Monday, May 6, 2019**. To open an application, applicants must complete and submit an **Expression of Interest** via the website address included in the Request for Applications. DSLBD will activate their online access within two business days and notify them via email.

DSLBD will hold a **pre-application meeting on Tuesday, June 4 at 1:00 PM** at 441 4th Street, NW, Washington, DC 20001 in the DSLBD Office (Suite 850 North).

Application Process: Interested applicants must complete an online application on or before **Friday, June 21, 2019, 12:00 PM**. DSLBD will not accept applications submitted via hand delivery, mail or courier service. **Late submissions and incomplete applications will not be forwarded to the review panel.**

Selection Criteria for applications will include the following criteria.

- Applicant Organization's demonstrated capacity to provide clean team or related services, and managing grant funds.
- Proposed service delivery plan for basic clean team services.
- Proposed service delivery plan for additional clean team services.

Selection Process: DSLBD will select grant recipients through a competitive application process that will assess the Applicant's eligibility, experience, capacity, service delivery plan, and, budget. Applicants may apply for one or more service areas by noting the number of service areas for which the applicant would like to be considered. DSLBD will determine grant award selection and notify all applicants of their status via email on or before **Monday, July 15, 2019**.

Funding for this award is contingent on continued funding from the DC Council. The RFA does not commit the Agency to make an award. DSLBD 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.

All applicants must attest to executing a DSLBD grant agreement as issued (sample document will be provided in online application) and to starting services on October 1, 2019.

We encourage interested applicants to attend an Application Information Session. Please refer to the RFA for the most accurate information about the date, time and location of this meeting.

Questions may be sent to Reginald Grant at the Department of Small and Local Business Development at reginald.grant@dc.gov. All questions not asked during the information session must be submitted in writing.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, May 16, 2019 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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|-----|-------------------------------|---|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates | Vice-President,
Wastewater Ops |
| | 1. BPAWTP Performance | |
| 3. | Status Updates | Senior VP Chief Engineer,
Engineering |
| 4. | Project Status Updates | Director, Engineering &
Technical Services |
| 5. | Action Items | Senior VP Chief Engineer,
Engineering |
| | - Joint Use | |
| | - Non-Joint Use | |
| 6. | Water Quality Monitoring | Senior Director, Water Ops |
| 7. | Action Items | Senior VP Chief Engineer
Senior Director, Water Ops
Director, Customer Care |
| 8. | Emerging Items/Other Business | |
| 9. | Executive Session | |
| 10. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, May 23, 2019 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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| 1. | Call to Order | Committee Chairperson |
| 2. | April 2019 Financial Report | Committee Chairperson |
| 3. | Agenda for June 2019 Committee Meeting | Committee Chairperson |
| 4. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Tuesday, May 14, 2019 at 9:00 a.m. The meeting will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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| 1. Call to Order | Committee Chairperson |
| 2. Emerging Issues | Committee Chairperson |
| 3. Agenda for Upcoming Committee Meeting | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, May 28, 2019 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

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| 1. | Call to Order | Committee Chairman |
| 2. | Monthly Updates | Executive VP,
Finance & Procurement |
| 3. | Committee Work plan | Executive VP,
Finance & Procurement |
| 4. | Other Business | Executive VP,
Finance & Procurement |
| 5. | Adjournment | Committee Chairman |

**DEPARTMENT OF YOUTH REHABILITATION SERVICES
NOTICE OF FUNDING AVAILABILITY**

Capacity Building for the Community Program Initiative Grant

The Department of Youth Rehabilitation Services (DYRS) seeks eligible entities to propose a plan for the implementation and management of a comprehensive and coordinated system of programs and services for D.C. court-involved youth and families. The amount available for the project is approximately \$7.9 million for a one-year period - starting October 1, 2019 – with the possibility to renew for up to three years pending funding availability and grantee performance.

Beginning 5/3/2019, the full text of the Request for Applications (RFA) will be available on the DYRS website. A person may obtain a copy of this RFA by any of the following means:

Download from the DYRS website, www.dyrs.dc.gov. Select the *Doing Business with DYRS* tab and click on the request for applications link.

Email a request to dyrscapacitybuilding.2020@dc.gov with “Request copy of Capacity Building RFA” in the subject line.

Pick up a copy in person from the DYRS grants management division, located at 450 H Street, NW 7th Floor, Washington, DC 20001. To make an appointment, call Kish Rusek at (202) 299-3996 and mention this RFA by name.

Write DYRS at 450 H Street, NW 7th Floor, Washington, DC 20001, “Attn: DYRS Grants – Capacity Building RFA” on the outside of the envelope.

The deadline for application submissions is 6/10/2019, at 4:30 p.m. All applications must be submitted through the Philantrack system.

Eligibility: All the checked institutions below may apply for these grants.

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations
- Faith-based organizations
- Government agencies
- Universities/educational institutions
- Private Enterprises

For additional information regarding this RFA, write to: dyrscapacitybuilding.2020@dc.gov.

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

Application No. 17861-A of Bright Beginnings Inc., pursuant to 11 DCMR Y § 704, for a modification of significance to BZA Order No. 17861 to add a special exception under the use provisions of Subtitle U § 203.1(g) to establish a daytime care facility at an existing private school in the R-2 District at premises 3640 Martin Luther King Jr. Avenue, S.E. (Square 6090, Lots 32, 810 and 813).

HEARING DATES (17861):	February 17, 2009
DECISION DATE (17861):	February 17, 2009
ORDER ISSUANCE DATE (17861):	February 20, 2009
MODIFICATION HEARING DATE:	April 17, 2019
MODIFICATION DECISION DATE:	April 17, 2019

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION OF SIGNIFICANCE**

BACKGROUND

On February 17, 2009, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by The Bishop John T. Walker School for Boys (“the Walker School”) in Application No. 17861 for a special exception under the Zoning Regulations of 1958 to establish a private school and accessory parking spaces in the R-2 District at premises 3624 and 3640 Martin Luther King Jr. Avenue, S.E. (Square 6090, Lots 32, 810 and 813) (the “Property”). Order No. 17861 was issued on February 20, 2009 and contained six conditions of approval:

1. The Applicant shall limit enrollment at the subject property so as not to exceed 80 students. The total number of faculty and staff at the subject property shall not exceed 18 persons at any one time.
2. The Applicant shall restrict the use of the grass space fronting Martin Luther King Jr. Avenue from any recreational usage beyond 7:00 p.m.
3. The Applicant shall provide a four-foot high fence parallel to the Martin Luther King Jr. Avenue street frontage.
4. The Applicant shall furnish and install appropriate school signs and pavement markings, in accordance with the Manual on Uniform Traffic Control Devices and other applicable DC Department of Transportation standards, prior to the first day of school in order to promote safe and efficient school traffic controls.

5. The Applicant shall provide screening at the northern property line that includes a stockade fence and evergreen hedges or evergreen trees that are thickly planted and maintained and at least 42 inches in height when planted.
6. The Applicant shall share its modal split data with the DC Department of Transportation, Policy and Planning staff and Advisory Neighborhood Commission 8C every other year and within 30 days of the start of the school year.

Pursuant to the Order, the Walker School established a private school on the Property, which it operated until 2017. In place of the Walker School, Bright Beginnings Inc. (the "Applicant") began operating a private school on the Property in accordance with the Order and the conditions of approval. The Applicant is a nonprofit organization that operates childhood and family learning centers for children and families experiencing homelessness in the District.

MODIFICATION OF SIGNIFICANCE

On January 29, 2019, the Applicant submitted a request for a Modification of Significance to the Board's approval in Order No. 17861. (Exhibits 1-8.)

The Applicant proposes to operate a child development center for children aged six weeks to two years in the existing facilities at the Property, in addition to the existing private school. The Applicant also proposes to include an accessory education, health, and social services support program for parents or guardians of the children in attendance, which is permitted as an accessory use to a child development center under Subtitle B § 100.2. The Applicant proposes to operate the proposed child development center within the existing private school building and does not propose any new construction or exterior changes to the Property.

The operations of the private school and proposed child development center will conform to the conditions of the underlying Order. Specifically, the Applicant confirmed that the number faculty and staff at the subject property will not exceed 18 persons and that the combined total number of children for both the private school and the child development center will not exceed 80.

Based on the proposed modification, the Applicant requests a special exception under the use provisions of Subtitle U § 203.1(g) to establish the proposed daytime care facility. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.) In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence¹ is a modification of significance, which

¹ See, Subtitle Y §§ 703.3 and 703.4.

requires a public hearing. The Applicant's request complies with 11 DCMR Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 8C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8C, which is automatically a party to this application. ANC 8C submitted a report indicating that at a regularly scheduled, properly noticed public meeting on April 3, 2019, at which a quorum was present, the ANC voted unanimously to support the modification. (Exhibit 33.)

Office of Planning ("OP") submitted a timely report recommending approval of the requested modification and the relief for daytime care use. (Exhibit 30.) The District Department of Transportation ("DDOT") submitted a report stating that it had no objection, but requested continued coordination with the Applicant on sharing its 2019 modal split data with DDOT, OP and ANC 8C and working with DDOT Safe Routes to School team to install pick-up and drop-off school signage on Upsal St. S.E. (Exhibit 31.)

At the public hearing, Rosetta Williams testified in opposition, raising concerns about parking.

Based upon the record and having given great weight to the ANC and OP reports, the Board concludes that in seeking special exception relief under the use provisions of Subtitle U § 203.1(g), the Applicant has met the burden of proof under 11 DCMR Subtitle X § 901.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board also concludes that in seeking a modification of significance to Order No. 17861, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 704.

The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of significance is hereby **GRANTED**.

In all other respects, Order No. 17861 remains unchanged.

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter G. May to APPROVE; Lorna L. John not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

BZA APPLICATION NO. 17861-A

PAGE NO. 3

FINAL DATE OF ORDER: April 19, 2019

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.

**BZA APPLICATION NO. 17861-A
PAGE NO. 4**

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

Application No. 18723-A of 2101 Morning Bright LLC, pursuant to 11 DCMR § 3130.6¹ for a two-year time extension of BZA Order No. 18723.

The original application was pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the lot occupancy (§ 772), rear yard (§ 774), and off-street parking location (§ 2116.12) requirements, and a special exception from the rooftop structure requirements under § 770.6(b), to allow construction of a mixed-use residential building with ground-floor retail in the ARTS/C-2-B District at 2105 10th Street, N.W. (Square 358, Lots 5, 6, and 802).

HEARING DATES (Original Application):	March 11 and May 20, 2014
DECISION DATE (Original Application):	May 20, 2014
EFFECTIVE DATE (Original Application):	June 2, 2014
DECISION DATES (Time Extension):	May 24 and June 7, 2016

DECISION AND ORDER

For the reasons explained below, the Board of Zoning Adjustment (the “**Board**”) voted to approve the Application.

FINDINGS OF FACT

The Order

1. By Order No. 18723 (the “**Order**”), the Board granted variances pursuant to 11 DCMR §§ 3103.2 and 3104.1 from the lot occupancy (§ 772), rear yard (§ 774), and off-street parking location (§ 2116.12) requirements, and a special exception from the rooftop structure requirements under § 770.6(b), to allow construction of a mixed-use residential building with ground-floor retail in the ARTS/C-2-B District at 2105 10th Street, N.W. (the “**Property**”) (Square 358, Lots 5, 6, and 802).

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraphs, are to provisions that were in effect on the date this Application was heard and decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text (“the 2016 Regulations”). The repeal of the 1958 Regulations has no effect on the validity of the Board’s decision or the validity of this order.

2. The Order stated that there were only two parties to the original Case No. 18723 – the owner of the Property - 2101 Morning Bright LLC (the “**Applicant**”) – and ANC 1B. Although the Board had received party status requests in opposition to two individuals, the requests were withdrawn prior to the issuance of the Order – one by filing a withdrawal, the other by failing to appear at the hearing.
3. The Order became final on May 23, 2014, and pursuant to § 3125.9, became effective ten (10) days later, on June 2, 2014. Pursuant to § 3130.1, the Order was valid for two years – to June 2, 2016 – within which time period the Applicant had to file plans as part of a building permit application with the Department of Consumer and Regulatory Affairs.

The Application

4. On April 29, 2016, the Applicant submitted an application for a two-year time extension of the Order to June 2, 2018 (the “**Application**”). (Exhibit 1.)
5. The Application stated that it had been served to the two parties in Case No. 18723 – the Applicant and ANC 1B, as well as the Office of Planning (“**OP**”).
6. The Application stated that no changes were proposed to the exterior of the building as approved by the Order, nor was any additional relief requested.
7. The Application stated that no changes had occurred to the zone classification of the Property or to those portions of the Comprehensive Plan applicable to the Property.
8. The Application asserted that it had demonstrated good cause for the time extension under § 3130.6(c)(2) because the delay in filing a building permit application within the time period of the Order was due to difficulties obtaining required governmental approvals that were outside the Applicant’s control, specifically (i) reviews and permits from the Department of Consumer and Regulatory Affairs (“**DCRA**”) required prior to applying for a building permit and (ii) D.C. Council (the “**Council**”) approval of a lease pursuant to a government procurement contract on which the project financing depended.

OP Report

9. OP submitted a written report dated May 10, 2016 that analyzed the Application against the requirements of § 3130.6 and recommended that the Board approve the Application (the “**OP Report**”). (Exhibit 3.)
10. The OP Report stated that no substantial changes had occurred to the development surrounding the Property since the Order. The OP Report also stated that no substantial changes have been made to the provisions of the Zoning Regulations applicable to the Property since the Order (the new Zoning Regulations effective on September 6, 2016 would not apply to the Order, which is vested under the 1958 Zoning Regulations).

11. The OP Report concluded that the Applicant had demonstrated good cause under § 3130.6(c)(2) to obtain the requested time extension based on the Applicant's good faith attempts to obtain Council approval of the lease required to finalize the financing of the development to be built pursuant to the Order, and on the Applicant's efforts to obtain some of the necessary reviews and permits from DCRA.

Party Status Request

12. Three individuals filed requests for party status in opposition to the Application: Chee-Yuen Hung and Tamatane Aga, who resided in the same dwelling unit, and David Stirpe. (Exhibits 4-6.)

Persons in Opposition

13. The Board received six letters in opposition signed by six individuals, one of whom adopted another's letter, and three of whom had requested party status in opposition. (Exhibits 7, 8, 11-13, and 15.) These letters all asserted that there had been substantial changes to the material facts on which the Board had relied in approving the relief memorialized in the Order based on the Mayor's public materials proposing a homeless shelter on the Property, which these letters alleged would require changes to the plans approved by the Order.
14. These letters also asserted that the Applicant had failed to demonstrate good cause for the time extension because the delays were due the Applicant's lack of diligence in pursuing the necessary preliminary DCRA reviews and permits and for failing to apply for the governmental procurement until the final months of the Order's validity.
15. The Applicant responded to the requests for party status and letters in opposition by asserting that (i) party status requests are limited to hearings per § 3113.21, and (ii) the Applicant did not propose any changes that would require a modification of the Order and so no substantial changes had occurred in the material facts relied upon by the Board in issuing the Order. (Exhibit 9.)

ANC Report

16. ANC 1B submitted a written report stating that at its June 2, 2016 regularly scheduled and properly noticed meeting, and with a quorum present, the ANC voted to recommend denial of the Application (the "**ANC Report**"). (Exhibit 10.)
17. The ANC Report stated the following issues and concerns with the Application:
 - (a) that substantial changes had occurred to the material facts on which the Board's decision memorialized in the Order had relied because the Mayor's proposed plans for the homeless shelter on the Property departed from various aspects of plans approved by the Order, including changing the use from an apartment building to a homeless shelter, potentially removing a rooftop terrace and balconies, adding a playground and reducing the square footage of the building; and
 - (b) that the Applicant had failed to demonstrate good cause as required by § 3160(c)(2) because (i) the delays in DCRA permitting were a normal part of the development

process and so within the control of the Applicant, and (ii) the Council had appropriated funding to construct a temporary homeless shelter by purchase or eminent domain and so rendered the Applicant's asserted need of Council approval irrelevant.

18. The Applicant submitted a rebuttal to the ANC Report asserting (i) that the Application proposed no change of use of the Property from the apartment house use identified in the Order and that the Applicant would return to the Board for any modification of use or plans that would be required if changes were proposed; and (ii) that the Council's appropriation of funds to acquire the Property by eminent domain did not weaken the Applicant's asserted inability to proceed because the Mayor had indicated no intent to use eminent domain and had negotiated the lease awaiting Council approval that the Applicant needed to obtain financing to proceed with construction pursuant to the Order. (Exhibit 14.)

CONCLUSIONS OF LAW

1. The Board is authorized to grant variances from the requirements of the Zoning Regulations where (i) "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," (ii) the strict application of any zoning regulation "would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property," and granting the requested variance would not cause (iii) "substantial detriment to the public good" or (iv) "substantial impairment to the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." Section 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (2018 Repl.); § 3103.
2. The Board is authorized to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception (i) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, (ii) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and (iii) complies with the special conditions specified in the Zoning Regulations. Section 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); § 3104.
3. The Board considers requests for time extensions under § 3130.6 as a decision case based on the written submissions to the record without a public hearing. Requests for party status, which apply to hearings, are therefore not applicable in time extension applications, in which the only parties are those of the original approval that the application seeks to extend. The Board does consider all written comments submitted to the record in time extension cases. The Board therefore denied the three requests for party status in response to the Application.
4. Section 3130.6 authorizes the Board to extend the two-year time limit of § 3130.1:

for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

Timely filing - § 3130.6

- 5. The Board concludes that the Applicant filed the Application timely on April 29, 2016 prior to the expiration of the Order on June 2, 2016.

Service on all parties - § 3130.6(a)

- 6. The Board concludes that the Applicant served all parties to Case No. 18723 as defined by the Order - the Applicant and ANC 1B - and that the ANC had responded with the ANC Report. (Exhibit 10.)

No substantial change in material facts - § 3130.6(b)

- 7. The Board concludes that there was no change in material fact on which the Board had relied in approving the relief granted by the Order because the Applicant did not propose to change the design as shown on the plans approved by the Order. The Board notes that these approved plans establish what can be built on the Property per § 3125.8 unless subsequently modified by the Board pursuant to § 3129.

Good cause demonstrated - § 3130.6(c)

- 8. The Board concludes that the Applicant met its burden to demonstrate good cause under § 3130.6(c)(2) because the delays in obtaining the preliminary reviews and permits from DCRA and in negotiating a lease with the District, requiring approval of both the Mayor and Council, were outside of the control of the Applicant and despite its diligent efforts to obtain these necessary governmental approvals.

“Great Weight” to the Recommendations of OP

- 9. 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.).)

10. The Board concludes that the OP Report, which provided an-depth analysis of how the Application met each of the requirements for the requested area variance relief, is persuasive and the Board concurs with OP's recommendation that the Application be approved, as discussed above. In particular, the Board agreed with OP's determination that there had been no substantial change to the material facts upon which the Board had relied in the decision memorialized in the Order and that the Applicant had demonstrated good cause necessary to obtain a time extension.

“Great Weight” to the Written Report of the ANC

11. The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 1B. (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) (2012 Repl.)).). To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).

12. The Board is not persuaded by the ANC Report's assertions that the material facts on which the Board had relied in approving the relief granted by the Order had substantially changed since that approval. The Board instead credits the OP Report's determination that no change to the applicable zoning regulations or surrounding development had occurred. The Board concludes that the ANC Report's focus on the Mayor's proposed shelter on the Property was not legally relevant because it was a proposed, not a final, design, and any changes to the plans approved by the Order would require Board approval pursuant to §§ 3125.8 and 3129. As the Applicant reiterated, the Application did not propose any such changes.

13. The Board also finds unpersuasive the ANC Report's assertions that the Applicant had failed to demonstrate good cause for the requested time extension because the delays in obtaining the necessary governmental approvals - DCRA's preliminary review and permitting and the Council's approval of the lease or Mayor's use of eminent domain - was in spite of the Applicant's best efforts and outside of its control. The Board concurred with the OP Report's determination that the Applicant had documented its efforts to proceed through the DCRA review and permitting system and to negotiate with the Mayor and Council to obtain the lease of the Property necessary to finance the development of the Property pursuant to the Order.

DECISION

Based on the case record and the Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the Application. Therefore,

**BZA APPLICATION NO. 18723-A
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pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Application No. 18723-A for a two-year time extension of Order No. 18723, which Order shall be valid until **June 2, 2018**.

VOTE: 4-0-1 (Marnique Y. Heath, Frederick L. Hill, Anita Butani-D'Souza, and Michael G. Turnbull to APPROVE; Jeffrey L. Hinkle not participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 19, 2019

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.

**BZA APPLICATION NO. 18723-A
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 19334-A of Shahid Q. Qureshi, pursuant to 11 DCMR §§ 3100 and 3101, from a decision made April 19, 2016, by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to revoke Certificate of Occupancy No. CO0901692, granted to permit a parking lot in the R-1-B District at premises 2200 Channing Street, N.E. (Square 4255, Lot 28).¹

HEARING DATES:	April 5 and July 12, 2017
DECISION DATE:	July 12, 2017
ORDER ISSUANCE DATE:	January 16, 2019
RECONSIDERATION DATE:	April 3, 2019

**ORDER DISMISSING MOTION
FOR RECONSIDERATION**

This appeal was submitted on June 28, 2016, by Shahid Q. Qureshi (the “**Appellant**”) to challenge a decision made April 19, 2016, by the Zoning Administrator (“**ZA**”), at the Department of Consumer and Regulatory Affairs (“**DCRA**”), to issue a notice of revocation of Certificate of Occupancy No. CO0901692, which authorized a parking lot in the R-1-B district at 2200 Channing Street, N.E. (Square 4255, Lot 28) on the ground that the certificate of occupancy had been issued in error. Following a public hearing, the Board voted to deny the appeal and to affirm the determination of the ZA. An order reflecting that decision was issued January 16, 2019.

Parties in this proceeding are the Appellant, who is the owner of the property that is the subject of the appeal, DCRA, and Advisory Neighborhood Commission (“**ANC**”) 5C, as the affected ANC in which the subject property is located.

FINDINGS OF FACT

1. The property that is the subject of this appeal is located at the northeast corner of the intersection of Channing Street and 22nd Street, N.E. (2200 Channing Street, N.E.; Square 4255, Lot 28) (the “**Property**”).

¹ This order refers to provisions and zone districts in effect under the Zoning Regulations of 1958 when the decision was made. The 1958 Regulations were repealed as of September 6, 2016, and replaced by the 2016 Regulations; however, the repeal and adoption of the replacement text has no effect on the validity of the Board’s decision in this case or of this order.

2. The Property is zoned R-1-B. The uses permitted as a matter of right in the R-1 zone do not include parking lots, although a parking lot may be permitted if approved by the Board as a special exception. *See* 11 DCMR §§ 201.1, 213, 3104.
3. The Property is owned by the Appellant and used for operation of the Appellant's business, All-Star Towing, Inc. On August 19, 2009, DCRA issued Certificate of Occupancy No. CO0901692 to the Appellant to authorize use of the subject property as a "vehicle storage lot" for 40 vehicles.
4. By letter dated April 19, 2016, the Office of the Zoning Administrator at DCRA provided notice that the Appellant's certificate of occupancy had been issued in error and would be revoked unless the property was brought into compliance by obtaining the necessary special exception approval for the use. (Exhibit 4.)
5. The Appellant challenged the ZA's decision to revoke the certificate of occupancy in this appeal, filed on June 28, 2016. By order issued January 16, 2019, the Board denied the appeal and affirmed the determination of the Zoning Administrator.
6. On February 1, 2019, the Appellant submitted a motion for reconsideration of the Board's decision.² The motion was served on the other parties, but no responses were submitted to the Board.
7. Also on February 1, 2019, the Appellant submitted a request to waive the deadline for the filing of a motion for reconsideration in accordance with Subtitle Y § 101.9. The Appellant recognized that "a motion for reconsideration was due on Saturday, January 26, 2019 which then placed it as due on Monday, January 26 [sic], 2019."³ The Appellant complained that the ten-day period for filing a motion for reconsideration "was cut short by the intervening National and local holiday in honor of Dr. Martin Luther King, Jr. on Monday, January 20, 2019," and also indicated that "as a result of a family emergency, counsel for Appellant was required to take unexpected travel in order to attend a family funeral out of town." The Appellant sought leave to file the motion for reconsideration on February 1, 2019, because "[t]he additional time has permitted the [Appellant] to address the issues raised by the D.C. BZA decision with appropriate request in support of reconsideration of that order." (Exhibits 39, 39A.)

² The motion refers both to this proceeding, Appeal No. 19334, and to a related proceeding, Application No. 19385. However, the motion was not filed in the record of the application and would have been premature in any event since the Board's order in Application No. 19385 was not issued until February 7, 2019. Pursuant to Subtitle Y § 700.3 the Board cannot receive or consider any motion for reconsideration that is filed prior to an order being issued. Accordingly, the Board considers the Appellant's request for reconsideration only in the context of this appeal proceeding, Case No. 19334.

³ The correct date was January 28, 2019.

CONCLUSIONS OF LAW AND OPINION

Pursuant to Subtitle Y § 700.2, any party may file a motion for reconsideration of any decision of the Board, provided that the motion is filed within 10 days from the date of issuance of a final written order by the Board. In computing any period of time, the Zoning Regulations refer to calendar days unless otherwise specified. (Subtitle Y § 204.1.)

The Board's order denying the appeal in this proceeding was issued on January 16, 2019. In computing any period of time specified in the Zoning Regulations, the day of the act after which the designated period of time begins to run shall not be included. (Subtitle Y § 204.2.) The 10-day period for the timely submission of a motion for reconsideration therefore began on January 17, 2019, and ended on Saturday, January 26, 2019. Pursuant to Subtitle Y § 204.3, the last day of the period computed in accordance with Subtitle Y § 204.2 is included unless that last day is a Saturday, Sunday, or official District of Columbia holiday, "in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, nor official District of Columbia holiday." In this case, the last day of the period to file a timely motion for reconsideration was therefore Monday, January 28, 2019. The Appellant's motion was not filed until February 1, 2019, four days later.

Pursuant to Subtitle Y § 204.5, whenever an act is required to be done within a specified time, that period of time may be extended by the Board, for good cause, with notice to all parties or announcement on the record. The Appellant asked for an extension of the time to file a motion for reconsideration pursuant to Subtitle Y § 101.9, which allows the Board to waive the otherwise applicable deadline, for good cause shown, if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

Whether under Subtitle Y § 204.5 or under Subtitle Y § 101.9, a waiver of the deadline for the timely filing of a motion for reconsideration requires a showing of good cause. In this case, the Appellant attributed the delay in filing to a holiday and to the unavailability of counsel due to travel. The Appellant does not provide any information about the timing or duration of that travel. Nor does the Appellant offer any explanation specifying why the motion could not have been submitted during the prescribed filing period. The Board acknowledges that one day during the filing period was not a regular business day due to a holiday, but also recognizes that the deadline was extended by three days to allow for filing on a Monday rather than on the previous Saturday. The Appellant's motion was not filed until another four days later, without the showing of good cause that is necessary for the Board to grant a request to allow the late filing of the motion. The Appellant also failed to demonstrate that a waiver of the deadline to permit a late filing of the motion for reconsideration would not prejudice the rights of the other parties, who opposed the appeal in this case.

The Board is 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) (2001)). ANC 5C did not submit a response to the motion for reconsideration; thus, there is no ANC report to which the Board can accord great weight with respect to the Appellant's submission.

Based on the findings of fact and conclusions of law, the Board concludes that the Appellant has not demonstrated good cause to waive the filing deadline for a motion for reconsideration of the Board's order denying this appeal.

Accordingly, it is therefore **ORDERED** that the **MOTION FOR WAIVER** of the filing deadline is **DENIED** and the **MOTION FOR RECONSIDERATION** is therefore **DISMISSED**.

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Robert E. Miller to **DENY** the waiver and to **DISMISS** the motion for reconsideration; Lorna L. John not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 18, 2019

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

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

Application No. 19848 of Kinney Ajiboye, as amended, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from side yard requirements of Subtitle D §§ 307.1 and 307.2¹ to construct a new principal dwelling in the R-2 Zone at premises 519 48th Place, N.E. (Square 5243, Lot 0003).

HEARING DATE: October 31, 2018
DECISION DATE: November 28, 2018

DECISION AND ORDER

On July 28, 2018, Kinney Ajiboye (the “**Applicant**”), the owner of a vacant lot at 519 48th Place N.E. (the “**Property**”), submitted an application for variance relief from the minimum side yard requirements of Subtitle D § 307.4 of Title 11 of the DCMR (the “**Zoning Regulations**”, to which all references are made unless otherwise specified) to allow the construction of a new semi-detached building with one dwelling unit on the Property (the “**Application**”). For the reasons explained below, the Board of Zoning Adjustment (the “**Board**”) voted to approve the Application.

FINDINGS OF FACT

Notice of Application and Notice of Public Hearing

1. Pursuant to Subtitle Y § 402.1, the Office of Zoning sent an August 29, 2018 letter with notice of the Application to the Applicant; Advisory Neighborhood Commission (“**ANC**”) 7C, the ANC for the area within which the subject property is located, the single-member

¹ The Application initially requested relief from the requirement of Subtitle D § 307.4 to have two side yards, each eight-feet wide per Subtitle D §§ 307.1 and 307.2 per a Zoning Administrator referral memo (Exhibit 4) to construct a semi-detached principal dwelling with only one side yard of a conforming eight-foot width. (Exhibit 3.) The Applicant subsequently revised the plans to construct a detached principal dwelling with two side yards, both of a nonconforming four-foot width requiring a change in relief. (Exhibits 42 and 45.) Although the Applicant did not submit a revised Zoning Administrator referral memo or self-certification reflecting the changed relief, the Applicant articulated the changed area variance relief requested from the requirements of Subtitle D § 307.4 for two side yards to the requirements of Subtitle D §§ 307.1 and 307.2 that all side yards measure at eight feet wide. (Exhibit 45 and BZA Public Hearing Transcript of October 31, 2018 (“Tr.”) at 5-6.)

Although the Zoning Commission deleted Subtitle D § 307 by the Notice of Final Rulemaking in Z.C. Case No. 17-23, effective February 22, 2019 (the new Subtitle D § 206.2 retained a similar eight-foot side yard requirement), since the Board voted to approve the Application prior to this change, pursuant to Subtitle A § 301.7, building permits that comply with the plans approved by this order may be processed according to Subtitle D § 307.

district ANC 7C07², and the Office of ANCs; the owners of all property within 200 feet of the Property; the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); and the Councilmember for Ward 7, the Chairman of the Council, and the At-Large Councilmembers. Notice of the public hearing was published in the *D.C. Register* on September 7, 2018, (65 DCR 9197.)

Party Status

2. The Applicant and ANC 7C were automatically parties in this proceeding per Subtitle Y-403.5. No request for party status was filed.

The Property

3. The Property is located at 519 48th Place, N.E. (Square 5243, Lot 0003).
4. The Property is a rectangular lot that slopes downward from 48th Place, N.E. toward an unpaved alley abutting the rear of the Property.
5. The Property is 25 feet wide and 100 feet deep, totaling 2,500 square feet.
6. The Property is located in the R-2 Zone.
7. A detached building in the R-2 Zone must be located on a lot that is at least 40 feet wide and 4,000 square feet in area. (Subtitle D § 302.1.)
8. The Property is a record lot that was created prior to the adoption of the 2016 Zoning Regulations.
9. Record lots existing prior to the September 6, 2016 adoption of the current Zoning Regulations that do not meet the minimum lot width and area requirements are deemed conforming in those aspects. (Subtitle C § 301.1.)
10. A principal dwelling unit is a permitted use in the R-2 Zone. (Subtitle U § 201.1(a)(2).)
11. The Property is unimproved and is the only such lot in the surrounding neighborhood.
12. The abutting lots to the north and south of the Property are two- and three-story detached principal dwellings.
13. Across 48th Place, N.E. are three three-story principal dwellings, two of which are attached, and the other semi-detached.

² The Application initially stated that the Property was located in the single-member district ANC 5D07 (Exhibit 1), but subsequently revised this to ANC 7C07. (Exhibit 10.) However, the Property is actually located in ANC 7C03. These errors were not consequential as the ANC 7C03 SMD testified at the public hearing and as Subtitle Y § 402.1(c) only requires the overall ANC to be notified.

14. Across the rear alley to the west are three three-story row dwellings.
15. The neighborhood is predominately developed with duplex dwellings interspersed with single-family detached and triplex dwellings.

The Application

16. The Application, as revised, sought relief to construct a 17-foot-wide detached principal dwelling with two side yards, both of a substandard four-foot width. (Exhibits 42 and 45.) The revised plans also added windows to the initially blank north side wall and removed the bay window proposed for the south side wall.

OP Report

17. OP submitted a written report dated October 19, 2018 that analyzed the revised Application against the requirements of Subtitle D § 307.1 and recommended that the Board approve the Application because the Property's substandard size was an exceptional condition that created a practical difficulty to provide the required two eight-foot side yards as it would result in a nine-foot wide house with severely limited living space that would be further reduced by internal stairs and walls (the "**OP Report**"). (Exhibit 47.) The OP Report stated that the Application, if granted, would not pose a substantial detriment to the public good because both abutting houses to the north and south have four-foot side yards and so would create eight-foot-wide open spaces between these houses and the proposed principal dwelling on the Property, which open space will prevent undue shadow or impact to airflow on both properties. Nor would the Application, if granted, harm the zoning regulations as it would allow infill development of a use permitted as a matter of right within the R-2 Zone and the proposed house is similar to existing residences within the square and neighborhood.

DDOT Report

18. DDOT submitted a written report dated October 12, 2018 stating DDOT's determination that the building proposed by the Application would have no adverse impacts on travel conditions of the District's transportation network and that DDOT had no objection to the approval of the Application (the "**DDOT Report**"). (Exhibit 40.)

Persons in Opposition

19. Eleven neighbors submitted a combined letter dated September 12, 2018 opposing the Application due to concerns over construction on such a small lot between two existing homes and the potential increase over existing traffic and parking congestion in the neighborhood, specifically from the group home directly across the street from the Property (the "**Opposition Letter**"). (Exhibit 34.) The signatories stated that they reside in the 500 block of 48th Place, N.E. but did not provide their individual property addresses.
20. Two of the signatories to the Opposition Letter, the abutting neighbors to the Property, subsequently changed their position to support the Application. (Exhibit 34.)

Persons in Support

21. Seven neighbors submitted letters in support of the Application on October 12, 2018. (Exhibit 41.) The signatories included both abutting neighbors at 515 48th Place, N.E. and 521 48th Place, N.E. (both of whom had previously signed the Opposition Letter); and neighbors on 49th Street, N.E., Edson Place, N.E., Eads Street, N.E., and Fitch Place, N.E. (Exhibit 41.)
22. Four other neighbors submitted four letters in support of the application on October 17, 2018, including one neighbor residing on the same block as the subject property, two neighbors on Eads Street, N.E. and one neighbor on Fitch Place, N.E. (Exhibit 44).

ANC Report and Alley Drainage Concerns

23. ANC 7C did not submit a written report on the Application prior to the October 31, 2018 scheduled hearing but instead submitted a request on October 18, 2018 to postpone the hearing to allow the Applicant to present at the ANC general meeting scheduled on November 8, 2018. (Exhibit 46.)
24. The Applicant responded in a letter opposing the ANC's postponement request stating that the Applicant had attended three ANC 7C meetings and had met with ANC 7C03 Commissioner Woods three times to discuss the Application, in addition to other community outreach. (Exhibit 48.)
25. At the October 31, 2018 public hearing, the Board denied the ANC's postponement request but delayed the decision on the Application so that ANC 7C could submit a written report based on the Applicant's scheduled presentation of the Application at ANC 7C's November 9, 2018 meeting.
26. At the public hearing, ANC 7C03 Commissioner Woods raised concerns that the alley behind the Property does not drain properly; that the neighbors want DC Water to analyze the problem; and that the neighbors were concerned that any construction on the Property, which slopes down to the alley, would increase the runoff to the alley and exacerbate the existing drainage problem. (Tr. at 11-14.)
27. At the public hearing, OP testified that the analysis of the impacts of proposed construction on water drainage is conducted as part of the permitting process in which DC Water participates. (Tr. at 17-19.)
28. At the conclusion of the hearing, the Board asked the Applicant to submit a landscape plan addressing ANC 7C03 Commissioner Woods' concerns about the alley drainage.
29. The Applicant submitted a landscape plan on November 6, 2018 (Exhibit 51), as revised on November 21, 2018 (Exhibit 54), that proposed rose bushes in the front to absorb rainwater; swales in each side yard to conduct rainwater to the rear to an infiltration trench abutting the alley, into which two rain barrels feed; and a porous concrete parking pad abutting the alley.

30. ANC 7C03 Commissioner Woods submitted a letter on November 13, 2018, reiterating her concerns with the existing problematic alley drainage and stating that despite the Applicant's proposed measures to mitigate any negative impact on this alley drainage, she and the ANC wanted the Property to not be developed until DC Water resolved the alley drainage. (Exhibit 52.)
31. ANC 7C submitted a November 14, 2018 written report stating that, at a regularly scheduled properly noticed meeting on November 8, 2018, with a quorum present, the ANC voted to recommend denial of the Application (the "**ANC Report**"). (Exhibit 53.) The ANC Report expressed concern with the impact of the proposed construction on the existing problematic alley drainage and called for the existing drainage problems in the alleyway behind the Property to be resolved, as reflected by assurances from the District Department of Energy and the Environment ("**DOEE**") and DC Water, prior to any development of the Property.
32. The Applicant responded to ANC 7C03 Commissioner Woods by a November 27, 2018, letter stating that the proposed landscaping plan would prevent any water runoff from the Property, that this would be confirmed by the building permit review process of the Department of Consumer and Regulatory Affairs ("**DCRA**"), and that the ANC had no timeframe or specific plan for resolving the existing problematic alley drainage. (Exhibit 55.)

CONCLUSIONS OF LAW

1. The Board is authorized to grant variances from the requirements of the Zoning Regulations where (i) "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," (ii) the strict application of any zoning regulation "would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property," and granting the requested variance would not cause (iii) "substantial detriment to the public good" or (iv) "substantial impairment to the intent, purpose, and integrity of the Zone plan as embodied in the Zoning Regulations and Map." (Section 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (2018 Repl.); Subtitle X § 1000.1.)
2. The Application seeks relief from the minimum side yard requirements of Subtitle D (Subtitle X § 307.1, which qualifies as an area variance as a requirement "that affect[s] the size, location, and placement of buildings and other structures ...". (Subtitle X § 1001.3(a).)
3. An applicant for an area variance must prove that an extraordinary condition of the property would result in "peculiar and exceptional practical difficulties" by demonstrating first that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. (Subtitle X § 1002.1(a).)

4. “The ‘exceptional condition’ requirement may be satisfied by a characteristic of the land, *see Fleischman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561 (D.C. 2011); ‘[a] condition inherent in the structures built upon the land,’ *Capitol Hill Restoration Soc’y, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); or prior zoning actions regarding the property, *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097–98, 1100 (D.C. 1979). ‘The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; however, the critical requirement is that the extraordinary or exceptional condition must affect a single property.’ *Metropole Condo. Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082–83 (D.C. 2016).” *Ait-Ghezala v. District of Columbia Bd. of Zoning Adjustment*, 148 A.3d 1211, 1217 (D.C. 2016).

Postponement Request

5. The Board is authorized to postpone a scheduled public hearing for “good cause shown.” (Subtitle Y § 400.5.)
6. The Board concluded at the October 31, 2018 public hearing that ANC 7C’s postponement request (Exhibit 46) did not demonstrate good cause because the Applicant stated that he had attended three ANC meetings to present the Application (Exhibit 45); because the Applicant, OP, and ANC 7C03 Commissioner Woods were all present at the October 31, 2018 hearing; and because the Board decided to delay the decision on the Application until after the Applicant’s scheduled presentation to the ANC 7C on November 9, 2018 to allow ANC 7C to submit a written report for the Board’s consideration.

Exceptional Condition

7. The Board concludes that the Property faces a confluence of factors that create an exceptional condition. The Property is unique as it is an existing vacant lot -- the only one in the immediate neighborhood -- that is deemed conforming for minimum lot dimensions pursuant to Subtitle C § 301.1, despite its significantly substandard lot width and lot area, because it was a record lot prior to the adoption of the Subtitle C § 301.1. The Property’s 25-foot width is substantially less than the 40 feet required in the R-2 Zone, and the 2,500 square foot lot area is also substantially less than the 4,000 square feet required in the R-2 Zone. The two eight-foot side yards required in the R-2 Zone by Subtitle D §§ 307.1 and 307.2 anticipated this wider 40-foot lot width, as a new lot for a detached structure in the R-2 Zone would require 15 feet of lot width more than the Property and would allow a 22-foot wide building with two compliant eight-foot side yards.

Practical Difficulty

8. The Board concludes that the Property’s exceptionally narrow 25-foot width makes it practically difficult to construct a principal dwelling that provides the two eight-foot side yards required by Subtitle D §§ 307.1 and 307.2 because the building could not be more than nine feet in width, which is infeasible for a viable residence, especially since this narrow nine-foot width would have to include walls and internal stairs.

No Substantial Detriment to the Public Good

9. The Board concludes that the Application, if granted, would not pose a substantial detriment to the public good because the proposed building would not unduly cast shadow or limit airflow to the abutting properties, nor create undue interference in their privacy. The proposed four-foot side yards, combined with the existing four-foot side yards on the abutting properties to the north and south, would create an eight-foot open space on both sides. The proposed building staggered windows on each side would avoid direct-facing views into the abutting properties' existing side facing windows. The Board notes that both abutting neighbors support the proposed project. (Exhibit 41.)
10. The Board concludes that the Applicant proposed sufficient measures to reduce any potential negative impact on the existing problematic alley drainage, including a porous concrete parking pad, an infiltration trench, and a rain barrel. The Board notes that the existing problematic alley drainage is located on public property outside the control of the Applicant.
11. The Board finds the DDOT report persuasive as to concerns about parking and traffic congestion and concludes that the Applicant's proposed on-site parking space addresses the concerns expressed by neighbors about potential decreased public parking in the neighborhood and that the proposed use as a principal dwelling is unlikely to increase traffic congestion.

No Substantial Impairment to the Zoning Regulations

12. The Board concludes that the requested variance can be granted without substantial impairment to the Zoning Regulations because the Zoning Regulations specifically authorize substandard record lots to be developed without relief from minimum lot size in order to promote the development of vacant infill lots like the Property particularly for housing consistent with existing neighborhood development patterns. The Application proposed to construct a single principal dwelling similar to the buildings on the lots in the neighborhood.

“Great Weight” to the Recommendations of OP

13. The Board is required to give “great weight” to the recommendation of the Office of Planning (D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8).
14. The Board concludes that the OP Report, which provided an-depth analysis of how the Application met each of the requirements for the requested area variance relief, is persuasive and concurs with OP's recommendation that the Application be approved, as discussed above.

“Great Weight” to the Written Report of the ANC

15. The Board must give “great weight” to the issues and concerns raised in the written report³ of the affected ANC, which in this case is ANC 7C (§ 13(d) of the Advisory Neighborhood

³ Although ANC 7C03 Commissioner Woods is the Single Member District Commissioner for the Property, the ANC 7C Report did not adopt her oral testimony at the October 31, 2018 public hearing, nor her November 13, 2018

Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(2012 Repl.) and Subtitle Y § 406.2). To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).

16. The Board recognizes the ANC Report’s concern with the existing problematic alley drainage behind the Property but concludes that the Applicant has adopted measures sufficient to mitigate the impact of construction pursuant to the Application on that alley drainage. The Board notes that the problematic drain is not on the Property but in the alley and that the resolution to this problematic drainage is through DC Water, with whom the ANC is currently working. The Board finds OP’s testimony persuasive that the analysis of potential impacts on the water drainage is properly done as part of the building permit application review in which DC Water participates. The Board therefore finds unpersuasive the ANC Report’s proposed prohibition on the development of the Property until DC Water and DOEE issue reports stating that such development would not exacerbate the existing problematic alley drainage.

DECISION

Based on the case record, the testimony at the hearing, and the Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for area variance relief from side yard requirements of Subtitle D §§ 307.1 and 307.2, to allow for the construction of a new detached principal dwelling on the property located at 519 48th Place, N.E.

Accordingly, it is **ORDERED** that the application is **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 42, AS MODIFIED BY EXHIBIT 54, PURSUANT TO 11 DCMR Y § 604.10.**

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

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: April 22, 2019

letter, and so the Board is not authorized to give “great weight” to this testimony. Nonetheless, the Board considered her expressed concerns in considering the Application.

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

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

Application No. 19922 of 1471 Girard Street Holding LLC, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1, and pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the floor area ratio requirements of Subtitle F § 302.1, to permit an existing four-unit apartment house in the RA-2 Zone at premises 1471 Girard Street N.W. (Square 2669, Lot 45)

HEARING DATES: February 13, 2019, March 27, 2019, and April 10, 2019
DECISION DATE: April 10, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3 – original; Exhibit 51 – revised.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 13, 2019, at which a quorum was present, the ANC voted 11-0-0 to support the application. (Exhibit 54.) The ANC also indicated that "DCRA inspectors should verify that the as-built condition of the property reflects the updated plans before a Certificate of Occupancy is issued" and should review the "concerns regarding the cellar level and parking spaces and report back to the BZA and ANC if further consideration is required before a Certificate of Occupancy is issued." DCRA's inspection of the property is not within the Board's jurisdiction for this application; however, as noted in this Order, the Zoning Administrator will conduct an independent review of the application before issuing a certificate of occupancy and will determine whether additional or different relief is needed at that time.

¹ The Applicant amended the application (Exhibit 51) by adding a special exception from the lot occupancy requirements under Subtitle F § 304.1.

The Office of Planning (“OP”) submitted a timely report recommending approval of the application. (Exhibit 58.) The District Department of Transportation (“DDOT”) did not submit a report related to the application.

Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for a variance from the floor area ratio requirements of Subtitle F § 302.1. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 55A – PREHEARING STATEMENT: TAB A - PROPOSED FAR REDUCTION PLANS.**

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Anthony J. Hood to APPROVE).

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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: April 18, 2019

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

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

Application No. 19980 of HIP DC LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development provisions of Subtitle U § 421.1, to construct a rear addition to an existing, detached principal dwelling unit and convert it to a five-unit apartment house in the RA-1 Zone at premises 2421 Shannon Place S.E. (Square 5788, Lot 821).¹

HEARING DATE: April 17, 2019

DECISION DATE: April 17, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 28 (Updated); Exhibit 4 (Original).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 8A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8A, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 2, 2019, at which a quorum was present, the ANC voted 5-1-1 to support the application, subject to the Applicant's commitment to carry out nine conditions. (Exhibit 39.) The Board adopted the six conditions that it found enforceable and relevant to the relief requested. With regard to the three conditions the Board did not adopt, the Board notes that the Applicant has agreed to carry them out.

¹ The Applicant originally proposed to include two additional units in the basement of the property for a total of seven units, but revised the plans to eliminate the basement units. The resulting proposal is a five-unit apartment house.

The Office of Planning (“OP”) submitted a timely report recommending approval of the application. (Exhibit 36.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 33.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exception under the new residential development provisions of Subtitle U § 421.1.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that any other specified conditions for special exception relief have been met, pursuant to Subtitle X § 901.2(c).

No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 32 (REVISED ARCHITECTURAL PLANS AND ELEVATIONS) AND EXHIBIT 40 (REVISED SITE PLAN), AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall advertise rental units at Savoy Elementary School’s annual block party, giving teachers and parents of students at schools within the ANC 8A boundaries the opportunity to rent any available units before advertising them publicly.
2. The Applicant shall install security/surveillance cameras at the property, including at all entrances and exits of the building.
3. The Applicant shall preserve the historic brick shell and incorporate it into the new design.
4. The Applicant shall provide four parking spaces at the rear of the property, accessible through the rear alley.
5. The Applicant shall provide a point of contact for the project and seek to minimize any negative impacts to the surrounding neighbors during pre- and post-construction.

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6. The Applicant shall commit to working with Ward 8 and/or Ward 7 contractors on construction opportunities at the site of the proposed development.

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter G. May to APPROVE; Lorna L. John not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 22, 2019

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

BZA APPLICATION NO. 19980

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

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

Application No. 19987 of Edward Prince Jr., pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 1204 in order to construct a new rear accessory building to an existing principal attached dwelling in the R-20 Zone at premises 2802 P Street N.W. (Square 1259, Lot 211).

HEARING DATE: April 24, 2019

DECISION DATE: April 24, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 1, 2019, at which a quorum was present, the ANC voted 7-0-0 to provide no comment on the application. (Exhibit 38.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 34.) OP also recommended that, if external lighting is installed on the garage, it be faced down and away from surrounding properties along the public alley and be placed on a timer. The Board adopted the recommendation as a condition of this Order, finding that it would address the potential adverse impact of garage lights on properties along the alley. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 33.)

The Board received two letters from neighbors in support of the application (Exhibits 30, 31) and one letter raising concerns about the impacts of the garage. (Exhibit 28.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of D § 1204.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that any other specified conditions for special exception relief have been met, pursuant to Subtitle X § 901.2(c).

No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6, AND WITH THE FOLLOWING CONDITION:**

1. Any external lighting that the Applicant may install on the garage shall be faced down and away from surrounding properties along the public alley and shall be placed on a timer to be turned off automatically.

VOTE: 4-0-1 (Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Michael G. Turnbull to APPROVE; Frederick L. Hill not participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 25, 2019

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY

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AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

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

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

Application No. 19994 of Diane Sullivan, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, to construct a three-story rear addition, to an existing three-story, semi-detached principal dwelling unit in the R-2 Zone at premises 5332 Belt Road N.W. (Square 1742, Lot 75).

HEARING DATE: April 24, 2019

DECISION DATE: April 24, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 10.)¹ In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. The ANC's report indicated that at a properly noticed public meeting on April 11, 2019, at which a quorum was present, the ANC voted 4-0-0 to support the application, subject to conditions. (Exhibit 34.) The ANC's conditions were that: (1) the Applicant will install a rain barrel on the new downspout attached to this addition; and (2) the Applicant will remove an existing shed on the rear of the property and the concrete pad on which it sits and will plant a tree in its place, effectively offsetting the loss of permeable area and foliage. The Board found that a portion of the second condition – requiring the Applicant to remove the shed and concrete pad – is relevant to the zoning relief requested, and therefore, adopted that requirement as a condition of this Order. With regard to the requirements to install a rain barrel and to plant a tree on the property, the Board encouraged the Applicant's compliance with its agreement to the ANC; however, the

¹ At the public hearing, the Applicant amended the application orally to add relief from the nonconforming structure provisions of Subtitle C § 202.2, as recommended by Office of Planning.

Board found that these conditions were not sufficiently related to the relief requested and thus declined to adopt them as conditions of the Order.

The Office of Planning (“OP”) submitted a timely report recommending approval of the application, but noting that relief under Subtitle C § 202 is needed. (Exhibit 33.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 32.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that any other specified conditions for special exception relief have been met, pursuant to Subtitle X § 901.2(c).

No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 30, AND THE FOLLOWING CONDITION:**

1. The Applicant shall remove the existing shed at the rear of the property and the concrete pad on which it sits.

VOTE: 3-0-2 (Lorna L. John, Lesylleé M. White, and Michael G. Turnbull to APPROVE; Frederick L. Hill and Carlton E. Hart not participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 25, 2019

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.

**BZA APPLICATION NO. 19994
PAGE NO. 2**

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

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

BZA APPLICATION NO. 19994

PAGE NO. 3

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, JUNE 12, 2019 (REVISED)
441 4TH 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 FIVE

19203-A
ANC 5D

Application of Sheela Tschand, pursuant to 11 DCMR Subtitle Y § 703, for a minor modification to the plans approved by BZA Order No. 19203, to modify the façade and reconfigure the interior layout of the approved three-story, three-unit apartment house in the RF-1 Zone at premises 1844 Kendall Street N.E. (Square 4048, Lot 808).

WARD TWO

20029
ANC 2E

Application of 2905 P Street LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of D § 1204, and from the nonconforming structure requirements of C 202.2, to remove an existing second-story addition, and to construct a two-story rear addition to an existing semi-detached principal dwelling unit in the R-20 Zone at premises 2905 P Street N.W. (Square 1268, Lot 813).

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,

BZA PUBLIC MEETING NOTICE - REVISED

JUNE 12, 2019

PAGE NO. 2

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. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

ለሚገባዎትዎት ስራዎች ለማድረግ ይረዳል?

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0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

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French

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JUNE 12, 2019

PAGE NO. 3

Korean

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

Spanish

¿Necesita ayuda para participar?

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Vietnamese

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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**

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, JUNE 19, 2019
441 4TH 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 THREE

20025
ANC 3E

Application of Jacqueline N. Douglas, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201(b), from the side yard requirements of Subtitle D § 206.7, to construct a covered porch on an existing detached principal dwelling unit in the R-1-B Zone at premises 4820 Nebraska Avenue N.W. (Square 1759, Lot 814).

WARD FOUR

20039
ANC 4B

Application of Elisa Hull, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, the minimum rear yard setback requirements of Subtitle D § 306.2, and from the nonconforming structure requirements of Subtitle U § 202.2, to construct a rear deck addition to an existing semi-detached principal dwelling unit in the R-2 Zone at premises 6430 8th Street N.W. (Square 2976, Lot 2).

PLEASE NOTE:

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BZA PUBLIC MEETING NOTICE

JUNE 19, 2019

PAGE NO. 2

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. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

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

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Chinese

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French

BZA PUBLIC MEETING NOTICE

JUNE 19, 2019

PAGE NO. 3

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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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**ZONING COMMISSION ORDER NO. 16-10A****Z.C. Case No. 16-10A****Ranger Sagamore Florida Ave LLC and MOB Hotel DC, LLC****(PUD Modification of Consequence @ Square 3588 [400 Florida Avenue, N.E.]****February 11, 2019**

The Zoning Commission for the District of Columbia (“Commission”) considered the application of Ranger Sagamore Florida Ave, LLC and MOB Hotel DC, LLC (together, the “Applicant”) for a modification of consequence to a planned unit development (“PUD”) approved pursuant to Z.C. Order No. 16-10 at publicly noticed public meetings held on January 31 and February 11, 2019.¹ At the February 11, 2019 public meeting, the Commission approved the application pursuant to Subtitle Z § 703 of the 2016 Zoning Regulations of the District of Columbia, Title 11 of the District of Columbia Municipal Regulations (“11 DCMR”), which permits the Commission to approve modifications of consequence without a public hearing. The property that is the subject of this application is located at 400 Florida Avenue, N.E. (Square 3588, Record Lot 26, and known for assessment and taxation purposes as Lots 804-806) (“PUD Site”).

FINDINGS OF FACT**BACKGROUND**

1. The PUD Site is located in the northeast quadrant of the District and is bounded by a public alley to the north, 5th Street, N.E. to the east, Florida Avenue, N.E. to the south, and 4th Street, N.E. to the west.² The PUD Site has a land area of approximately 20,455 square feet and is rectangular in shape.³ The PUD Site is presently unimproved.
2. Pursuant to Z.C. Order No. 16-10, dated January 30, 2017, and effective on May 5, 2017, the Commission approved a PUD and a related Zoning Map amendment to rezone the PUD Site from the C-M-1 Zone District to the C-3-C Zone District under the then-applicable 1958 Zoning Regulations. The order authorized development of a single mixed-use building on the PUD Site comprised of residential, hotel, and ground-floor retail uses. The residential portion of the project is located on the east side of the PUD Site with frontage on Florida Avenue and 5th Street, N.E, and the hotel portion of the project is located on the west side of the PUD Site with frontage on Florida Avenue and 4th Street, N.E.
3. Z.C. Order No. 16-10 anticipated that the residential and hotel portions of the building would or could be constructed in phases. (*See, e.g.* Decision No. A.4., B., and C., which

¹ The “Applicant” in the Order, EAJ 400 Florida Avenue, LLC, subsequently transferred title to the PUD Site (as defined below) to Ranger Sagamore Florida Ave, LLC and MOB Hotel DC, LLC.

² The Order identified the PUD Site as Lots 4, 25, and 803 in Square 3588. These lots were subsequently combined into Record Lot 26 by the subdivision plat recorded on May 31, 2017 with the Office of the Surveyor of the District of Columbia at Subdivision Book 212, Page 128 (“Record Lot 26 Plat”).

³ The Record Lot 26 Plat states that Record Lot 26 includes 20,536 square feet.

tie various requirements of the Order to the issuance of the Certificate of Occupancy for the residential or hotel portion of the Project.) As part of the public benefits and amenities package approved as part of the PUD and reflected in the approved Plans, the Applicant is required to (i) rebuild the sidewalks and curbs and install trees on 4th and 5th Streets to the north of the PUD Site, between the alley and Morse Street, N.E.; (ii) reconstruct curb ramps and stripe the crosswalks at the intersections of 4th and Morse Streets, N.E. and 5th and Morse Streets, N.E.; and (iii) install landscape improvements along Florida Avenue, N.E. in front of the PUD Site and repave the alley at the rear of the PUD Site.

4. Decision Nos. B.8. and C.3. of Z.C. Order No. 16-10 established the timing of the construction of required public space improvements on 4th and 5th Streets N.E.:

B.8. Prior to issuance of a Certificate of Occupancy of either the residential or hotel portion of the Project (whichever is first), the Applicant shall demonstrate to the Zoning Administrator that it has rebuilt the sidewalks and curbs and installed trees on the east side of 4th Street and the west side of 5th Street, N.E., from the alley to Morse Street, N.E. These improvements shall be designed and constructed to match the sidewalks adjacent to the PUD Site and shall be consistent with DDOT standards.

C.3. Prior to issuance of a Certificate of Occupancy for either the residential or hotel portion of the Project (whichever is first), the Applicant shall demonstrate to the Zoning Administrator that it has reconstructed the curb ramps and striped the crosswalks on Morse Street, N.E., at the intersections of 4th and 5th Streets, N.E.

5. Z.C. Order No. 16-10 did not specify the timing of construction of the required landscape improvements to Florida Avenue, N.E. in front of the PUD Site or of the repaving of the alley at the rear of the PUD Site.

MODIFICATION OF CONSEQUENCE

6. By letter dated December 21, 2018, and pursuant to 11-Z DCMR § 703, the Applicant submitted a request for a modification of consequence of Z.C. Order No. 16-10 to: (i) modify the approved language of Decision Nos. B.8. and C.3. to require delivery of the public space improvements on 4th Street prior to issuance of a Certificate of Occupancy (“COO”) for the hotel portion of the building only and to require delivery of the public space improvements on 5th Street prior to the issuance of a COO for the residential portion of the building only, instead of the original requirement that both public space improvements be delivered prior to the first COO, whether for the hotel or residential portions; and (ii) add new conditions specifying the timing of delivery of the required landscape improvements to Florida Avenue, N.E. in front of the PUD Site and of the repaving of the alley at the rear of the PUD Site. (Exhibit [“Ex.”] 1.)
7. Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.” (11-Z DCMR § 703.3). Examples of modifications of consequence

“include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)

8. The Applicant requested the modification because it is constructing the building in phases, with the residential portion of the building along 5th Street being constructed prior to the hotel portion of the building along 4th Street, as anticipated in the original PUD approval. Thus, the Applicant intends to apply for a COO for the residential portion of the building prior to doing so for the hotel portion of the building. Therefore, the Applicant requested that Decision Nos. B.8. and C.3. each be divided into two conditions and modified as follows (additions are shown in *italics underlined* text and underline; deletions in ~~strikethrough~~ text):
- a. Proposed Modified Decision No. B.8.a. – Public Space Improvements on 5th Street, from Alley to Morse Street (to be tied to issuance of residential COO):
- a. Prior to issuance of a Certificate of Occupancy of either for the residential or hotel portion of the Project (whichever is first), the Applicant shall demonstrate to the Zoning Administrator that it has rebuilt the sidewalks and curbs and installed trees on the east side of 4th Street and the west side of 5th Street, N.E., from the alley to Morse Street, N.E. These improvements shall be designed and constructed to match the sidewalks adjacent to the PUD Site and shall be consistent with DDOT standards.*
- b. Proposed New Decision No. B.8.b. – Public Space Improvements on 4th Street, from Alley to Morse Street (to be tied to issuance of hotel COO):
- b. Prior to issuance of a Certificate of Occupancy for the hotel portion of the Project, the Applicant shall demonstrate to the Zoning Administrator that it has rebuilt the sidewalks and curbs and installed trees on the east side of 4th Street, N.E., from the alley to Morse Street, N.E. These improvements shall be designed and constructed to match the sidewalks adjacent to the PUD Site and shall be consistent with DDOT standards.*
- c. Proposed Modified and Renumbered Decision No. C.3. to C.3.a. – Public Space Improvements at 5th and Morse Intersection (to be tied to issuance of residential COO):
- a. Prior to issuance of a Certificate of Occupancy for either the residential or hotel portion of the Project (whichever is first), the Applicant shall demonstrate to the Zoning Administrator that it has reconstructed the curb ramps and striped the crosswalks on Morse Street, N.E., at the intersections of 4th and 5th Streets N.E.*
- d. Proposed New Decision No. C.3.b. Public Space Improvements at 4th and Morse Intersection (to be tied to issuance of hotel COO):

b. Prior to issuance of a Certificate of Occupancy for the hotel portion of the Project, the Applicant shall demonstrate to the Zoning Administrator that it has reconstructed the curb ramps and striped the crosswalks on Morse Street, N.E., at the intersection of 4th Street, N.E.

9. The Applicant also requested approval to tie the public space improvements directly adjacent to the PUD Site (on 4th and 5th Streets, N.E., between Florida Avenue and the alley, on Florida Avenue, and in the alley) to the development of the adjacent portion of the building. The Applicant's filings indicated that this revised timeframe would be necessary because, upon development of the hotel portion of the building, any public space improvements installed adjacent to the hotel during construction of the residential portion of the building would have to be dug up and reinstalled. The Applicant proposed the following new conditions to reflect this request:

10.a. Prior to issuance of the Certificate of Occupancy for the residential portion of the Project, the Applicant shall demonstrate to the Zoning Administrator that it has (i) installed the public space improvements on the west side of 5th Street, N.E., from Florida Avenue, N.E. to the alley; (ii) installed the public space improvements along Florida Avenue, N.E., adjacent to the residential portion of the building; and (iii) repaved the portion of the public alley adjacent to the residential portion of the building.

10.b. Prior to issuance of the Certificate of Occupancy for the hotel portion of the Project, the Applicant shall demonstrate to the Zoning Administrator that it has (i) installed the public space improvements on the east side of 4th Street, N.E., from Florida Avenue, N.E. to the alley; (ii) installed the public space improvements along Florida Avenue, N.E., adjacent to the hotel portion of the building; and (iii) repaved the portion of the public alley adjacent to the hotel portion of the building.

10. In satisfaction of 11-Z DCMR § 703.13, the Applicant provided a Certificate of Service, which noted that Advisory Neighborhood Commissions ("ANCs") 5D and 6C, the only parties to the original proceeding (Z.C. Order No. 16-10, Finding of Fact 16), were served with the application. (Ex. 1, pp. 6-7.)
11. At the Commission's January 28, 2019 public meeting, the Commission, having determined that the application was properly submitted as a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant to 11-Z DCMR § 703.1, established a timeframe in accordance with 11-Z DCMR § 703.17(c)(2), for the ANCs to file a response to the application by February 4, 2019, and for the Applicant to respond thereto, and scheduled the application for deliberations on February 11, 2019.
12. Neither ANC 5D nor 6C submitted letters in support of or in opposition to the application.

13. By a report dated January 18, 2019, the Office of Planning (“OP”) indicated its concurrence with the Applicant’s submission that “the proposed refinements can be considered a modification of consequence” because they include “a change to conditions in the PUD Order, as contemplated here.” (Ex. 3, p. 1.) The OP report also recommended that the proposed modifications be approved.
14. On February 11, 2019, prior to the Commission’s public meeting to deliberate on the application, Union Market Neighbors (“UMN”) submitted a request to reopen the case record to accept “correspondence showing this is a major modification that brings impacts.” (Ex. 4.)
15. UMN was not a party to, and did not participate in, the original Z.C. Case No. 16-10 that approved the PUD and did not previously raise any issues in Z.C. Case No. 16-10 or Z.C. Case No. 16-10A.

CONCLUSIONS OF LAW

1. At its January 28, 2019 public meeting, the Commission concluded that the proposed modifications to Z.C. Order No. 16-10 to (i) modify Decision Nos. B(8) and C(3) to revise the timing of the delivery of public space improvements, and (ii) add the two proposed new conditions specifying the timing of the delivery of the public space improvements directly adjacent to the PUD Site (on 4th and 5th Streets, N.E., between Florida Avenue and the alley, on Florida Avenue, and in the alley) qualify as changes to conditions in the Order and are therefore modifications of consequence, as defined in 11-Z DCMR §§ 703.3 and 703.4, that can be granted without a public hearing.
2. At its February 11, 2019 public meeting, the Commission reviewed UMN’s motion and voted to deny UMN’s request to allow a non-party to reopen the record to submit new correspondence because the Commission had already determined that the application was properly classified as a modification of consequence at its January 28, 2019 public meeting. The Commission’s decision was based on its finding that all impacts of the proposed modifications had already been thoroughly vetted by the Commission and OP, and that they did not amount to a “major modification that brings impacts” as alleged by UMN.
3. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) to give “great weight” to the issues and concerns contained in the written report of the affected ANCs, which in this case were ANCs 5D and 6C. Both of the ANCs received notice of the application, but neither filed a written report on the application, and therefore there is nothing to which the Commission can give great weight.
4. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)), to give great weight to OP’s recommendations. The Commission carefully considered OP’s recommendation in support of the application and agreed that approval of the requested modification of consequence should be granted.

5. The Commission determined that the requested modifications to the conditions of Z.C. Order No. 16-10 would maintain the intent of the order but would allow the delivery of the required public improvements to be linked to the phased construction of the building, so that those improvements adjacent to the residential portion of the building be completed prior to the issuance of the COO for the residential portion of the building, and the required public improvements adjacent to the hotel portion of the building be completed prior to the issuance of the COO for the hotel portion of the building, and therefore the Commission voted to approve the Applicant's request for a modification of consequence

DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for a modification of consequence to the Order as follows:

Z.C. Order No. 16-10 is amended as follows (additions are shown in *italics underlined* text and deletions are shown in ~~strike through~~ text):

1. Decision No. B.8. is amended to read as follows:

- a. Prior to issuance of a Certificate of Occupancy of either for the residential or hotel portion of the Project (whichever is first),* the Applicant shall demonstrate to the Zoning Administrator that it has rebuilt the sidewalks and curbs and installed trees on the ~~east side of 4th Street and the west side of 5th Street, N.E.,~~ from the alley to Morse Street, N.E. These improvements shall be designed and constructed to match the sidewalks adjacent to the PUD Site and shall be consistent with DDOT standards.

- b. Prior to issuance of a Certificate of Occupancy for the hotel portion of the Project, the Applicant shall demonstrate to the Zoning Administrator that it has rebuilt the sidewalks and curbs and installed trees on the east side of 4th Street, N.E., from the alley to Morse Street, N.E. These improvements shall be designed and constructed to match the sidewalks adjacent to the PUD Site and shall be consistent with DDOT standards.*

2. Decision No. C.3. is amended to read as follows:

- a. Prior to issuance of a Certificate of Occupancy for either the residential or hotel portion of the Project (whichever is first),* the Applicant shall demonstrate to the Zoning Administrator that it has reconstructed the curb ramps and striped the crosswalks on Morse Street, N.E., at the intersections of ~~4th and 5th Streets~~ N.E.

- b. Prior to issuance of a Certificate of Occupancy for the hotel portion of the Project, the Applicant shall demonstrate to the Zoning Administrator that it has*

reconstructed the curb ramps and striped the crosswalks on Morse Street, N.E., at the intersection of 4th Street, N.E.

3. A new Decision No. B.10. is inserted after Decision No. B.9. as follows:

10.a. ***Prior to issuance of the Certificate of Occupancy for the residential portion of the Project***, the Applicant shall demonstrate to the Zoning Administrator that it has (i) installed the public space improvements on the west side of 5th Street, N.E., from Florida Avenue, N.E. to the alley; (ii) installed the public space improvements along Florida Avenue, N.E., adjacent to the residential portion of the building; and (iii) repaved the portion of the public alley adjacent to the residential portion of the building.

10.b. ***Prior to issuance of the Certificate of Occupancy for the hotel portion of the Project***, the Applicant shall demonstrate to the Zoning Administrator that it has (i) installed the public space improvements on the east side of 4th Street, N.E., from Florida Avenue, N.E. to the alley; (ii) installed the public space improvements along Florida Avenue, N.E., adjacent to the hotel portion of the building; and (iii) repaved the portion of the public alley adjacent to the hotel portion of the building.

On January 28, 2019, the Zoning Commission **APPROVED** the classification of the application as a modification of consequence at its public meeting by acclamation of the four members present (Anthony J. Hood, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller not present, not voting).

On February 11, 2019, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission took action to **DENY** UNM's motion to reopen the record by a non-party at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to deny; Robert E. Miller not present, not voting).

On February 11, 2019, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on May 3, 2019.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

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