

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-243, Direct Support Professional Payment Rate Act of 2020
- The Executive Office of the Mayor issues guidelines for preparing District government agencies for the potential impacts of the Coronavirus (COVID-19) (Mayor’s Order 2020-035)
- Department of Aging and Community Living announces availability of the Fiscal Year 2021 Senior Fitness Program Competitive Grant
- Office of the State Superintendent of Education announces availability of the DC Early Head Start Home-Based Program Grant
- Office of the State Superintendent of Education announces funding for increasing achievement and academic growth of the District’s public charter school students
- Department of Energy and Environment establishes the Lead Pipe Replacement Assistance Program
- Department of Energy and Environment announces availability of funds for building community capacity to reduce housing-related disparities in childhood lead exposure and asthma
- Department of Health Care Finance announces funding for providing medical care respite services to individuals who are homeless.

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L23-50 Alcoholic Beverage Enforcement Amendment Act of 2019..... 002469

L23-51 Alcoholic Beverage Control Board License Categories, Endorsements and Hourly and Percentage Rate Amendment Act of 2019 002470

L23-52 Alcoholic Beverage Procedural and Technical Amendment Act of 2019 002471

L23-53 Charter School Property Tax Clarification Amendment Act of 2019 002472

L23-54 Manufacturer and Pub Permit Parity Amendment Act of 2019 002473

L23-55 Medical Marijuana Plant Count Elimination Temporary Amendment Act of 2019 002474

L23-56 Sanctuary Values Temporary Amendment Act of 2019..... 002475

D.C. ACTS

A23-219 Housing Conversion and Eviction Clarification Amendment Act of 2020 (B23-48)002476 - 002481

A23-220 Tingey Square Designation Act of 2020 (B23-104).....002482 - 002483

A23-221 Alethia Tanner Park Designation Act of 2020 (B23-172).....002484 - 002485

A23-222 Accounting Clarification for Real Estate Professionals Amendment Act of 2020 (B23-173)002486 - 002487

A23-223 Polystyrene Food Service Product and Packaging Prohibition Amendment Act of 2020 (B23-191).....002488 - 002489

A23-224 Abandonment of the Highway Plan for a Portion of 39th Street, N.W., S.O. 18-41885, Act of 2020 (B23-251).....002490 - 002491

A23-225 Abandonment of the Highway Plan for Eastern and Anacostia Avenues, N.E., S.O. 19-47912, Act of 2020 (B23-332)002492 - 002493

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

D.C. ACTS CONT'D

A23-226 Urban Farming Land Lease Amendment
Act of 2020 (B23-390)002494 - 002497

A23-227 Student Access to Treatment Amendment
Act of 2020 (B23-467)002498 - 002500

A23-228 Closing of a Portion of 4th Street, N.E., and a
Public Alley in Square 3765, S.O. 18-41561,
Act of 2020 (B23-474)002501 - 002502

A23-229 Games of Skill Consumer Protection Emergency
Amendment Act of 2020 (B23-590)002503 - 002507

A23-230 CleanEnergy DC Omnibus Emergency Amendment
Act of 2020 (B23-613)002508 - 002509

A23-231 Condominium Warranty Claims Clarification
Emergency Amendment Act of 2020 (B23-621)002510 - 002512

A23-232 Contract No. DCAM-19-CS-RFQ-0001S and
Modification No. 1 with Thiha, Inc., Approval
and Payment Authorization Emergency
Act of 2020 (B23-625)002513 - 002514

A23-233 Modifications to Contract No. DCRL-2016-C-0003
Approval and Payment Authorization Emergency
Act of 2020 (B23-626)002515 - 002516

A23-234 Community Harassment Prevention Congressional
Review Emergency Amendment Act of 2020 (B23-630)002517 - 002518

A23-235 Modification Nos. 7 and 8 to Contract No. CW56527
with Purfoods, LLC, d/b/a Mom's Meals, Approval
and Payment Authorization Emergency Act of 2020
(B23-631)002519 - 002520

A23-236 Modifications to Contract No. POKV-2006-C-0064
Approval and Payment Authorization Emergency
Act of 2020 (B23-632)002521 - 002522

A23-237 Modification Nos. 8, 9 and 10 to Contract No.
RM-17-C-050-BY4-DJW with Anchor Mental Health
Association, Inc. Approval and Payment Authorization
Emergency Act of 2020 (B23-633)002523 - 002524

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

D.C. ACTS CONT'D

A23-238 Modification Nos. 7, 7a, and 8 to Contract No. CW56525 with Great American Corporation, d/b/a Dutch Mill Catering, Approval and Payment Authorization Emergency Act of 2020 (B23-634).....002525 - 002526

A23-239 Warehousing and Storage Eminent Domain Authority Emergency Amendment Act of 2020 (B23-635)002527 - 002528

A23-240 Contract No. CW67691 and Modifications to Contract No. CW67691 Approval and Payment Authorization Emergency Act of 2020 (B23-638)002529 - 002530

A23-241 Reprogramming Fiscal Year 2020 Capital Funds in the amount of \$1,490,000 from the Homeland Security and Emergency Management Agency to the Department of General Services Emergency Approval Act of 2020 (B23-639)002531 - 002532

A23-242 Non-Public Student Educational Continuity Emergency Amendment Act of 2020 (B23-650)002533 - 002534

A23-243 Direct Support Professional Payment Rate Act of 2020 (B23-214)002535 - 002538

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Bills B23-669, B23-670 and B23-680 and Proposed Resolutions PR23-704 through PR23-719, and PR23-723 through PR23-739002539 - 002545

COUNCIL HEARINGS

Notice of Public Hearings -

B23-624 Impervious Area Charge Water Utility Consumer Protection Fund Act of 2020002546 - 002547

B23-640 District of Columbia Water and Sewer Authority Transparency Amendment Act of 2020.....002546 - 002547

B23-670 Bloomingdale Historic District Targeted Historic Preservation Assistance Amendment Act of 2020002548

B23-692 ROSA Loophole Elimination Amendment Act of 2020002549

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Oversight Roundtable -

B23-0320	Special Police Officer Oversight Amendment Act of 2019	002550 - 002551
B23-0501	Sanctuary Values Amendment Act of 2019	002550 - 002551

Notice of Public Roundtables -

PR23-0683	Inspector General Daniel W. Lucas Confirmation Resolution of 2020.....	002552
PR23-0702	Board of Library Trustees Monte Monash Confirmation Resolution of 2020	002553

OTHER COUNCIL ACTIONS

Consideration of Temporary Legislation -

B23-674	Substantive Technical Temporary Amendment Act of 2020	002554
B23-682	Ghost Guns Prohibition Temporary Amendment Act of 2020	002554
B23-684	Leave to Vote Temporary Amendment Act of 2020	002554
B23-686	Extreme Risk Protection Order Implementation Working Group Temporary Amendment Act of 2020	002554
B23-689	Reverse Mortgage Insurance and Tax Payment Program Temporary Amendment Act of 2020	002554

Notice of Excepted Service Appointments -

As of February 29, 2020.....	002555
------------------------------	--------

Notice of Grant Budget Modification -

GBM 23-67	FY 2020 Grant Budget Modifications of February 6, 2020	002556
-----------	--------------------------------------------------------------	--------

Notice of Reprogramming Request -

23-83	Request to reprogram \$17,014,153 in Capital Funds budget authority and allotment within the Department of General Services.....	002557
-------	----------------------------------------------------------------------------------------------------------------------------------	--------

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

AC Hotel Washington DC Convention Center - ANC 6E - New	002558
Annabelle - ANC 2B - Sidewalk Cafe	002559
Baan Siam - ANC 6E - New	002560
Cloakroom - ANC 6E - Change of Hours	002561

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Alcoholic Beverage Regulation Administration - cont'd

Cloud Restaurant & Lounge Sports Bar -
ANC 1B - Game of Skill Substantial Change 002562
Costello Restaurant and Lounge - ANC 4D -
Game of Skill Substantial Change 002563
DC Corazon - ANC 4C - New 002564
Dew Drop Inn - ANC 5E - Dancing and Cover Charge..... 002565
Don Juan Restaurant & Carryout - ANC 1D -
Game of Skill Substantial Change 002566
El Pulgarcito - ANC 4D - Game of Skill Substantial Change..... 002567

Farmbird - ANC 2C - New..... 002568
Finn McCools - ANC 6B - Game of Skill Substantial Change..... 002569
Grand Central - ANC 1C - Game of Skill Substantial Change 002570
Harry's - ANC 2C - Game of Skill Substantial Change 002571
Lola's - ANC 6B - Game of Skill Substantial Change 002572
Lucky Bar - ANC 2B - Game of Skill Substantial Change..... 002573
Lucky Buns - ANC 5D - New 002574
Neptune Room - ANC 4D - Renewal..... 002575
Ocean Lounge - ANC 6A - Game of Skill Substantial Change 002576

OttottO - ANC 3F - New..... 002577
RASA - ANC 6E - New 002578
Recessions II - ANC 2B - Game of Skill Substantial Change 002579
Red Lounge Hookah - ANC 1B - Game of Skill Substantial Change..... 002580
Reliable Tavern & Hardware - ANC 1A -
Game of Skill Substantial Change 002581
SOMTAM - ANC 5D - New..... 002582
The Brig - ANC 6B - Game of Skill Substantial Change 002583
The Experience - ANC 5D - New 002584
The Game Sports Pub/Tiki on 18th - ANC 1C -
Entertainment Endorsement 002585
Whole Foods Market - ANC 1B - New B 002586

Historic Preservation Review Board -

Historic Designations - Cases -
17-11 Square 653 Rowhouses,
1307, 1309, 1311, 1313 and
1315 South Capitol Street SW..... 002587 - 002589
20-03 Kingman Park Historic District
Amendment (Boundary Expansion)..... 002587 - 002589

Zoning Adjustment, Board of - April 29, 2020 - Public Hearings

20260 618 Randolph St NW LLC - ANC 4C 002590 - 002592
20265 Michael Zgoda - ANC 5E 002590 - 002592
20266 3400 Connecticut Partners LLC - ANC 3C..... 002590 - 002592
20268 The District of Columbia - ANC 2A..... 002590 - 002592

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Zoning Commission - Case -

20-02 Expanded IZ - Proposed Concept to Expand Inclusionary Zoning Requirements to Certain Zoning Map Amendments 002593 - 002596

FINAL RULEMAKING

Energy and Environment, Department of -

Amend 20 DCMR (Environment), to add Ch. 38 (Lead Pipe Replacement Assistance Program Eligibility Determinations), Sections 3800 - 3805 and Sec. 3899 (Definitions), to establish the process and appeal procedures for the Lead Pipe Replacement Assistance Program (LPRAP)..... 002597 - 002603

University of the District of Columbia -

Amend 8 DCMR (Higher Education), Subtitle B (University of the District of Columbia), Ch. 4 (Budget and Finance), Sec. 446 (Travel for Final Pre-Employment Interviews), to allow the University to reimburse reasonable travel expenses for candidates traveling to the University 002604

University of the District of Columbia -

Amend 8 DCMR (Higher Education), Subtitle B (University of the District of Columbia), Ch. 30 (University Procurement Rules), Sec. 3000 (Purpose and Application), Sec. 3002 (Publicizing Contract Actions), Sec. 3005 (Items Exempt from Competitive Procurement), and Sec. 3020 (Emergency Procurements), to make the University’s procurement regulations consistent with the Procurement Practices Reform Act of 2010 002605 - 002607

PROPOSED RULEMAKING

Public Service Commission - RM3-2018-01

Amend 15 DCMR (Public Utilities and Cable Television), Ch. 3 (Consumer Rights and Responsibilities), to rename Sec. 301 (Energy Meter Locations) to Sec. 301 (Location of Energy Service Meters and Related Equipment), and to revise Sec. 399 (Definitions), to establish customer responsibilities for the installation or relocation of energy meters; Third Proposed Rulemaking supersedes and incorporates review changes from Second Proposed Rulemaking published on December 27, 2019 at 66 DCR 16587.....002608 - 002613

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING CONT'D

Zoning Commission, DC - Z.C. Case No. 20-01
 Amend 11 DCMR (Zoning Regulations of 2016),
 Subtitle C (General Rules), Ch. 11 (Waterfront),
 Sec. 1102 (General Waterfront Regulations),
 to revise General Waterfront Regulations002614 - 002616

EMERGENCY RULEMAKING

Health, Department of (DC Health) -
 Amend 22 DCMR (Health), Subtitle C (Medical Marijuana),
 Ch. 5 (Qualifying Patients), Sec. 501 (Residency),
 to streamline the application process through the use of a
 DC Real ID driver license in lieu of two other forms of
 acceptable documentation for Medical Marijuana Program
 Registration; Second Emergency Rulemaking identical to
 Emergency and Proposed Rulemaking published on
 September 27, 2019 at 66 DCR 12804, to maintain the
 continuity of these provisions pending Council Review
 and publication of the final rulemaking002617 - 002618

NOTICES, OPINIONS, AND ORDERS

MAYOR’S ORDERS

2020-034 Appointment – Acting Deputy Mayor for Planning
 and Economic Development (John Falcicchio)002619

2020-035 District Government Preparations for the
 Coronavirus (COVID-19).....002620 - 002623

2020-036 Appointments – Violence Fatality Review
 Committee (8 members)002624 - 002625

2020-037 Reappointments and Appointments – Domestic
 Violence Fatality Review Board (6 members)002626 - 002627

NOTICES, OPINIONS, AND ORDERS CONT'D

BOARDS, COMMISSIONS, AND AGENCIES

Aging and Community Living, Department of -
 Notice of Funding Availability for Fiscal Year 2021 -
 Senior Fitness Program Competitive Grant002628 - 002629

Alcoholic Beverage Regulation Administration -
 ABC Board's Calendar for March 11, 2020002630 - 002632
 ABC Board's Licensing Agenda for March 11, 2020002633 - 002635

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Arts and Humanities, Commission on the -
Revised Notice of Funding Availability -
FY 2020 MuralsDC Program 002636

Capital Village Public Charter School -
Request for Proposals - Pre-Construction &
General Contracting Services 002637

Center City Public Charter Schools -
Request for Proposals -
Pest Control Services 002638
Waste Removal Services 002639

Cesar Chavez Public Charter School -
Request for Proposals - Healthcare Broker Services 002640

Criminal Code Reform Commission, D.C. -
Notice of Public Meeting - March 4, 2020 002641

DC Bilingual Public Charter School -
Request for Proposals - General Contractor -
Kitchen Lab Build-out 002642

Education, Office of the State Superintendent of -
Healthy Youth and Schools Commission -
Notice of 2020 Meeting Schedule 002643

Notice of Funding Availability -
FY 2020 DC Early Head Start Home-Based Program Grant 002644 - 002645
FY 2020 Scholarships for Opportunity and Result Act Grants 002646 - 002648

Energy and Environment, Department of -
Notices of an Application to Perform a Voluntary Cleanup -
340 Morse Street, NE - No. VCP2019-065 002649
2310 4th Street, NE - No. VCP2020-067 002650

Notice of Funding Availability - Building
Community Capacity to Reduce Housing-Related
Disparities in Childhood Lead Exposure and Asthma 002651

Notice of Publication for Public Comment -
District of Columbia Draft 2020 Integrated
Report Under the Clean Water Act 002652

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Health Care Finance, Department of -
 Notice of Funding Availability - Grant for
 Provision of Medical Respite Care Services
 to Individuals who are Homeless002653 - 002654

Health, Department of (DC Health) -
 Board of Nursing - Notice of Meeting - March 6, 2020..... 002655

KIPP DC Public Charter Schools -
 Request for Proposals - Brick Privacy Wall
 and Fencing Services..... 002656

Public Charter School Board, DC -
 Notification of Charter Amendment -
 Achievement Prep Public Charter School -
 Network Reconfiguration 002657

Public Safety and Justice, Office of the Deputy Mayor for -
 Comprehensive Homicide Elimination Task Force -
 Monthly Meeting on March 3, 2020 002658

Retirement, Board of -
 Notice of Closed Investment Committee Meeting -
 March 19, 2020 002659

Notice of Open Board Meeting - March 19, 2020 002660

Thurgood Marshall Academy Public Charter School-
 Request for Proposals - Dual Enrollment Programs 002661

Two Rivers Public Charter School -
 Request for Proposals - General Contractor..... 002662

Water and Sewer Authority, DC -
 Environmental Quality and Operations
 Committee Meeting - March 19, 2020 002663

Human Resources and Labor Relations
 Committee Meeting - March 24, 2020 002664

Zoning Adjustment, Board of - Case -
 19960 MCF Montana LLC & MCFI LP -
 ANC 5C - Order.....002665 - 002682

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D

BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Zoning Adjustment, Board of - April 1, 2020 - Public Meeting Notice

19466A Beresford Davis - ANC 5D002683 - 002685

Zoning Commission - Case -

08-30D 25 M Street Holdings, LLC - Order002686 - 002692

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-50

"Alcoholic Beverage Enforcement 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 23-227 on first and second readings November 5, 2019, and December 3, 2019, respectively. Following the signature of the Mayor on December 23, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-184 and was published in the January 3, 2020 edition of the D.C. Register (Vol. 67, page 9). Act 23-184 was transmitted to Congress on January 8, 2020 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 23-184 is now D.C. Law 23-50, effective February 21, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	8, 9, 10, 13, 14, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, 30, 31
February	3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 20

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-51

"Alcoholic Beverage Control Board License Categories, Endorsements and Hourly and Percentage Rate 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 23-254 on first and second readings November 5, 2019, and December 3, 2019, respectively. Following the signature of the Mayor on December 23, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-185 and was published in the January 3, 2020 edition of the D.C. Register (Vol. 67, page 13). Act 23-185 was transmitted to Congress on January 8, 2020 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 23-185 is now D.C. Law 23-51, effective February 21, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	8, 9, 10, 13, 14, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, 30, 31
February	3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 20

COUNCIL OF THE DISTRICT OF COLUMBIA

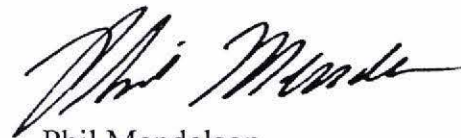
NOTICE

D.C. LAW 23-52

"Alcoholic Beverage Procedural and Technical 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 23-255 on first and second readings November 5, 2019, and December 3, 2019, respectively. Following the signature of the Mayor on December 23, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-186 and was published in the January 3, 2020 edition of the D.C. Register (Vol. 67, page 21). Act 23-186 was transmitted to Congress on January 8, 2020 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 23-186 is now D.C. Law 23-52, effective February 21, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	8, 9, 10, 13, 14, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, 30, 31
February	3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 20

COUNCIL OF THE DISTRICT OF COLUMBIA

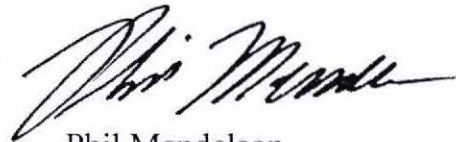
NOTICE

D.C. LAW 23-53

"Charter School Property Tax Clarification 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 23-256 on first and second readings November 5, 2019, and December 3, 2019, respectively. Following the signature of the Mayor on December 23, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-187 and was published in the January 3, 2020 edition of the D.C. Register (Vol. 67, page 25). Act 23-187 was transmitted to Congress on January 8, 2020 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 23-187 is now D.C. Law 23-53, effective February 21, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	8, 9, 10, 13, 14, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, 30, 31
February	3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 20

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 23-54

"Manufacturer and Pub Permit Parity 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 23-277 on first and second readings November 5, 2019, and December 3, 2019, respectively. Following the signature of the Mayor on December 23, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-188 and was published in the January 3, 2020 edition of the D.C. Register (Vol. 67, page 28). Act 23-188 was transmitted to Congress on January 8, 2020 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 23-188 is now D.C. Law 23-54, effective February 21, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	8, 9, 10, 13, 14, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, 30, 31
February	3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 20

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-55

"Medical Marijuana Plant Count Elimination 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 23-552 on first and second readings November 19, 2019, and December 3, 2019, respectively. Following the signature of the Mayor on December 23, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-189 and was published in the January 3, 2020 edition of the D.C. Register (Vol. 67, page 36). Act 23-189 was transmitted to Congress on January 8, 2020 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 23-189 is now D.C. Law 23-55, effective February 21, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	8, 9, 10, 13, 14, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, 30, 31
February	3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 20

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-56

"Sanctuary Values 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 23-486 on first and second readings October 8, 2019, and October 22, 2019, respectively. Following the signature of the Mayor on November 18, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-162 and was published in the November 22, 2019 edition of the D.C. Register (Vol. 66, page 15343). Act 23-162 was transmitted to Congress on November 26, 2019 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 23-162 is now D.C. Law 23-56, effective February 27, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

November	26, 27, 29
December	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, 31
January	2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 21, 22, 23, 24, 27, 30, 31
February	3, 4, 5, 6, 7, 10, 12, 13, 14, 16, 18, 19, 20, 21, 24, 25, 26

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-219

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend the Rental Housing Act of 1985 to provide that an owner of housing who reduces the number of units in an accommodation of greater than 3 but fewer than 11 units pay a fee to the Mayor, create a fee exemption if a unit is rented in certain circumstances, direct the Mayor to deposit into the Housing Production Trust Fund all fees collected, provide for damages when a housing provider repossesses a rental unit from a tenant to personally use and occupy or sell a housing unit for personal use and occupancy and subsequently receives rent within the following 12-month period, and provide that a tenant who recovers damages shall not be barred from bringing any other available civil action; 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 greater than 3 but fewer than 11 units pay a fee to the Mayor, expand the fee exemption if a unit is rented in certain circumstances, and direct the Mayor to deposit into the Housing Production Trust Fund the fees collected; and to amend the Housing Production Trust Fund Act of 1988 to provide that by a specified date all fees above \$692,000 annually collected pursuant to the Conversion of Rental Housing to Condominium or Cooperative Status Act of 1980 be deposited in the Housing Production Trust Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing Conversion and Eviction Clarification Amendment Act of 2020".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding 3 new section designations to read as follows:

"Sec. 908. Inspection of rental housing.

"Sec. 909. Restrictions on tobacco smoking.

"Sec. 910. Fee for reduction of units."

(b) Section 501 (D.C. Official Code § 42-3505.01) is amended by adding a new subsection (e-1) to read as follows:

ENROLLED ORIGINAL

“(e-1)(1) A housing provider who recovers possession pursuant to subsection (d) or (e) of this section, or a person who purchases property from a housing provider who recovers possession pursuant to subsection (e) of this section, who, during the 12-month period beginning on the date on which the rental unit was originally repossessed by the housing provider, demands or receives from a new tenant rent for the rental unit that was repossessed or fails to personally use and occupy the rental unit shall be liable to the former tenant for:

“(A) Reasonable relocation costs; and

“(B) Additional damages in the amount of the greater of the rent charged in the last month before the rental unit was repossessed or the small area fair market rent published by the U.S. Department of Housing and Urban Development multiplied by whichever of the following is fewer:

“(i) The number of months that have elapsed between the date on which the rental unit was originally repossessed and the date on which the housing provider sells or begins to personally use and occupy the rental unit; or

“(ii) Twelve.

“(2) A housing provider shall not be liable for damages pursuant to paragraph (1) of this subsection if the housing provider can demonstrate that, acting in good faith, he or she failed to sell or to personally use and occupy the housing accommodation due to circumstances outside of the housing provider’s control that arose after the rental unit was repossessed.

“(3) A tenant who recovers damages pursuant to this subsection shall not be barred from bringing any other available civil action that may arise from the same circumstances.”.

(c) A new section 910 is added to read as follows:

“Sec. 910. Fee for reduction of units.

“(a) A housing provider who reduces the number of units in a housing accommodation containing more than 3 and fewer than 11 units, each with a separate certificate of occupancy, including vacant buildings, shall pay the Mayor a fee of 5% of the appraised value of the most valuable unit in the building multiplied by the multiplier calculated pursuant to subsection (b) of this section.

“(b)(1) To calculate the multiplier, the Mayor shall subtract the number of remaining units from the number of existing units, and then, if the housing provider so elects, subtract the number of remaining units that are exempted units.

“(2) For the purposes of this subsection, the term “exempted unit” means a unit that:

“(A) Is rented to a low-income household;

“(B) Is rented to a tenant who, as determined by the Mayor:

“(i) Has maintained a rental unit in the building complex as the principal place of residence for at least one year prior to the housing provider’s reduction of the number of units;

“(ii) Is a domiciliary of the District; and

ENROLLED ORIGINAL

“(iii) Is entitled to the possession, occupancy, or benefits of the rental unit;

“(C) Is rented to a person who is an elderly tenant or a tenant with a disability, as determined by the Mayor under section 224(d), that does not have a total annual household income, as determined by the Mayor, greater than 100% of the area median income, as that term is defined in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)); or

“(D) Gains at least one additional bedroom in the process of the reduction of units.

“(3) To qualify for an exemption under paragraph (1) of this subsection, a housing provider shall, for each exempted unit:

“(A) Set the rent at no higher than:

“(i) If seeking an exemption pursuant to paragraph (2)(A), (B), or (C) of this subsection, the rent level before the reduction in units or 30% of the tenant’s income, whichever is lower; or

“(ii) If seeking an exemption pursuant to paragraph (2)(D) of this subsection, an amount, determined by the Mayor through rulemaking, that is affordable to a household whose income does not exceed 100% of the area median income, as that term is defined in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1));

“(B) Increase the rent by no more, and no more often, than the increases allowed under section 208 for the duration of the tenant’s tenancy or 5 years, whichever is longer; and

“(C) Otherwise maintain the same lease terms as before the reduction in the number of units.

“(4) The number calculated under paragraph (2) of this subsection shall not be less than zero.

“(c) This section shall not apply to a building that the Mayor has determined to be a blighted vacant building, as that term is defined in section 5(1) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.05(1)).

“(d) The Mayor shall deposit into the Housing Production Trust Fund, created pursuant to the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801, *et seq.*), all fees paid pursuant to this section as of the effective date of the Housing Conversion and Eviction Clarification Amendment Act of 2020, passed on 2nd reading on February 4, 2020 (Enrolled version of Bill 23-48).

“(e) For the purposes of this section, “low-income” means annual household income, as determined by the Mayor, no greater than 80% of the area median income, as defined in section 202(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

ENROLLED ORIGINAL

“(f) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.”.

Sec. 3. Section 204 of the Conversion of Rental Housing to Condominium or Cooperative Status Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3402.04), is amended as follows:

(a) Subsection (a-1) is amended as follows:

(1) The existing text is designated as paragraph (1).

(2) A new paragraph (2) is added to read as follows:

“(2) An owner who converts a housing accommodation containing more than 3 and fewer than 11 units, each with a separate certificate of occupancy, including vacant buildings but excluding a building that the Mayor has determined to be a blighted vacant building, as that term is defined in section 5(1) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.05(1)), and thereby reduces the number of units in the housing accommodation, shall pay the Mayor an additional conversion fee of 5% of the appraised value of the most valuable unit in the building multiplied by the net decrease in units. When calculating the net decrease in units pursuant to this paragraph, the Mayor shall subtract one unit for each unit that qualifies for the fee exemption under subsection (b) of this section; except, that the result shall not be less than zero.”.

(b) Subsection (b) is amended as follows:

(1) The lead-in language is amended by striking the phrase “a conversion fee for a condominium unit” and inserting the phrase “conversion fees under subsection (a-1) of this section”.

(2) Paragraph (1) is amended by striking the phrase “Is sold to a low-income household” and inserting the phrase “Is sold or rented to a low-income household” in its place.

(3) Paragraph (2) is amended by striking the phrase “Is sold to a member of a household” and inserting the phrase “Is sold or rented to a member of a household” in its place.

(4) Paragraph (3) is amended as follows:

“(A) Subparagraph (A) is amended by striking the phrase “Is sold to a person” and inserting the phrase “Is sold or rented to a person” in its place.

“(B) Subparagraph (B) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(5) Subparagraph 4(B) is amended by striking the period and inserting the phrase “; or” in its place.

(6) A new paragraph (5) is added to read as follows:

“(5) Gains at least one additional bedroom in the process of the reduction of units.”.

ENROLLED ORIGINAL

(c) Subsection (b-1) is amended by striking the word “fee” wherever it appears and inserting the word “fees” in its place.

(d) A new subsection (b-2) is added to read as follows:

“(b-2) To qualify for the exemption under subsection (b) of this section, if the unit is rented, the owner shall:

“(1) Set the rent at no higher than:

“(A) If seeking an exemption pursuant to subsection (b)(1), (2), or (3) of this section, the rent level before the conversion or 30% of the tenant’s income, whichever is lower; or

“(B) If seeking an exemption pursuant to subsection (b)(5) of this section an amount, as determined by the Mayor through rulemaking, that is affordable to a household whose income does not exceed 100% of the area median income, as that term is defined in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1));

“(2) Increase the rent by no more, and no more often, than the increases allowed under section 208 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.08), for the duration of the tenant’s tenancy or 5 years, whichever is longer; and

“(3) Otherwise maintain the same lease terms as before the reduction in the number of units.”.

(e) New subsections (d) and (e) are added to read as follows:

“(d) The Mayor shall deposit in the Housing Production Trust Fund, created pursuant to the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), all fees paid pursuant to this section above \$692,000 annually, as of the effective date of the Housing Conversion and Eviction Clarification Amendment Act of 2020, passed on 2nd reading on February 4, 2020 (Enrolled version of Bill 23-48).

“(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.”.

Sec. 4. Section 3(c) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(c)), is amended as follows:

(a) Paragraph (16) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (17) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (18) is added to read as follows:

“(18) As of the effective date of the Housing Conversion and Eviction Clarification Amendment Act of 2020, passed on 2nd reading on February 4, 2020 (Enrolled version of Bill 23-48), all fees above \$692,000 annually collected pursuant to section 204 of the Conversion of

ENROLLED ORIGINAL

Rental Housing to Condominium or Cooperative Status Act of 1980, effective September 10, 1980 (D.C. Law 3-86, D.C. Official Code § 42-3402.04), and section 910 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*).”.

Sec. 5. Applicability.

(a) Sections 2(b) and 3 of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

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

Sec. 6. 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. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To designate the portions of Tingey Street, S.E., and N Street, S.E., between New Jersey Avenue, S.E., and Canal Street, S.E., and 2nd Street, S.E., abutting Squares 743, 770, 771, and W-771, as Tingey Square.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Tingey Square Designation Act of 2020”.

Sec. 2. Pursuant to sections 401 and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.21), the Council designates the portions of Tingey Street, S.E., and N Street, S.E., between New Jersey Avenue, S.E., and Canal Street, S.E., and 2nd Street, S.E., abutting Squares 743, 770, 771, and W-771, as “Tingey Square”.

Sec. 3. 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. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-221

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To designate the park in Lots 16 and 809 in Square 3581 as Alethia Tanner Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Alethia Tanner Park Designation Act of 2020”.

Sec. 2. Pursuant to sections 401 and 422 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.22), the Council designates the park in Lots 16 and 809 in Square 3581 as “Alethia Tanner Park”.

Sec. 3. Fiscal impact statement.

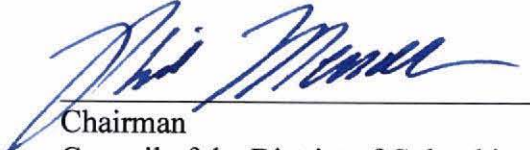
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

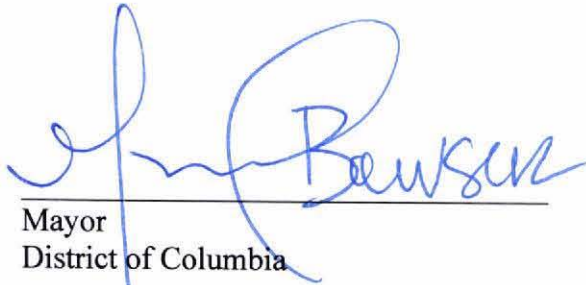
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend section 47-2853.197(38) of the District of Columbia Official Code to allow payment of a real estate commission to be made to a business entity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Accounting Clarification for Real Estate Professionals Amendment Act of 2020".

Sec. 2. Section 47-2853.197(38) of the District of Columbia Official Code is amended as follows:

(a) Strike the phrase "shall not apply to the payment of a referral fee by a real estate broker licensed under this subchapter to a nonresident cooperating real estate broker who is properly licensed in his or her own jurisdiction; or" and insert the phrase "shall not apply to:" in its place.

(b) New subparagraphs (A) and (B) are added to read as follows:

"(A) The payment of a referral fee by a real estate broker licensed under this subchapter to a nonresident cooperating real estate broker who is properly licensed in his or her own jurisdiction; or

"(B) The payment of a fee, commission, or other compensation for any service or act performed by the licensed real estate broker or licensed real estate salesperson made to any firm, franchise, partnership, association, corporation, or other business entity comprised solely of licensed real estate salespersons or licensed real estate brokers, exclusive of administrative and maintenance staff, at the direction of the licensed real estate broker or the licensed real estate salesperson; or".


Sec. 3. 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).


ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-223

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend Subtitle A of Title IV of the Sustainable DC Omnibus Amendment Act of 2014 to prohibit the retail sale of expanded polystyrene food service products, expanded polystyrene containers, and expanded polystyrene packaging.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Polystyrene Food Service Product and Packaging Prohibition Amendment Act of 2020".

Sec. 2. Subtitle A of Title IV of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 *et seq.*), is amended as follows:

(a) Section 401 (D.C. Official Code § 8-1531) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

"(2A) "Expanded polystyrene container" means a container, such as a cooler or ice chest, made of expanded polystyrene that is not wholly encapsulated or encased within a more durable material."

(2) A new paragraph (3A) is added to read as follows:

"(3A) "Expanded polystyrene packing material" means material, such as packing peanuts, made of expanded polystyrene used to hold, cushion, or protect items packed in a container for shipping, transport, or storage."

(3) A new paragraph (6) is added to read as follows:

"(6) "Retailer" means a person engaged in retail sales in the District."

(b) Section 402 (D.C. Official Code § 8-1532) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The existing text is designated as paragraph (1).

(B) A new paragraph (2) is added to read as follows:

"(2) By January 1, 2021, no retailer shall sell or offer for sale an expanded polystyrene food service product, expanded polystyrene container, or expanded polystyrene packing material."

ENROLLED ORIGINAL


(2) Subsection (b) is amended by striking the phrase "Subsection (a)" and inserting the phrase "Subsection (a)(1)" in its place.

Sec. 3. 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. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To remove from the plan for the extension of a permanent system of highways a portion of 39th Street, N.W., located within Lot 801 in Square 1823, as shown on the Surveyor's Plat filed under S.O. 18-41885.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abandonment of the Highway Plan for a Portion of 39th Street, N.W., S.O. 18-41885, Act of 2020".

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, approved March 2, 1893 (27 Stat. 532; D.C. Official Code § 9-103.01 *et seq.*), the Council amends the plan for the extension of a permanent system of highways to remove a portion of 39th Street, N.W., located within Lot 801 in Square 1823, south of Upton Street, N.W., and north of Rodman Street, N.W., as shown on the Surveyor's Plat filed under S.O. 18-41885.

Sec. 3. 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. 4. Effective date.


This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To remove from the plan for the extension of a permanent system of highways a portion of Eastern Avenue, N.E., located within Lot 806 in Square 5113 and within Parcel 185/38, and a portion of Anacostia Avenue, N.E., within the same Lot 806, as shown on the Surveyor's Plat filed under S.O. 19-47912.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abandonment of the Highway Plan for Eastern and Anacostia Avenues, N.E., S.O. 19-47912, Act of 2020".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, approved March 2, 1893 (27 Stat. 532; D.C. Official Code § 9-103.01 *et seq.*), the Council amends the plan for the extension of a permanent system of highways to remove a portion of Eastern Avenue, N.E., located within Lot 806 in Square 5113 and within Parcel 185/38, and a portion of Anacostia Avenue, N.E., located within Lot 806 in Square 5113, all as shown on the Surveyor's Plat filed under S.O. 19-47912.

(b) The removal of this portion of Eastern Avenue, N.E., from the plan for the extension of a permanent system of highways is contingent upon the grant of a non-restrictive easement to the District by the property owner of Lot 806 and Parcel 185/38 (or successor in interest if subdivided), as shown on the Surveyor's plat filed under S.O. 19-47912.

Sec. 3. 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. 4. Effective date.

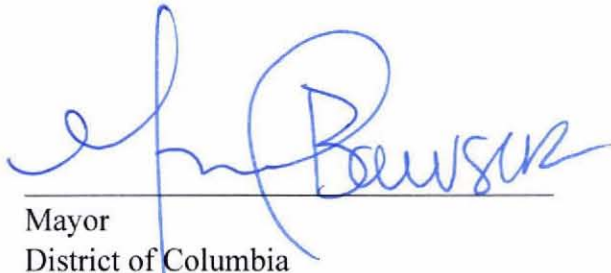
This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend the Food Production and Urban Gardens Program Act of 1986 to clarify that, under the Urban Farming Land Lease Program, the District may enter into a lease agreement with a qualified applicant to create and maintain an urban farm on vacant land, to require the Department of Energy and Environment to test the soil at certain vacant sites offered for lease under the Urban Farming Land Lease Program, and to revise the minimum requirements for lease agreements under the Urban Farming Land Lease Program; to amend the District Department of the Environment Establishment Act of 2005 to revise the mission of the Office of Urban Agriculture; and to amend Title 47 of the District of Columbia Official Code to clarify the soil testing requirements for the urban farm tax abatement program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Urban Farming Land Lease Amendment Act of 2020”.

Sec. 2. The Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-401) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “Substantially free of contamination” means that the levels of arsenic, lead, and heavy metals in the soil fall within the acceptable parts per million range identified in regulations promulgated by the Mayor.”.

(b) Section 3a (D.C. Official Code § 48-402.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Department to” and inserting the phrase “District to” in its place.

(2) Subsection (b) is amended as follows:

(A) The existing text is designated as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase “the Office” and inserting the phrase “the Department of General Services and the Office” in its place.

ENROLLED ORIGINAL

(C) A new paragraph (2) is added to read as follows:

“(2) Before entering into a lease agreement under this section in which the lessee plans to grow produce in the site soil of the leased property, the Department shall test the site soil to determine whether the soil is substantially free of contamination.”.

(3) Subsection (d) is amended as follows:

(A) Paragraph (2) is amended to read as follows:

“(2) Prohibit the sale or consumption of produce grown in the site soil of the leased property if the Department determines that the site soil is not substantially free of contamination;”.

(B) Paragraph (3) is amended to read as follows:

“(3) Permit the sale on or off the leased property of produce grown in the site soil of the leased property if the Department determines that the site soil is substantially free of contamination; and”.

(C) A new paragraph (4) is added to read as follows:

“(4) Permit the sale of produce on or off the leased property of produce grown at the property when the lessee:

“(A) Does not plant in or use the site soil, but instead uses, for example, raised beds, greenhouses, or hydroponic towers; and

“(B) Ensures that produce does not come into contact with the site soil.”.

Sec. 3. Section 109a of the District Department of the Environment Establishment Act of 2005, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 8-151.09a), is amended as follows:

(a) Subsection (b) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) Urban farms, including outdoor farms, rooftop farms, indoor farms, and greenhouses;”.

(2) Paragraph (2) is repealed.

(b) Subsection (c) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase “agriculture programs; and” and inserting the phrase “agriculture;” in its place.

(2) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (5) is added to read as follows:

“(5) Issuing grants to urban farmers in the District for infrastructure and operating support.”.

ENROLLED ORIGINAL

Sec. 4. Section 47-868 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Subsection (f)(3)(A) is amended to read as follows:

“(A)(i) If the urban farm grows produce in the site soil of the real property, the soil on the real property has been tested and found to be substantially free of contamination and safe for use in the growth of produce fit for human consumption; or

“(ii) If the urban farm does not grow produce in the site soil of the property but instead uses, for example, raised beds, greenhouses, or hydroponic towers, the property owner ensures that produce does not come into contact with the site soil; and”.

(b) Subsection (g) is amended to by striking the phrase “the terms “urban farm” and “produce”” and inserting the phrase “the terms “urban farm”, “substantially free of contamination”, and “produce”” in its place.

Sec. 5. Applicability.

(a) Section 3(b) shall apply upon the date of inclusion of its fiscal impact in an approved budget and financial plan.

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

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision identified in subsection (a) of this section.

Sec. 6. 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. 7. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to permit the administration of medical marijuana in a non-smokable form to a qualifying patient at the patient's school of enrollment; and to amend the Student Access to Treatment Act of 2007 to require District schools to allow a student who is a qualifying patient to administer medical marijuana at school in certain cases, and to exclude sunscreen from classification as medication.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Student Access to Treatment Amendment Act of 2020".

Sec. 2. Section 4(b) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.03(b)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Medical marijuana shall" and inserting the phrase "Except as provided in paragraph (4) of this subsection, medical marijuana shall" in its place.

(b) A new paragraph (4) is added to read as follows:

"(4) Medical marijuana, in a non-smokable form, may be administered to a qualifying patient who is enrolled in school at the school of enrollment, if a school has a policy in place for allowing administration of medication at school."

Sec. 3. The Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-651.01) is amended as follows:

(1) Paragraph (2) is amended by striking the period and inserting the phrase ". The term "medication" does not include sunscreen." in its place.

(2) A new paragraph (5A) is added to read as follows:

"(5A) "Sunscreen" means a lotion, cream, spray, or gel regulated by the federal Food and Drug Administration that is used for purposes of absorbing, reflecting, or scattering ultraviolet radiation and preventing sunburn."

ENROLLED ORIGINAL

(b) Section 3 (DC. Official Code § 38-651.02) is amendment as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b)(1) A student may possess and self-administer sunscreen at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation to protect against ultraviolet radiation and sunburn without the submission of a medication action plan; provided, that the responsible person has not provided written notice to the school principal or school nurse that the student may not possess or self-administer sunscreen.

“(2) School staff may administer sunscreen to a student at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation to protect against ultraviolet radiation and sunburn without the school possessing a medication action plan for that student; provided, that the student or responsible person has provided sunscreen for that purpose and the responsible person has not provided written notice to the school principal or school nurse that the student may not use sunscreen.”.

(c) Section 4 (D.C. Official Code § 38-651.03) is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) If a student is a qualifying patient and the failure to administer medical marijuana during the school day would disrupt the student’s ability to participate in school instruction, a medication action plan may include administration of medical marijuana, in a non-smokable form, to the student.

“(2) The medication action plan of a student who seeks to administer medical marijuana during the school day shall include a certification from an authorized practitioner, as that term is defined in section 2(1C) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(1C)), that the failure to administer medical marijuana during the school day would disrupt the student’s ability to participate in school instruction.

“(3) A school shall adopt policies that permit a student who is a qualifying patient to administer medical marijuana on campus during the school day as necessary based on the terms of the student’s medical authorization.

“(4) A school may discontinue compliance with paragraphs (1) through (3) of this subsection if, after October 7, 2019, the federal government issues a communication indicating that federal funding will be withheld from the District or a school within the District if the school continues to authorize administration of medical marijuana on its campus.

“(5) For the purposes of this subsection “qualifying patient” shall have the same meaning as provided in section 2(19) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(19)).”.

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Sec. 4. Fiscal impact statement.

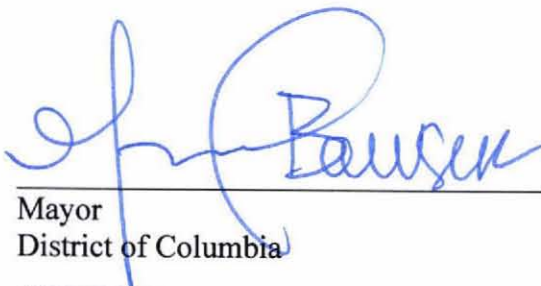
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-228

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To order the closing of a portion of 4th Street, N.E., between Kennedy Street, N.E., and Ingraham Street, N.E., and a portion of the public alley system in Square 3765, S.O. 18-41561, in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of 4th Street, N.E., and a Public Alley in Square 3765, S.O. 18-41561, Act of 2020".

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that a portion of 4th Street, N.E., between Kennedy Street, N.E., and Ingraham Street, N.E., and a portion of the public alley system in Square 3765, as shown on the Surveyor's plat filed under S.O. 18-41561, are unnecessary for street and alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The ordering of this street and alley closing is contingent upon the applicant compensating the District of Columbia in the amount of \$29,610 for the removal of existing street trees and \$6,475.50 for the removal of existing District Department of Transportation streetlights in the area proposed for closure, and the retention of the building restriction lines on the south side of the 300 block of Kennedy Street, N.E., between South Dakota Avenue, N.E., and on the east side of the 5400 block of 3rd Street, N.E.


Sec. 4. 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).

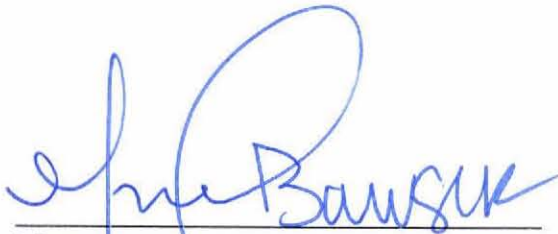
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Sec. 5. Effective date.

This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-229

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend, on an emergency basis, Title 25 of the District of Columbia Official Code to authorize games of skill, require a game of skill endorsement, limit games of skill to manufacturers who are holders of on-site consumption permits and restaurants, nightclubs, taverns, hotels, and multipurpose facilities, prohibit a game of skill or an electronic gaming device on an outdoor public or private space, establish the requirements for applying for a game of skill endorsement, require the Alcoholic Beverage Control Board to seek guidance from the Office of the Attorney General for the District of Columbia concerning a proposed game of skill before approving a request for a game of skill endorsement, create operating requirements for licensees, require the installation of security cameras, prohibit persons who are under 18 years of age from playing a game of skill, require licensees to post a warning sign in the area where game of skill terminals are located, and set standards for game of skill advertisements and signage on licensed premises; and to amend An Act To establish a code of law for the District of Columbia to make it unlawful to install or operate a game of skill terminal or electronic gaming device at a location not licensed under Title 25 of the District of Columbia Official Code.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Games of Skill Consumer Protection Emergency Amendment Act of 2020".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1)Section 25-101 is amended as follows:

(A) A new paragraph (22B) is added to read as follows:

“(22B) “Game of skill” means a mechanical or electronic game that rewards the winning player or players with cash, a gift card, or a voucher that can be redeemed for cash. The mechanical or electronic gaming device shall not be considered a game of skill if one or more of the following apply:

“(A) The ability of any player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of persons playing the game;

“(B) The outcome of the game can be controlled by a source other than an individual playing the game;

ENROLLED ORIGINAL

“(C) The success of any player is or may be determined by a chance event that cannot be altered by player actions;

“(D) The ability of any player to succeed at the game is impacted by game features not visible or known to a reasonable player; or

“(E) The ability of a player to succeed at the game is impacted by the exercise of skill that no reasonable player could exercise.”.

(B) A new paragraph (53A) is added to read as follows:

“(53A) “Voucher” means a ticket issued by a video game of skill that allows a player to redeem it for cash winnings.”.

(2) Section 25-113a is amended by adding a new subsection (e) to read as follows:

“(e)(1) The licensee under a manufacturer’s license class A or B holding an on-site sales and consumption permit, or an on-premises retailer’s license, class C/R, D/R, C/H, D/H, C/T, D/T, C/N, D/N, C/X, or DX, shall obtain a game of skill endorsement from the Board in order to offer a game of skill on the licensed premises.

“(2)(A) No game of skill terminals or electronic gaming devices shall be placed on outdoor public or private space; except, that the Board, in its discretion, may allow for the placement of a game of skills terminal or an electronic gaming device on outdoor public or private space if, in the Board’s determination, the activity is:

“(i) Not visible from a public street and sidewalk;

“(ii) Adequately secured against unauthorized entrance; and

“(iii) Accessible only by patrons from within the establishment.

“(B) Subparagraph (A) of this paragraph shall not apply to licensees operating a passenger-carrying marine vessel in accordance with D.C. Official Code § 25-113(h).”.

(b) Section 25-401 is amended by adding new subsections (e) and (f) to read as follows:

“(e) An applicant for a game of skill endorsement shall submit to the Board with its application:

“(1) A detailed analysis of the game, including diagrams, an overview of the game and its methodology, method of play, and the minimum and maximum of prize winnings;

“(2) A diagram of where the game of skill terminals and electronic gaming devices will be placed on the licensed premises; and

“(3) The name of the manufacturer and distributor of the game of skill terminals or electronic gaming devices and documentation reflecting that the distributor is registered to do business and pays taxes in the District of Columbia.

“(f) The Board shall seek guidance from the Office of the Attorney General concerning the legality of a proposed game of skill before approving an applicant’s request for a game of skill endorsement.”.

(c) Section 25-508 is amended as follows:

(1) The heading is amended to read as follows:

“25-508. Minimum fees for endorsements, permits, and manager’s license.”.

ENROLLED ORIGINAL

(2) The text is amended by adding the following phrase at the end:

“Games of Skill endorsement \$200”.

(d) Chapter 7 is amended as follows:

(1) The table of contents is amended as follows:

(A) A new section designation 25-714 is added to read as follows:

“25-714. Warning signs for game of skill terminals and electronic gaming devices.”.

(B) A new section designation 25-786 is added to read as follows:

“25-786. Games of skill operating requirements.”.

(2) A new section 25-714 is added to read as follows:

“§ 25-714. Warning sign for game of skill terminals and electronic gaming devices.

“All licensees possessing a game of skill endorsement shall post a notice, which shall be maintained in good repair, in a place clearly visible at the point of entry to the game of skill terminals and electronic gaming devices that states the minimum age required to play a game of skill and the contact information for the District of Columbia’s gambling hotline.”.

(3) Section 25-763 is amended by adding a new subsection (g) to read as follows:

“(g) Exterior signs advertising games of skill shall be prohibited on the licensed establishment.”.

(4) Section 25-765 is amended by adding a new subsection (c) to read as follows:

“(c) Advertisements related to a game of skill shall not be placed on the interior or exterior of any window or on the exterior of any door that is used to enter or exit the licensed establishment.”.

(5) A new section 25-786 is added to read as follows:

“§ 25-786. Games of Skill Operating Requirements.

“A licensee with a game of skill endorsement shall:

“(1) Not allow or permit a person under 18 years of age to play a game of skill and shall designate an employee to regularly monitor the designated area where games of skill are played to ensure that no person under 18 years of age is playing or attempting to play a game of skill;

“(2) Verify that the person playing a game of skill is lawfully permitted to do so by checking the person’s government-issued identification document upon entry into either the licensed establishment or the designated area where the games of skill are located and where the person seeks to cash out his or her winnings, if any; except, that the failure of a licensee to verify a person’s identification shall not be a violation of this paragraph if the person whose identification was not checked is 18 years of age or older;

“(3) Not allow or permit a person that appears intoxicated or under the influence of a narcotic or other substance to operate or play a game of skill;

“(4) Not allow or permit the manufacturer or distributor of a game of skill terminal or electronic gaming device to share in the profits of alcohol sales made by the licensee, unless approved by the Board as an owner of the license;

“(5) Not allow or permit the placement of a game of skill terminal or electronic gaming device on an outdoor public or private space that has not been approved by the Board;

ENROLLED ORIGINAL

“(6) Not allow or permit the placement of a game of skill terminal or electronic gaming device outside of the designated areas contained on the applicant’s diagram provided as part of the license application or outside the areas approved by the Board;

“(7) Not have more than 3 game of skill terminals or electronic gaming devices on the licensed premises; and

“(8) Install security cameras that are operational and record for 30 days in the areas designated for games of skill, near the cash register or terminal where cash winnings are processed, and where the licensee’s money is stored.

(e) Section 25-801 is amended by adding a new subsection (h) to read as follows:

“(h) An ABRA investigator may request and check the identification of any patron who has played, is playing, or is attempting to play a game of skill. An ABRA investigator is also authorized to seize fake identifications used by patrons under 18 years of age or records related to games of skill.”.

Sec. 3. Section 865 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-1704), is amended as follows:

(a) The existing text is designated as subsection (a).

(b) A new subsection (b) is added to read as follows:

“(b) It shall be unlawful to install or operate a game of skill terminal or an electronic gaming device in the District of Columbia except as permitted by D.C. Official Code § 25-113a(e). Whoever shall install or operate a game of skill terminal or an electronic gaming device at a location not licensed under Title 25 of the D.C. Official Code shall be punished by imprisonment for a term of 180 days or fined not more than the amount set forth in D.C. Official Code § 22-3571.01, or both.”.

Sec. 4. 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. 5. Effective date.

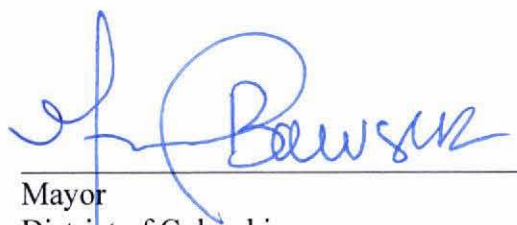
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-230

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend, on an emergency basis, Title III of the CleanEnergy DC Omnibus Amendment Act of 2018 to revise the timeline for phase-in of smaller buildings into the Building Energy Performance Standards Program implemented by the Department of Energy and Environment, to require the Department of Energy and Environment to establish new building energy performance standards every 6 years instead of every 5 years, to clarify language requiring buildings to comply with the building energy performance standards, and to provide that the strategic energy management plan for District buildings shall be delivered by September 30, 2020; and to amend the District of Columbia Traffic Act, 1925 to provide that the rules revising the calculation of the vehicle excise tax shall be issued by January 1, 2021, and to provide that changes to the vehicle excise tax shall be revenue neutral or revenue positive.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “CleanEnergy DC Omnibus Emergency Amendment Act of 2020”.

Sec. 2. Title III of The CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; D.C. Official Code § 8-1772.21 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 8-1772.21) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “January 1, 2023” and inserting the phrase “January 1, 2027” in its place.

(B) Paragraph (3) is amended by striking the phrase “January 1, 2026” and inserting the phrase “January 1, 2033” in its place.

(2) Subsection (b)(1)(A) is amended by striking the phrase “every 5 years” and inserting the phrase “every 6 years” in its place.

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

“(c) All buildings below the energy performance standard for their property type, established pursuant to subsection (b)(1) and (2) of this section, shall have 5 years from the date the performance standards are established to meet the building energy performance requirements established by DOEE.”.

ENROLLED ORIGINAL

(b) The lead-in language of section 303 (D.C. Official Code § 8-1772.22) is amended to read as follows:

“By January 1, 2020, the Department of General Services (“DGS”) shall develop a draft strategic energy management plan for reducing energy and water use across the DGS portfolio of buildings. A final version of the plan shall be delivered no later than September 30, 2020. The plan shall include timelines and cost estimates for implementing.”.

Sec. 3. Section 6(j)(1A) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(1A)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “January 1, 2020” and inserting the phrase “January 1, 2021” in its place.

(b) Subparagraph (E) is amended to read as follows:

“(E) Changes to the vehicle excise tax made pursuant to this paragraph shall be revenue neutral or revenue positive.”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-231

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend, on an emergency basis, the Condominium Act of 1976 to clarify standards and procedures governing the resolution of a claim for a condominium developer’s warranty against structural defects, that a claimant may appeal the findings of the Mayor to the Office of Administrative Hearings, and the circumstances when the Mayor may release the warranty security funds to the claimant.

BE IT ENACTED BY THE COUNCIL DISTRICT OF COLUMBIA, That this act may be cited as the “Condominium Warranty Claims Clarification Emergency Amendment Act of 2020”.

Sec. 2. Section 316 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.16), is amended as follows:

(a) Subsection (a) is amended to read as follows:

“(a) For the purposes of this section, the term:

“(1) “Adjudication” shall have the meaning set forth in section 102(19) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(19)).

“(2) “Claimant” means a person or entity asserting a claim under the warranty for structural defects required by this section.

“(3) “Conveyance” means the transfer of title by written instrument.

“(4) “Order” shall have the meaning set forth in section 102(11) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(11)).

“(5) “Perfected claim” means a claim that contains all the required information and proof and for which all requirements of this section and any other applicable law or regulation have been satisfied.

“(6) “Structural defect” means a defect in a component that constitutes any unit or portion of the common elements that reduces the stability or safety of the structure below, standards commonly accepted in the real estate market, or that restricts the normally intended use of all or part of the structure and which requires repair, renovation, restoration, or replacement.

ENROLLED ORIGINAL

The term “structural defect” does not include items of maintenance relating to the units or common elements.”.

(b) New subsections (e-1) and (e-2) are added to read as follows:

“(e-1)(1) A claimant asserting a claim for a structural defect under this section shall provide notice of each such claim to the Mayor and the declarant on a form issued by the Mayor.

“(2) Notwithstanding paragraph (1) of this subsection, the declarant shall notify the Mayor within 10 business days after receiving a notice of structural defect from a claimant.

“(3) Within 90 days after providing notice to the Mayor and to the declarant pursuant to paragraph (1) of this subsection, the claimant may pursue the remedies provided by this act by filing a claim with the Mayor on a form issued by the Mayor.

“(4) After receipt of a claim, the Mayor shall determine whether the claim is a perfected claim, and if so, the Mayor shall adjudicate the claim on the merits and issue an order setting forth the decision of the Mayor within 60 days.

“(5)(A) The order of the Mayor may be appealed by the declarant or claimant to the Office of Administrative Hearings no later than 30 days after the order is issued by the Mayor.

“(B) Review of the Mayor’s order by the Office of Administrative Hearings shall be *de novo*.

“(6) In the event that the Mayor has not yet issued the forms required by paragraphs (1) and (3) of this subsection, the claimant may assert a claim in writing to the satisfaction of the Mayor.

“(e-2) The Mayor shall approve the release of the funds secured under subsection (e) of this section to satisfy any costs that arise from a declarant’s failure to satisfy the requirements of this section, pursuant to:

“(1) A written agreement between the declarant and claimant regarding the release of the warranty security in satisfaction of the claim, approved by the Mayor;

“(2) An order issued by the Mayor in an adjudication pursuant to subsection (e-1)(4) of this section, after the expiration of the applicable appeal period;

“(3) An order of the Office of Administrative Hearings issued on appeal under subsection (e-1)(5) of this section, after the expiration of the applicable appeal period; or

“(4) An order of a court of competent jurisdiction, after the expiration of the applicable appeal period.”.

(c) Subsection (f) is repealed.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-232

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To approve, on an emergency basis, Contract No. DCAM-19-CS-RFQ-0001S and Modification No. 1 between the Department of General Services and Thiha, Inc., for small general construction projects, and authorize payment for the goods and services received and to be received under the contract and modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-19-CS-RFQ-0001S and Modification No. 1 with Thiha, Inc., Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-19-CS-RFQ-0001S and Modification No. 1 between the Department of General Services and Thiha, Inc., for small general construction projects, and authorizes payment in the not-to-exceed amount of \$3.5 million for the goods and services received and to be received under this contract and modification.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 6, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

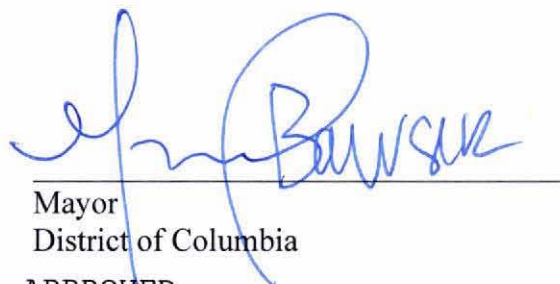
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-233

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To approve, on an emergency basis, Modification Nos. M026 and M026A and proposed Modification No. M027 to Contract No. DCRL-2016-C-0003 with Edgewood/Brookland Family Support Collaborative to provide community-based child welfare services during option year 4, and to authorize payment for the services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCRL-2016-C-0003 Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. M026 and M026A, and proposed Modification No. M027 to Contract No. DCRL-2016-C-0003 with Edgewood/Brookland Family Support Collaborative to provide community-based child welfare services and authorizes payment in the not-to-exceed amount of \$2,293,533.43 for the services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

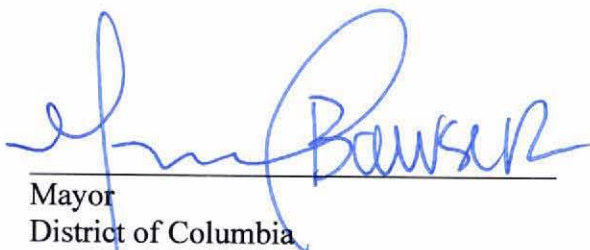
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend, on an emergency basis, due to congressional review, the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to make it unlawful to deface or burn a religious or secular symbol on any property of another without permission or to place or display on such property a physical impression that a reasonable person would perceive as a threat to physically damage the property of another.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Community Harassment Prevention Congressional Review Emergency Amendment Act of 2020”.

Sec. 2. Section 3(a) of the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312.02(a)), is amended as follows:

(a) The lead-in language is amended by striking the phrase “private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, religion, or any other category listed in section 101 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01),” and inserting the phrase “private property of another without the permission of the owner or the owner’s designee” in its place.

(b) Paragraph (3) is amended by striking the word “person” and inserting the phrase “person or property” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

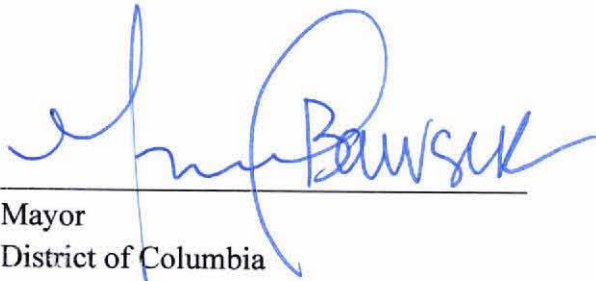
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-235

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To approve, on an emergency basis, Modification Nos. 7 and 8 to Contract No. CW56527 with Purfoods, LLC, d/b/a Mom’s Meals, to provide the preparation and delivery of meals to the elderly at congregate sites and the frail at homebound locations, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 7 and 8 to Contract No. CW56527 with Purfoods, LLC, d/b/a Mom’s Meals, Approval and Payment Authorization Emergency Act of 2020”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 7 and 8 to Contract No. CW56527 with Purfoods, LLC, d/b/a Mom’s Meals, to provide the preparation and delivery of meals to the elderly at congregate sites and the frail at homebound locations, and authorizes payment in the not-to-exceed amount of \$3,754,181.20 for goods and services received and to be received under Modification Nos. 7 and 8 to Contract No. CW56527.

Sec. 3. Fiscal impact statement.

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

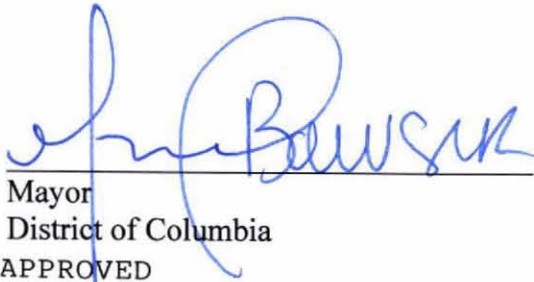
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

ENROLLED ORIGINAL



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To approve, on an emergency basis, Modification Nos. 50 and 51 to Contract No. POKV-2006-C-0064 with Conduent State and Local Solutions, Inc. to provide ticket processing services, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. POKV-2006-C-0064 Approval and Payment Authorization Emergency Act of 2020”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 50 and 51 to Contract No. POKV-2006-C-0064 with Conduent State and Local Solutions, Inc. to provide ticket processing services and authorizes payment in the not-to-exceed amount of \$4.3 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

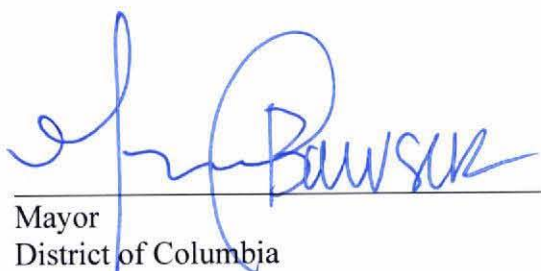
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-237

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To approve, on an emergency basis, Modification Nos. 8, 9, and 10 to Contract No. RM-17-C-050-BY4-DJW with Anchor Mental Health Association, Inc., to provide mobile response child and youth crises services, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification Nos. 8, 9 and 10 to Contract No. RM-17-C-050-BY4-DJW with Anchor Mental Health Association, Inc. Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 8, 9, and 10 to Contract No. RM-17-C-050-BY4-DJW with Anchor Mental Health Association, Inc. to provide mobile response child and youth crises services, and authorizes payment in the not-to-exceed amount of \$2,312,399.40 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-238

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To approve, on an emergency basis, Modification Nos. 7, 7a, and 8 to Contract No. CW56525 with Great American Corporation, d/b/a Dutch Mill Catering, to provide the preparation and delivery of meals to the elderly at congregate sites and the frail at homebound locations, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification Nos. 7, 7a, and 8 to Contract No. CW56525 with Great American Corporation, d/b/a Dutch Mill Catering, Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 7, 7a, and 8 to Contract No. CW56525 with Great American Corporation, d/b/a Dutch Mill Catering, to provide the preparation and delivery of meals to the elderly at congregate sites and the frail at homebound locations and authorizes payment in the not-to-exceed amount of \$5,593,394.58 for goods and services received and to be received under Modification Nos. 7, 7a, and 8 to Contract No. CW56525.

Sec. 3. Fiscal impact statement.


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

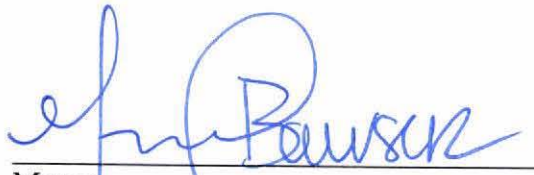
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend, on an emergency basis, the Warehousing and Storage Eminent Domain Authority Act of 2019 to expand the lots that the Mayor is authorized to acquire by the exercise of eminent domain for the purposes of warehousing and storage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Warehousing and Storage Eminent Domain Authority Emergency Amendment Act of 2020”.

Sec. 2. Section 3 of the Warehousing and Storage Eminent Domain Authority Act of 2019, effective September 11, 2019 (D.C. Law 23-18; 66 DCR 9722), is amended to read as follows:

“Sec. 3. Exercise of eminent domain.

“The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire Lots 36, 41, and 0802 in Square 3942 and Parcels 0143/107 and 0143/110 for warehousing and storage purposes.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To approve, on an emergency basis, Contract No. CW67691 and Modification Nos. 2 and 3 to Contract No. CW67691 with Keefe Commissary Network, LLC to provide commissary services for District inmates, and to authorize payment for the goods and services received and to be received under the contract and the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW67691 and Modifications to Contract No. CW67691 Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW67691 and Modification Nos. 2 and 3 to Contract No. CW67691 with Keefe Commissary Network, LLC to provide commissary services for District inmates and authorizes payment in the not-to-exceed amount of \$3,446,225 for the goods and services received and to be received under the contract and the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To approve, on an emergency basis, the reprogramming request of Fiscal Year 2020 Capital Funds in the amount of \$1.49 million from the Homeland Security and Emergency Management Agency to the Department of General Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Reprogramming Fiscal Year 2020 Capital Funds in the amount of \$1,490,000 from the Homeland Security and Emergency Management Agency to the Department of General Services Emergency Approval Act of 2020”.

Sec. 2. (a) Pursuant to D.C. Official Code § 47-363, the Mayor transmitted to the Council, on January 31, 2020, a reprogramming request in the amount of \$1.49 million of Fiscal Year 2020 Capital Funds to be transferred from the Homeland Security and Emergency Management Agency to the Department of General Services.

(b) The Council approves the \$1.49 million reprogramming request.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

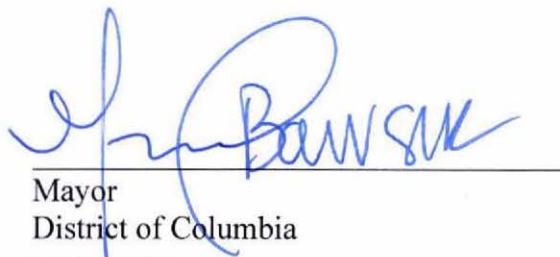
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 2, 2020

To amend, on an emergency basis, the District of Columbia Nonresident Tuition Act, to allow District of Columbia students enrolled at District of Columbia Public Schools or public charter schools who attend non-public schools or programs to continue their education for the remainder of the school year in which legal permanency is achieved and through the end of the following school year, without payment of nonresident tuition, if the child ceases to be in the care and custody of the District as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Non-Public Student Educational Continuity Emergency Amendment Act of 2020”.

Sec. 2. Section 2(e) of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302(e)), is amended as follows:

(a) Strike the phrase “school, ceases” and insert the phrase “school, or while enrolled in a DCPS or public charter school and attending a non-public school or program pursuant to section 103 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38-2561.03) (“Placement Act”), ceases” in its place.

(b) Strike the phrase “currently attends.” and insert the phrase “currently attends, if the child attends a DCPS or public charter school, or the remainder of the school year in which the change in care and custody occurs and through the end of the following school year, if the child is currently enrolled in a DCPS or public charter school and attending a non-public school or program pursuant to section 103 of the Placement Act.” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
March 2, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 3, 2020

To provide an annual payment to eligible providers of direct services to individuals with intellectual and developmental disabilities for the purpose of ensuring direct support professionals a living wage, to require the Director of the Department of Health Care Finance and the Director of the Department on Disability Services to determine the amount of the annual payment, and to require the Mayor to issue rules to implement this act, including establishing eligibility requirements for a provider to receive the annual payment and rules relating to enforcement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Direct Support Professional Payment Rate Act of 2020".

Sec. 2. Definitions.

For the purpose of this act, the term:

(1) "Developmental disability" shall have the same meaning as provided in section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, approved October 30, 2000 (114 Stat. 1682; 42 U.S.C. § 15002(8)).

(2) "Direct services" means residential, in-home, day, or support services, including employment and community development services, under the District's Medicaid Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities program as authorized by section 1915(c) of the Social Security Act, approved August 13, 1981 (95 Stat. 809; 42 U.S.C. § 1396n(c)) or the Intermediate Care Facilities for Individuals with Intellectual Disabilities program as authorized by section 1905(d) of the Social Security Act, approved December 28, 1971 (85 Stat. 809; 42 U.S.C. § 1396d(d)).

(3) "Direct support professional" means an employee of a service provider who provides direct services to individuals with developmental disabilities for at least 50% percent of the employee's work hours.

(4) "Service provider" means an entity that provides direct services to individuals with developmental disabilities.

ENROLLED ORIGINAL

Sec. 3. Payment.

On an annual basis, the Mayor shall disburse to each eligible service provider an amount of money as determined annually by the calculation provided in section 4. The eligible service provider shall then distribute the dispersed money in its entirety to its direct support professionals.

Sec. 4. Calculating the annual payment.

(a)(1) The Director of the Department of Health Care Finance ("DHCF") and the Director of the Department on Disability Services ("DDS") shall, by October 1 of each year, submit a written joint determination to the Mayor and Council on the total payment amount to be provided to each eligible service provider for the upcoming year pursuant to section 3.

(2) The total payment amount shall equal, on average, the greater of either 117.6% of the District minimum wage pursuant to section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003) ("Minimum Wage Act"), or 117.6% of the District living wage pursuant to the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*) ("Living Wage Act").

(b) In determining the total annual payment amount to be provided to each eligible service provider, DHCF's and DDS's written joint determination shall expressly consider the following criteria:

(1) The District reimbursement rates to service providers under the District's Medicaid Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities program and the Intermediate Care Facilities for Individuals with Intellectual Disabilities program;

(2) The total cost that a service provider incurred during the previous year in providing direct services, including wages; and

(3) The additional operating support that a service provider needs to allow it to pay its direct support professionals, on average, the greater of either 117.6% of the District minimum wage pursuant to the Minimum Wage Act, or 117.6% of the District living wage pursuant to the Living Wage Act.

(c) It shall not be a violation of this act for service providers to pay individual direct support professionals more or less than 117.6% of the District living wage or the District minimum wage if the service providers create a tiered compensation schedule that considers the direct support professional's qualified experience in the field and their demonstrated competency.

ENROLLED ORIGINAL

Sec. 5. Eligibility for payment.

(a) To qualify for payment pursuant to section 3, a service provider shall meet eligibility requirements established by rules issued by the Mayor pursuant to section 6.

(b) Each year subsequent to the first year of payment, a service provider that received payment pursuant to section 3 the prior year shall demonstrate to DHCF that it paid its direct support professionals the prescribed hourly rate for that year as determined by section 4 in the service provider's operating budget cycle, inclusive of overtime wages and bonuses, to remain eligible for payment for the current year.

Sec. 6. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act, including rules relating to enforcement of this act and relating to fines and penalties for failure to comply with any provision of this act.

Sec. 7. Applicability.

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

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

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

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

Sec. 8. 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. 9. Effective date.

This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
March 2, 2020

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**

- | | |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B23-669 | E911 Fund Repeal Amendment Act of 2020

Intro. 2-19-20 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety |
| <hr/> | |
| B23-670 | Bloomingdale Historic District Targeted Historic Preservation Assistance Amendment Act of 2020

Intro. 2-24-20 by Chairman Mendelson and referred to the Committee of the Whole |
| <hr/> | |
| B23-680 | Cecelia's Way Designation Act of 2020

Intro. 2-27-20 by Councilmembers Allen and Nadeau and referred to the Committee of the Whole |
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PROPOSED RESOLUTIONS

- PR23-704 Sense of the Council in Support of Enhanced Metro Transit Police Department Oversight Resolution of 2020
- Intro. 2-20-20 by Councilmembers Allen, Cheh, Grosso, Silverman, R. White, Bonds, Gray, and Nadeau and referred to the Committee on Facilities and Procurement
-
- PR23-705 Testing Integrity and Security Regulations Approval Resolution of 2020
- Intro. 2-20-20 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Education and the Committee of the Whole
-
- PR23-706 Commission on Out of School Time Grants and Youth Outcomes Dr. Kenneth Taylor Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR23-707 Commission on Out of School Time Grants and Youth Outcomes Jason Spector Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
-
- PR23-708 Commission on Out of School Time Grants and Youth Outcomes Burnell Holland Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR23-709 Commission on Out of School Time Grants and Youth Outcomes Heather Peeler Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR23-710 Commission on African Affairs Etayenesh Asfaw Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-711 Commission on African Affairs Ify Bozimo Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-712 Commission on African Affairs Sannido De Poukn Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-713 Commission on African Affairs Carmen Eliam Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-714 Commission on African Affairs Josiane Ndoyombaye Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-715 Commission on African Affairs Kate Okoye Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-716 Commission on African Affairs Reynolds Saka Confirmation Resolution of 2020
- Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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PR23-717 Commission on African Affairs Salimata Sangare Confirmation Resolution of 2020

Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR23-718 Violence Fatality Review Committee Deborah Evans- Bailey Confirmation Resolution of 2020

Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR23-719 Violence Fatality Review Committee Erin Hall Confirmation Resolution of 2020

Intro. 2-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR23-723 Not-For-Profit Hospital Corporation Board of Directors Millicent Gorham Reappointment Resolution of 2020

Intro. 2-25-20 by Chairman Mendelson and referred to the Committee of the Whole

PR23-724 Board of Directors of the Tobacco Settlement Financing Corporation Angela D. Joyner Appointment Resolution of 2020

Intro. 2-25-20 by Chairman Mendelson and referred to the Committee of the Whole

PR23-725 Commission on African-American Affairs Melanee Woodard Confirmation Resolution of 2020

Intro. 2-25-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

- PR23-726 Commission on African-American Affairs Kristin Shymoniak Confirmation Resolution of 2020
- Intro. 2-25-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-727 Commission on African-American Affairs Prentice Parrish Confirmation Resolution of 2020
- Intro. 2-25-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-728 Commission on African-American Affairs Lauren Vaughan Confirmation Resolution of 2020
- Intro. 2-25-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR23-729 Board of Dietetics and Nutrition India James Confirmation Resolution of 2020
- Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-730 District of Columbia State Athletics Commission Terrance Lynch Confirmation Resolution of 2020
- Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR23-731 District of Columbia State Athletics Commission Larry Carroll Confirmation Resolution of 2020
- Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR23-732 District of Columbia State Athletics Commission Michael Hunter Confirmation Resolution of 2020
- Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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PR23-733 Chief Tenant Advocate of the Office of the Tenant Advocate Johanna Shreve
Confirmation Resolution of 2020

Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Housing and Neighborhood Revitalization

PR23-734 Commission on Re-Entry and Returning Citizen Affairs Paula Thompson
Confirmation Resolution of 2020

Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Facilities and Procurement

PR23-735 Commission on Re-Entry and Returning Citizen Affairs Olivia Elder
Confirmation Resolution of 2020

Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Facilities and Procurement

PR23-736 Commission on Re-Entry and Returning Citizen Affairs Dominic Henry
Confirmation Resolution of 2020

Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Facilities and Procurement

PR23-737 Commission on Re-Entry and Returning Citizen Affairs Taurus
Phillips Confirmation Resolution of 2020

Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Facilities and Procurement

PR23-738 Commission on Re-Entry and Returning Citizen Affairs Corwin Knight
Confirmation Resolution of 2020

Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Facilities and Procurement

PR23-739 Commission on Re-Entry and Returning Citizen Affairs Clarence Johnson
Confirmation Resolution of 2020

Intro. 2-26-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Facilities and Procurement

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

NOTICE OF PUBLIC HEARING ON

**B23-624, Impervious Area Charge Water Utility Consumer Protection Fund Act of 2020; and
B23-640, District of Columbia Water and Sewer Authority Transparency Amendment Act of 2020**

Thursday, April 30, 2020, at 11:00 AM
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Thursday, April 30, 2020, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-624, the Impervious Area Charge Water Utility Consumer Protection Fund Act of 2020, and B23-640, the District of Columbia Water and Sewer Authority Transparency Amendment Act of 2020. The hearing will begin at 11:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B23-624 would allow funds from the Clean Rivers Impervious Area Charge Relief Assistance Fund to be used for accounts belonging to low-income residents that are in arrears. B23-640 would require DC Water to hold a public comment period following notice of any proposed establishment or adjustment of water and sewer rates and post public comments received within 5 days of the close of the comment period, submit to the Mayor and Council and post on their website a Cost of Service study, provide residents with 30 days to dispute a bill and to notify customers of this requirement when contacted regarding a dispute, list contact information for the DC Water complaint line and the Office of the People's Counsel on water bills, and prescribe annual reporting requirements on the Clean Rivers Impervious Area Charge Relief Assistance Fund; and would also amend the Lead Service Line Priority Replacement Assistance Act of 2004 to prescribe annual reporting requirements regarding the status of the replacement assistance program.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official 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. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the hearing, which is April 23, 2020. We will make every effort to fulfill

timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

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 May 14, 2020.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 23-670, Bloomingdale Historic District Targeted Historic Preservation Assistance Amendment Act of 2020

on

Wednesday, March 25, 2020
12:00 p.m. (or immediately following the preceding hearing)
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 23-670, the “Bloomingdale Historic District Targeted Historic Preservation Assistance Amendment Act of 2020.” The hearing will be held at **12:00 p.m.** (or immediately following the preceding hearing) on **Wednesday, March 25, 2020** in **Room 412** of the John A. Wilson Building.

The stated purpose of **Bill 23-670** is to amend the Historic Landmark and Historic District Protection Act of 1978 to provide that grants available to assist homeowners with the rehabilitation of historic property under the Targeted Homeowner Grant Program may be used to rehabilitate a structure that contributes to the character of the Bloomingdale Historic District, bounded by North Capitol Street, N.W., Florida Avenue, N.W., 1st Street, N.W., 2nd Street, N.W., Bryant Street, N.W., and Channing Street, N.W., in Ward 5. Currently, Bloomingdale is excluded from a list of 15 historic districts where grants are available to assist low- and moderate-income households rehabilitate historic properties.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Julia Koster, Senior Planning Advisor, at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Monday, March 23, 2020. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled.

Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on March 23, 2020 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lms.dccouncil.us>. Roundtable materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the roundtable.

If you are unable to testify at the roundtable, written statements are encouraged and will be made part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Ste. 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004. The record will close at 5:00 p.m. on April 8, 2020.

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

NOTICE OF PUBLIC HEARING ON

B23-692, ROSA Loophole Elimination Amendment Act of 2020

Tuesday, March 23, 2020, at 11:00 AM
in Room 120 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Tuesday, March 23, 2020, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-692, the ROSA Loophole Elimination Amendment Act of 2020. The hearing will begin at 11:00 AM in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The ROSA Loophole Elimination Amendment Act of 2020 was introduced on March 3, 2020 by Councilmember Brandon Todd. The legislation would amend District law governing the Registration of Out-of-State Vehicles program to direct the Department of Public Works to immediately ticket car-sharing motor vehicles owned by a company that does not have a contract with the District. Under the ROSA program, all owners of out-of-state vehicles, including car-sharing companies, receive a 60-day period to register the vehicle with the District before DPW will issue a ticket.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official 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. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the hearing, which is March 17, 2020. We will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

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 April 6, 2020.

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

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

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON THE MATTER OF

**BILL 23-0320, THE “SPECIAL POLICE OFFICER OVERSIGHT
AMENDMENT ACT OF 2019”**

AND

BILL 23-0501, THE “SANCTUARY VALUES AMENDMENT ACT OF 2019”

**Thursday, March 12, 2020, 9:30 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, March 12, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public oversight roundtable on the matter of Bill 23-0320, the “Special Police Officer Oversight Amendment Act of 2019”, and Bill 23-0501, the “Sanctuary Values Amendment Act of 2019”. The roundtable will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m. The Committee on the Judiciary and Public Safety previously filed a public hearing notice for these matters, but the hearing notice failed to appear in the *D.C. Register*. The Committee is therefore holding this topical roundtable on the subject of the two bills.

The stated purpose of Bill 23-0320 is to amend the Office of Citizen Complaint Review Establishment Act of 1998 to require the Office of Police Complaints (“OPC”) to make recommendations to the District of Columbia Housing Authority (“DCHA”) and the Department of Consumer and Regulatory Affairs (“DCRA”) regarding the incidence of police misconduct, to require that OPC review data related to complaints, subject officer and complainant demographics, recommended and imposed discipline, uses of force, and in-custody deaths for DCHA, DCRA, and special police officers, to prevent the disclosure of information received OPC from DCHA and DCRA, to require that OPC deliver an annual report that analyzes information related to DCHA and DCRA beginning December 31, 2021, to disallow current or former employees of DCHA and DCRA from serving as complaint investigators or carrying out

mediation and complaint determination functions, to authorize OPC to receive, investigate, and mediate complaints against special police officers and recommend discipline to the designated agency principal, to require that DCHA and DCRA transfer citizen complaints to the Office of Police Complaints within 3 business days, to allow the Executive Director of OPC to initiate his or her own complaint based on observed abuse or misuse of police powers, to require that the Executive Director of OPC give notice to the designated agency principal that a matter has been referred to the U.S. Attorney's Office, to require that employees of DCHA and DCRA cooperate with OPC and to prohibit retaliation against complainants, to establish a process by which the designated agency principal reviews a merits determination from OPC and disciplines the subject officer, and to clarify a designated agency principal's authority to implement discipline before and after receipt of a complaint.

The stated purpose of Bill 23-0501 is to amend An Act To create a Department of Corrections in the District of Columbia to limit the District's cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant.

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 **close of business Monday, March 9**. 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.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee of the need as soon as possible, but no later than five business days before the roundtable. The Committee will make every effort to fulfill timely requests; however, requests received in fewer than five business days may not be fulfilled, and alternatives may be offered.

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 Thursday, April 9.**

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:

PR23-0683 - Inspector General Daniel W. Lucas Confirmation Resolution of 2020

Wednesday, March 18, 2020

10:00 a.m.

Room 120, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, DC 20004

On Wednesday, March 18, 2020, Councilmember Brandon T. Todd, Chairperson of the Committee on Government Operations, will hold a public roundtable on PR23-0683, the “Inspector General Daniel W. Lucas Confirmation Resolution of 2020”. The roundtable will begin at 10:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., N.W., Washington, D.C. 20004. The stated purpose of PR23-0683 is to confirm the reappointment of Daniel W. Lucas as the Director of Columbia Inspector General, for a term to end May 19, 2026.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sam Stephens, Legislative Assistant at GovernmentOperations@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by **close of business Monday, March 16, 2020**. 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 March 20, 2020.**

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCE A PUBLIC ROUNDTABLE**

on

PR23-0702, the “Board of Library Trustees Monte Monash
Confirmation Resolution of 2020”

On

**Thursday March 12, 2020
2:00 p.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announce the scheduling of a public roundtable of the Committee on Education on PR23-0702, the “Board of Library Trustees Monte Monash Confirmation Resolution of 2020.” The roundtable will be held on Thursday March 12, 2020 at 2:00 p.m. in Room 123 of the John A. Wilson Building.

The stated purpose of PR23-0702 is to confirm the Mayoral reappointment of Monte Monash as a public member of the Board of Library Trustees, for a term to end January 5, 2025, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), and pursuant to section 4 of an Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-104).

Those who wish to testify may sign-up online at bit.do/EducationHearings or call the Committee on Education at (202) 724-8061 by 5:00 p.m. on Tuesday, March 10. 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 roundtable, 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 Thursday, March 26, 2020. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee on Education of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B23-674, Substantive Technical Temporary Amendment Act of 2020, **B23-682**, Ghost Guns Prohibition Temporary Amendment Act of 2020, **B23-684**, Leave to Vote Temporary Amendment Act of 2020, **B23-686**, Extreme Risk Protection Order Implementation Working Group Temporary Amendment Act of 2020, and **B23-689**, Reverse Mortgage Insurance and Tax Payment Program Temporary Amendment Act of 2020 were adopted on first reading on March 3, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on April 7, 2020.

<p style="text-align: center;">COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF FEBRUARY 29, 2020</p>

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Rogoff,Gabrielle	Legislative Assistant	3	Excepted Service - Reg Appt
Bell,Nathan	Legislative Counsel	4	Excepted Service - Reg Appt

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications

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

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

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

Telephone: 724-8050

GBM 23-67: FY 2020 Grant Budget Modifications of February 6, 2020

RECEIVED: 14-day review begins March 3, 2020

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 23-83: Request to reprogram \$17,014,153 in Capital Funds budget authority and allotment within the Department of General Services was filed in the Office of the Secretary on March 2, 2020. This reprogramming is needed for construction services and structural upgrades to short-term and emergency housing facilities in projects owned by the Department of Human Services (DHS) and implemented by DGS.

RECEIVED: 14-day review begins March 3, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-116274
Licensee: Jemal's East 451, LLC
Trade Name: AC Hotel Washington DC Convention Center
License Class: Retailer's Class "C" Hotel
Address: 601 K Street, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 6 ANC 6E SMD 6E05

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 May 4, 2020 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 June 24, 2020 at 4:30 p.m.

NATURE OF OPERATION

New Class "C" Hotel with a total of 234 rooms. Establishment will have a Summer Garden with 60 seats. Licensee is requesting to have an Entertainment Endorsement, including Dancing, inside and outside.

HOURS OF OPERATION INSIDE PREMISES

Sunday through Saturday 12am - 12am (24 hour operations)

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

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

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

Sunday through Thursday 8am to 12am, Friday and Saturday 8am to 2am

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

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-111740
Licensee: Annabelle, LLC
Trade Name: Annabelle
License Class: Retailer’s Class “C” Restaurant
Address: 2130 Florida Avenue, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2 ANC 2B SMD 2B01

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 May 4, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to add a Sidewalk Cafe with 31 seats.

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

Sunday through Saturday 10am – 2am

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

Sunday through Saturday 10am – 2am

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

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA- 116493
Licensee: Baan Siam, Inc.
Trade Name: Baan Siam
License Class: Retailer's Class "C" Restaurant
Address: 425 I Street, NW, Suite #103
Contact: Thomas Healy: (917) 543-5211

WARD 6

ANC 6E

SMD 6E05

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 May 4, 2020 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 **June 24, 2020 at 1:30 p.m.**

NATURE OF OPERATION

The Establishment will be a full-service Thai Restaurant. Seating Capacity of 155 inside and a Total Occupancy Load of 226. Sidewalk Café with 55 seats.

HOURS OF OPERATION INSIDE OF THE PREMISES

Sunday through Thursday 7am – 2am, Friday and Saturday 7am –3am.

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

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

HOURS OF OPERATION FOR THE SIDEWALK CAFE

Sunday through Thursday 10am – 11pm, Friday and Saturday 10am – 12am.

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

Sunday through Thursday 10am – 11pm, Friday and Saturday 10am – 12am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-087875
Licensee: 476 K, LLC
Trade Name: Cloakroom
License Class: Retailer's Class "C" Nightclub
Address: 476 K Street, N.W.
Contact: Antonios Cavasilios: (301) 346-2893

WARD 6 ANC 6E SMD 6E05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on May 4, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of operation inside premises.

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

Sunday through Thursday 10:30am – 2am, Friday and Saturday 10:30am – 3am

PROPOSED HOURS OF OPERATION INSIDE PREMISES

Sunday through Saturday 10:30am – 5am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-093572
Licensee: Kat, LLC
Trade Name: Cloud Restaurant & Lounge Sports Bar
License Class: Retailer's Class "C" Tavern
Address: 1919 9th Street, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 1 ANC 1B SMD 1B02

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

CURRENT HOURS OF OPERATION

Sunday through Saturday 11am - 6am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-100259
Licensee: Omar, LLC
Trade Name: Costello Restaurant and Lounge
License Class: Retailer's Class "C" Tavern
Address: 5201 Georgia Avenue, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 4

ANC 4D

SMD 4D04

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday through Saturday 10am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-116482
Licensee: DC Corazon, Inc.
Trade Name: DC Corazon
License Class: Retailer's Class "C" Tavern
Address: 3903 & 3905 14th Street, N.W.
Contact: Ana De Leon: (202) 246-7601

WARD 4

ANC 4C

SMD 4C05

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 May 4, 2020 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 **June 24, 2020 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Tavern with a seating capacity of 68 and Total Occupancy Load of 72. Sidewalk Café with 26 seats. Licensee is requesting an Entertainment Endorsement for inside premises and outside in sidewalk café.

HOURS OF OPERATION FOR INSIDE PREMISES

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

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES

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

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SIDEWALK CAFÉ

Sunday through Saturday 10am – 12am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

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

HOURS OF LIVE ENTERTAINMENT FOR OUTSIDE IN SIDEWALK CAFÉ

Sunday through Saturday 6pm – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-097569
Licensee: Dew Drop Inn, LLC
Trade Name: Dew Drop Inn
License Class: Retailer's Class "C" Tavern
Address: 2801 8th Street, N.E.
Contact: John McGovern: (202) 489-8002

WARD 5

ANC 5E

SMD 5E01

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 May 4, 2020 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 to add Dancing and Cover Charge Endorsements to their existing Entertainment Endorsement.

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

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

HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES

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

HOURS OF LIVE ENTERTAINMENT FOR THE SUMMER GARDEN

Sunday through Saturday 6pm - 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-015934
Licensee: Don Juan Restaurant, Inc.
Trade Name: Don Juan Restaurant & Carryout
License Class: Retailer's Class "C" Restaurant
Address: 1660 Lamont Street, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 1

ANC 1D

SMD 1D04

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-095249
Licensee: El Pulgarcito Restaurant, LLC
Trade Name: El Pulgarcito
License Class: Retailer's Class "C" Tavern
Address: 5313 Georgia Avenue, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 4

ANC 4D

SMD 4D01

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

CURRENT HOURS OF OPERATION

Sunday through Thursday 7am - 2am, Friday and Saturday 7am - 3am

CUERRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday 10am - 2am, Monday through Thursday 9am - 2am, Friday and Saturday 9am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-116661
Licensee: Farmbird Restaurant 2, LLC
Trade Name: Farmbird
License Class: Retailer's Class "C" Restaurant
Address: 401 9th Street, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 2

ANC 2C

SMD 2C03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on May 4, 2020 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 June 24, 2020 at 4:30 p.m.

NATURE OF OPERATION

The Establishment will be a restaurant offering grilled chicken. Seating Capacity of 80 inside and a Total Occupancy Load of 120. Sidewalk Café with 12 seats.

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

Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-107078
Licensee: 713 Partners, LLC
Trade Name: Finn McCools
License Class: Retailer's Class "C" Restaurant
Address: 713 8th Street, S.E.
Contact: Stephen O' Brien: (202) 625-7700

WARD 6

ANC 6B

SMD 6B03

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday 10am – 2am, Monday through Friday 8am – 2am, and Saturday 8am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-076693
Licensee: Grand Central, LLC
Trade Name: Grand Central
License Class: Retailer's Class "C" Restaurant
Address: 2447 18th Street, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 1 ANC 1C SMD 1C07

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-021562
Licensee: J.W.B. Inc.
Trade Name: Harry's
License Class: Retailer's Class "C" Tavern
Address: 436 11th Street, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 2 ANC 2C SMD 2C01

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-086141
Licensee: Lola's LLC
Trade Name: Lola's
License Class: Retailer's Class "C" Tavern
Address: 711 8th Street, S.E.
Contact: Stephen O' Brien: (202) 625-7700

WARD 6 ANC 6B SMD 6B03

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-020234
Licensee: Planet F, Inc.
Trade Name: Lucky Bar
License Class: Retailer's Class "C" Tavern
Address: 1221 Connecticut Avenue, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 2

ANC 2B

SMD 2B05

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

CURRENT HOURS OF OPERATION

Sunday through Thursday 7am - 2am, Friday and Saturday 7am - 3am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-116263
Licensee: Union Market LB, LLC
Trade Name: Lucky Buns
License Class: Retailer's Class "C" Restaurant
Address: 1309 5th Street, N.E.
Contact: Hunter Campbell: (301) 775-7444

WARD 5

ANC 5D

SMD 5D01

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 May 4, 2020 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 **June 24, 2020 at 1:30 p.m.**

NATURE OF OPERATION

New class C Restaurant serving American cuisine. Seating Capacity of 98. Total Occupancy Load of 98.

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

Sunday through Saturday 10am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
3/6/2020

Notice is hereby given that:

License Number: ABRA-109739

License Class/Type: C Tavern

Applicant: Neptune Room, LLC

Trade Name: Neptune Room

ANC: 4D01

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

5405 GEORGIA AVE NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
4/20/2020

A HEARING WILL BE
5/4/2020

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	2 pm - 2 am	2 pm - 2 am	6 pm - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am	6 pm - 3 am
Saturday:	2 pm - 3 am	2 pm - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-114106
Licensee: The McKenzie Group, LLC
Trade Name: Ocean Lounge
License Class: Retailer's Class "C" Tavern
Address: 1220 H Street, N.E.
Contact: Stephen O' Brien: (202) 625-7700

WARD 6 ANC 6A SMD 6A01

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday 11am - 1am, Monday through Thursday 11am - 2am, Friday and Saturday 11am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-116576
Licensee: RH Trading, LLC
Trade Name: OttottO
License Class: Retailer's Class "A" Internet
Address: 4221 Connecticut Avenue, N.W. (Rear)
Contact: Lyle M. Blanchard, Esq.: (202) 452-1400, Ext. 5406

WARD 3

ANC 3F

SMD 3F02

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 May 4, 2020 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 **June 24, 2020 at 4:30 p.m.**

NATURE OF OPERATION

New Class "A" Internet Retailer selling beer, wine, and spirits online only for off-premises consumption. This location will not be open to the public.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 10am – 8pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-116402
Licensee: RASA MVT, LLC
Trade Name: RASA
License Class: Retailer's Class "C" Restaurant
Address: 485 K Street, N.W.
Contact: Anthony Ruiz, Agent: (646) 262-1935

WARD 6

ANC 6E

SMD 6E05

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 May 4, 2020 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 **June 24, 2020 at 4:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant serving fast-casual Indian cuisine. Applicant is applying for a Sidewalk Cafe Endorsement with 18 seats. Total seating inside is 25 with a Total Occupancy Load of 48.

HOURS OF OPERATION (INSIDE PREMISES)

Sunday through Saturday 7am – 12am

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

Sunday through Saturday 8am – 12am

HOURS OF OPERATION (SIDEWALK CAFE)

Sunday through Saturday 8am – 12am

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

Sunday through Thursday 8am – 11pm
Friday and Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-109089
Licensee: AHZ LLC
Trade Name: Recessions II
License Class: Retailer's Class "C" Tavern
Address: 1823 L Street, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 2 ANC 2B SMD 2B06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-076011
Licensee: Salma, LLC
Trade Name: Red Lounge Hookah
License Class: Retailer's Class "C" Tavern
Address: 2013 A 14th Street, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 1

ANC 1B

SMD 1B12

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday 10am - 12am, Monday through Thursday 10am - 2am, Friday and Saturday 10am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-098182
Licensee: NYPA LLC
Trade Name: Reliable Tavern & Hardware
License Class: Retailer's Class "C" Tavern
Address: 3655 Georgia Avenue, N.W.
Contact: Stephen O' Brien: (202) 625-7700

WARD 1 ANC 1A SMD 1A08

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday 10am - 2am, Monday through Thursday 9am - 2am, Friday and Saturday 9am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-116352
Licensee: Somtam Holdings 1 LLC
Trade Name: SOMTAM
License Class: Retailer's Class "C" Restaurant
Address: 1309 5th Street, N.E.
Contact: Kwiince Lipscomb: (310) 906-8669

WARD 5

ANC 5D

SMD 5D01

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 May 4, 2020 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 **June 24, 2020 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 15 and Total Occupancy Load of 29.

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

Sunday through Thursday 11am – 8pm, Friday and Saturday 11am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-085710
Licensee: Canal 5 LLC
Trade Name: The Brig
License Class: Retailer's Class "C" Tavern
Address: 1007 8th Street, S.E.
Contact: Stephen O' Brien: (202) 625-7700

WARD 6 ANC 6B SMD 6B04

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 May 4, 2020 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

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday through Thursday 8am - 1am, Friday and Saturday 8am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-116646
Licensee: The Experience, LLC
Trade Name: The Experience
License Class: Retailer's Class "C" Tavern
Address: 2040 West Virginia Avenue, N.E.
Contact: John Brown, Owner: (202) 704-6055

WARD 5

ANC 5D

SMD 5D01

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 May 4, 2020 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 **June 24, 2020 at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Tavern serving catered brunch and dinner. Applicant is applying for an Entertainment Endorsement, Dancing, and Cover Charge. Total seating is 60 with a Total Occupancy Load of 140.

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

Sunday 11am – 2am

Monday through Thursday 12pm – 2am

Friday and Saturday 11am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-112308
Licensee: 2411 18th Hospitality, LLC
Trade Name: The Game Sports Pub/Tiki on 18th
License Class: Retailer's Class "C" Restaurant
Address: 2411 18th Street, N.W.
Contact: Oscar Guardado: (202) 856- 1952

WARD 1

ANC 1C

SMD 1C07

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 May 4, 2020 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 to add an Entertainment Endorsement with Cover Charge inside premises only.

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

Sunday through Thursday 9am – 2am, Friday and Saturday 9am – 3am

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

Sunday through Thursday 11am – 12am, Friday and Saturday 11am – 1am

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE ONLY

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020
Protest Hearing Date: June 24, 2020

License No.: ABRA-115987
Licensee: Whole Foods Market Group, Inc.
Trade Name: Whole Foods Market
License Class: Retailer's Class "B" Full-Service Grocery
Address: 967 Florida Avenue, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 1

ANC 1B

SMD 1B11

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 May 4, 2020 at 11 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 **June 24, 2020 at 1:30 p.m.**

NATURE OF OPERATION

A market that will serve hot and cold meals which includes salads, sandwiches, pizza, sushi, baked goods, and non-alcoholic beverages.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8am – 12am

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARINGS**

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following properties a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 17-11: Square 653 Rowhouses
1307, 1309, 1311, 1313 and 1315 South Capitol Street SW
Square 653, Lots 52, 53, 68, 69 and 827
Affected Advisory Neighborhood Commission: 6D

The Historic Preservation Review Board will also hold a public hearing to consider an application to amend the following historic district designation to include additional properties landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the additional areas to the National Register of Historic Places:

Case No. 20-03: Kingman Park Historic District amendment (boundary expansion)
The 300 and 400 blocks of 19th Street NE, east side (i.e., odd numbers); 501-505 and 725 19th Street NE; the 300 block of 20th Street NE, west side (i.e., even numbers); the 400 block of 20th Street NE; the 1900 and 2000 blocks of C Street NE, north side (i.e., even numbers); the 1900 block of D Street NE; the 2000 block of D Street NE, north side (i.e., even numbers); 1900 and 2000 blocks of E Street NE; 1915 through 2031 Benning Road, south side (i.e., odd numbers); and two lots in Square 4550 lacking street addresses, also presently known as:
Square 4514, Lots 31, 808, 810, 812 and 816; Square 4515, Lots 97, 98, 101, 102, 803, 805, 809, 817, 819, 823, 825, 828 through 831, 834 and 835; Square 4526, Lots 52 through 68; Square 4527, Lots 20 through 33; Square 4549, all lots; Square 4550, Lots 77 through 99 and 800 through 805, and condos 2001 through 2008 and 2021 through 2032; Square 4558, Lots 18 through 32; and Square 4559, all lots.
Affected Advisory Neighborhood Commission: 7D

The hearing will take place at **9:00 a.m. on Thursday, April 23, 2020**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also

provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner

of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, APRIL 29, 2020
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 FOUR

20260 **Application of 618 Randolph St NW LLC**, pursuant to 11 DCMR
ANC 4C Subtitle X, Chapter 9, for a special exception under the RF-use
 requirements of Subtitle U § 320.2, to permit the conversion of an
 existing attached principal dwelling unit into a three-unit apartment
 house in the RF-1 Zone at premises 618 Randolph Street, N.W.
 (Square 3233, Lot 99).

WARD FIVE

20265 **Application of Michael Zgoda**, pursuant to 11 DCMR Subtitle X,
ANC 5E Chapter 10, for variances from the lot dimension requirements of
 Subtitle E § 201.1, from the lot occupancy requirements of Subtitle E §
 304.1, and from the rear yard requirements of Subtitle E § 306.1, to
 construct a detached principal dwelling unit in the RF-1 Zone at
 premises 401-403 Richardson Place, N.W. (Square 507, Lots 81-82).

WARD THREE

20266 **Application of 3400 Connecticut Partners LLC**, pursuant to 11
ANC 3C DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C
 § 703.2 from the minimum parking requirements of Subtitle C § 701.5,
 to construct a mixed use retail/apartments development in the NC-3
 Zone at premises 3400 Connecticut Avenue, N.W. (Square 2069, Lots
 817-821).

WARD TWO

20268 **Application of The District of Columbia**, pursuant to 11 DCMR
ANC 2A Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504
 from the penthouse setback requirements of Subtitle C § 1502.1(b), to
 permit the addition of a mechanical unit to the rooftop of the historic
 Stevens School in the D-5 Zone at premises 1050 21st Street N.W.
 (Square 73, Lot 886).

BZA PUBLIC HEARING NOTICE

APRIL 29, 2020

PAGE NO. 2

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, pursuant to Subtitle Y § 600.4.

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. 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

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ኒልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee

Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

BZA PUBLIC HEARING NOTICE

APRIL 29, 2020

PAGE NO. 3

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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
LESYLLEE 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**

While nearly all features of existing IZ (Regular IZ) requirements would continue to apply, an Expanded IZ set-aside requirement would supersede the Regular IZ set-aside requirement and would be identified by an Expanded IZ designation on the zoning map. The Expanded IZ set-aside requirement would be an absolute percentage that would apply to the total residential gross floor area, meaning that the calculation of the “greater of” a percent of bonus density found in Regular IZ would not apply. Instead, a sliding scale for determining the Expanded IZ set-aside requirement would be used so that the set-aside requirement is commensurate with the degree of permitted residential density gained through the map amendment.

The Expanded IZ set-aside percentage would be based on the increase of residential floor area ratio (FAR) resulting from being rezoned to a new zone. The increase in FAR would be the difference between the matter-of-right FAR in the existing zone (not incorporating the 20% Regular IZ density bonus) and the maximum IZ FAR (incorporating the 20% Regular IZ density bonus) in the new zone. The Expanded IZ set-aside requirement is anticipated to be applied to the total residential FAR of the rezoned property(ies). The table below represents the general concept and the relationship between the increased FAR and the Expanded IZ.

Increase in FAR	0.5	0.51 -1.00	1.01-1.50	1.51- 2.00	2.01 - 2.50	Above 2.50	PDR Change
Set-Aside Requirement for Buildings Generally Less than 50' in Height	12%	14%	16%	18%	20%	20%	20%
Set-Aside Requirement for Buildings Generally Greater than 50' in Height	10%	12%	14%	16%	18%	20%	20%

A property rezoned from a PDR zone, which allows only very limited residential use, to a zone that generally permits residential use would be subject to a 20% Expanded IZ set-aside requirement because the increase in permitted residential FAR over what is allowed would be significant.

An Expanded IZ set-aside requirement would be recorded on the official Zoning Map to indicate that the zone is subject to Expanded IZ requirements.

Other Expanded IZ Concepts for Discussion

The Office of Planning also encourages comments on other concepts for expanding IZ. Such concepts may complement or be an alternative to the increased Expanded IZ set-aside described above. Examples include the following concepts:

1. Requiring/incentivizing family-sized units (three or more bedrooms) and units for persons with special needs;
2. Requiring/incentivizing deeper affordability units for households earning less than 50% of the median family income; and

- 3. Requiring/incentivizing the preservation of PDR uses in areas also identified for residential uses.

At the public meeting, the Commission also provided OP with general feedback concerning the Expanded IZ concept and asked OP to explore the following additional concepts:

- 1. Requiring Expanded IZ to apply to zones currently exempt from Regular IZ; and
- 2. Incentivizing opportunities for multi-generational housing.

The Commission also provided OP with the flexibility to propose a higher affordable set-aside than the proposed 20% maximum based on financial modeling and forecast predictions.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The complete record in Z.C. Case No. 20-02, including the OP Setdown Report and the transcript of the Commission’s January 13, 2020 public meeting, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

Public Hearing Guidance

The Commission requests that participants at the public hearing focus on the Expanded IZ concept, as well as additional concepts, as described in this public hearing notice.

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

How to participate as a witness - oral presentation

Interested persons or representatives of organizations may be heard at the public 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, by e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

Pursuant to Subtitle Z § 506.1, 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.

How to participate as a witness - written statements

Written statements, in lieu of personal appearances or oral presentation, 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 zsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission.

“Great weight” to written report of ANC

Subtitle Z § 505.1 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 § 505.2, an ANC that wishes to have a representative provide oral testimony at the hearing 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.

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.

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

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

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

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.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING**Determinations of Eligibility for the Lead Pipe Replacement Assistance Program**

The Director of the Department of Energy and Environment (Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2019 Supp.)); the Lead Water Service Line Replacement and Disclosure Amendment Act of 2018 (the Act), effective March 13, 2019 (D.C. Law 22-241; 66 DCR 923 (January 25, 2019)); Section 203(15) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.03(15) (2019 Repl.)); and Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of the adoption of the following final rule to add a new Chapter 38 (Lead Pipe Replacement Assistance Program Eligibility Determinations) to Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking establishes the process and appeal procedures related to a new assistance program for DC Water customers, referred to as the Lead Pipe Replacement Assistance Program (LPRAP) for which the Department will be providing funding. LPRAP provides eligible property owners with Department-funded benefits towards the replacement of their partial lead service line. The eligibility criteria were established in the Act. Accordingly, the Department will determine whether residents meet the eligibility criteria for receiving assistance through this program and will advise DC Water as to whether residents meet the eligibility criteria for receiving assistance. These regulations establish a process for DC Water residential customers to apply for benefits under LPRAP, and for the Department to make a determination of eligibility.

The rulemaking was promulgated as an emergency on October 1, 2019 to allow eligible District property owners to immediately have access to the described benefits. The emergency and proposed rulemaking was published in the *D.C. Register* on November 1, 2019 at 66 DCR 14460. All persons desiring to comment on the rulemaking were given forty-five (45) days and a public hearing on December 10, 2019. DOEE received comments that were made publicly available online.

1. DOEE received a comment requesting publicly available information on the program. In response, DOEE will develop and publish annual data on the program online after the conclusion of the first program year. These data will be updated on an annual basis.
2. DOEE received a comment requesting the promulgation of regulations to address multifamily homes. In response, DOEE has updated subsection 3801.1 to allow properties with multiple owners to apply.
3. DOEE received a comment requesting that we require trenchless lead pipe removal except under extenuating circumstances. DOEE shares this concern that removing lead pipes through trenching is disruptive and unnecessarily costly; however, this issue would

be best addressed through DC Water’s rulemaking authority under D.C. Official Code § 34-2159(h)(1).

- 4. DOEE received a comment supporting the establishment of a contractor list. DOEE will support DC Water’s development of this list.
- 5. DOEE received a comment requesting a significant increase to the reasonable cap on costs. DOEE increased the reasonable cap in § 3803.2.
- 6. DOEE received a comment regarding emphasizing the importance of how residents are instructed to flush and filter their water. DOEE agrees that outreach and education are critical to achieving positive public health outcomes. At present, when residents are approved for assistance, they receive a letter confirming their benefits that includes instructions for flushing and filtering. The instructions are publicly available online.

These rules were adopted as final on February 27, 2020, and shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 20 DCMR, ENVIRONMENT, is amended by adding a new Chapter 38 as follows:

**CHAPTER 38 LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM
ELIGIBILITY DETERMINATIONS**

- 3800 LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM**
- 3801 APPLICATION PROCESS**
- 3802 ELIGIBILITY**
- 3803 BENEFITS**
- 3804 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS**
- 3805 ADMINISTRATIVE APPEALS**
- 3899 DEFINITIONS**

3800 LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM

3800.1 This chapter sets forth the process and appeal procedures for the Department’s determination of income eligibility for the Lead Pipe Replacement Assistance Program (LPRAP).

3801 APPLICATION PROCESS

3801.1 In order for the Department to determine the financial eligibility of an applicant to receive LPRAP assistance, District residential property owners shall file an application with the Department. If a property is comprised of multiple owners, the property is eligible to receive assistance if more than half of the owners complete an application.

- 3801.2 The Department shall prescribe the form of the application to be filed, and provide either a paper or electronic application, which shall be signed by the applicant. The application shall state that the making of a false statement in the application, or the signing of the application with knowledge that facts stated in the application are not true, carries criminal penalties in accordance with Section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).
- 3801.3 An authorized representative may apply on behalf of an applicant if the applicant provides:
- (a) A written and signed statement stating why the applicant cannot complete an application without a representative; and
 - (b) The name and address of the person authorized to act on the applicant's behalf.
- 3801.4 If requested by an applicant with a disability, or the representative of a person with a disability authorized pursuant to § 3801.3, the Department may assist the applicant or representative with the aspects of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.
- 3801.5 The Department may assist with an application for an applicant who is unable to apply for the benefit in person for a reason other than disability, including making a visit to an applicant's home, if:
- (a) The applicant is sixty-five (65) or older, infirm, or unable to travel; or
 - (b) The applicant's residence is located in a building or complex of buildings that house many other likely applicants.

3802 ELIGIBILITY

- 3802.1 In order to be eligible for a benefit, the applicant shall:
- (a) Be the property owner of a residence in the District of Columbia; and
 - (b) Meet the income criteria established at D.C. Official Code § 34-2159.
- 3802.2 A determination of financial eligibility shall be based on the gross income of the household, unless a member of the household is self-employed, in which case the determination of financial eligibility shall be based on the adjusted gross income.

- 3802.3 As a condition of eligibility, each applicant shall sign a release, or provide electronic acknowledgement, authorizing the Department to obtain or verify information necessary to process the application or for reporting purposes.
- 3802.4 Each applicant shall cooperate fully in establishing his or her eligibility, the nature of the need, and the extent of the need, each of which shall include providing documentation or other proof of:
- (a) Household composition;
 - (b) Income; and
 - (c) Any additional information that the Department may require.
- 3802.5 The Department may obtain the information used in determining eligibility from:
- (a) A document;
 - (b) A telephone conversation or interview for which notes are taken;
 - (c) Data from another government agency or utility provider;
 - (d) Internet data; and
 - (e) Other relevant sources.
- 3802.6 The eligibility and benefit determination will be completed within thirty (30) days after the Department receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects the Department, such as a natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:
- (a) An applicant's failure to supply information to document facts stated in an application;
 - (b) An inability to contact an applicant after three (3) attempts;
 - (c) Evidence of misrepresentation in an application;
 - (d) A failure to respond by a third party from whom the Department has requested information and over whom the Department has no control; or
 - (e) A delay in receipt of necessary information over which the Department has no control.

3802.7 The Department shall notify the applicant of the eligibility and benefit determination in accordance with the provisions of D.C. Official Code § 34-2159.

3802.8 An applicant has ninety (90) days from the date of approval or until the end of the fiscal year in which the application was approved to complete the work, whichever occurs first. If the work is not completed within ninety (90) days or before the end of the fiscal year in which the application was approved, the Department may require the applicant to reapply to receive benefits.

3803 BENEFITS

3803.1 Benefits for LPRAP will be provided in accordance with the provisions of D.C. Official Code § 34-2159.

3803.2 The cap on replacement costs is equal to one thousand two hundred fifty dollars (\$1,250.00) plus two hundred dollars (\$200.00) per foot of pipe to be replaced. Additional costs for permits, inspectors, and property restoration will be approved on a case by case basis. An application with project costs in excess of this cap may be denied or required to submit an additional quote for further consideration.

3803.3 Nothing in this chapter shall be interpreted to mean that a LPRAP benefit provided to eligible households by the Department is an entitlement, continuing or otherwise.

3803.4 If the Department determines that remaining available funds may be insufficient to provide relief during a fiscal year, the Department may:

- (1) Suspend the process of taking applications; or
- (2) Suspend the process of awarding assistance.

3804 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS

3804.1 If an applicant is determined ineligible for LPRAP, the Department will provide to the applicant notice of ineligibility, to include:

- (a) A statement of the determination of ineligibility and an explanation of that determination;
- (b) A statement of the action that the applicant must take, if any, to be found eligible; and
- (c) Notice of the applicant's right to appeal the determination, as provided in § 3805.

- 3804.2 If the Department determines that a prior eligibility decision for LPRAP was based on material error, falsity, misrepresentation, concealment, omission, or fraud, the Department will:
- (a) Reopen the application;
 - (b) Inform the applicant of the Department's final action or intended action;
 - (c) Provide the applicant with a reasonable opportunity to respond; and
 - (d) Revise or revoke the determination of eligibility.
- 3804.3 The applicant shall not have a right to appeal a reduction, suspension, or revocation of the benefit based on a lack of available funding.

3805 ADMINISTRATIVE APPEALS

- 3805.1 With respect to a matter governed by §§ 3801 to 3804 of this chapter, an applicant adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director's designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department's action. The appeal must be filed within thirty (30) calendar days after receipt of the notice of the action.
- 3805.2 The decision of the Director or the Director's designee upon appeal shall become the final action of the Department. An applicant may seek review of that decision with, and request a hearing before, the Office of Administrative Hearings (OAH) within thirty (30) days of the Department's action. Prehearing practice and the conduct of the hearing shall be in accordance with the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801 *et seq.*) and the regulations set forth at Title 1, Chapter 28 of the District of Columbia Municipal Regulations.

3899 DEFINITIONS

- 3899.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

DC Water – the District of Columbia Water and Sewer Authority.

Department – the District of Columbia Department of Energy and Environment.

LPRAP – The Lead Pipe Replacement Assistance Program that provides eligible households with assistance for the replacement of partial lead service lines on private property and is administered by DC Water and the Department.

Partial Lead Service Line – a mixed material water service pipe connecting a residential property’s plumbing to a water main that may result in lead contamination.

Replacement Costs – the total cost to confirm or complete the removal of a partial lead service line, including permits, inspectors, and restoration.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06(13) (2018 Repl.)) hereby gives notice of its amendment of Chapter 4 (Budget and Finance) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The University is amending Chapter 4, Title 8-B DCMR by adding a new Section 446 to allow the University in certain situations approved by the President, to reimburse reasonable travel expenses for candidates traveling to the University for final, pre-employment interviews in order to strengthen the University's competitive position in pursuit of talented candidates.

The substance of the rules adopted herein was published in the *D.C. Register* on September 27, 2019 at 66 DCR 12803 for a thirty-day public comment period in accordance with D.C. Official Code § 2-505(a) and no public comment was received during the public comment period. The rule was adopted by the Board as final on November 19, 2019, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 4, BUDGET AND FINANCE, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended by adding a new Section 446 as follows:

446 TRAVEL FOR FINAL PRE-EMPLOYMENT INTERVIEWS

446.1 The University may reimburse an applicant for reasonable travel expenses incurred incidental to final pre-employment interviews for specifically designated positions, approved by the President.

446.2 Reasonable travel expenses will be reimbursed in accordance with the University's travel policies and procedures.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06(13) (2018 Repl.)), hereby gives notice of its amendment of Chapter 30 (University Procurement Rules) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to make the University's procurement regulations consistent with the Procurement Practices Reform Act of 2010, as amended ("PPRA"), with certain exceptions.

The substance of the rules adopted herein was published in the *D.C. Register* on June 21, 2019 at 66 DCR 007457 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on September 10, 2019, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 30, UNIVERSITY PROCUREMENT RULES, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 3000, PURPOSE AND APPLICATION, is amended by adding new Subsections 3000.8 and 3000.9, as follows:

- 3000.8 The University shall follow the Procurement Practices Reform Act of 2010, as heretofore and hereafter amended ("PPRA"), except as amended, modified and supplemented by these Rules, in the conduct of its procurement activities.
- 3000.9 References in the PPRA to the District's Procurement website shall be construed to refer to a procurement website maintained by the University, to publicize University procurement activities.
- 3000.10 In lieu of the Contract Appeals Board described in PPRA Title X, the University when considering protests, disputes, appeals, debarment and suspension decisions made by the CCO, shall have a Contracts Review Committee in accordance with Section 3063 of these Rules. Decisions of the Contracts Review Committee may be appealed as described in these Rules.
- 3000.11 In lieu of PPRA Section 1008 pertaining to Protest procedures, the University shall follow the provisions of Section 3066 of these Rules.

3000.12 The PPRA shall be construed and applied to give effect to the roles and responsibilities of the University's Office of Strategic Sourcing and Procurement and Chief Contracting Officer as provided for in these Rules.

Section 3002, PUBLICIZING CONTRACT ACTIONS, is amended in its entirety as follows:

3002.1 The CCO shall issue a formal written solicitation for all proposed contracts with an estimated price over one hundred thousand dollars (\$100,000).

3002.2 The CCO shall publicize the formal written solicitation referred to in Subsection 3002.1 in accordance with PPRA Sections 402, 403, and 404, as applicable. Publication shall be in a manner calculated to reach a significant number of prospective bidders, and will be conducted in accordance with the PPRA's requirements.

3002.3 The requirement to publicize the solicitation set forth in this chapter shall not apply to any of the following procurements: (a) emergency procurements; (b) simplified procurements; and (c) contracts existing as of the effective date of these Rules.

Section 3005, ITEMS EXEMPT FROM COMPETITIVE PROCUREMENT, is amended in its entirety as follows:

3005.1 The goods, services, supplies and materials enumerated in PPRA Section 413 shall be exempt from the competitive procurement requirements imposed by this chapter.

3005.2 In addition, the University may also procure the following goods, services and materials without subjecting such procurements to competition:

- (a) Abstracts of titles for real property and title searches;
- (b) Brokers and other agents retained by the University to negotiate for and obtain goods, services (including but not limited to insurance policies) and real estate for the University at competitive prices;
- (c) Items purchased for resale to the general public;
- (d) Recreational sports and other program instructors;
- (e) Translation services, including but not limited to American Sign Language and foreign languages;

- (f) Educational assessments and special education testing equipment and materials; and
- (g) Utilities, including but not limited to electric, gas, propane, oil and water services.

Section 3020, EMERGENCY PROCUREMENTS, is amended by replacing Subsections 3020.1, 3020.2 and 3020.3 as follows:

- 3020.1 The CCO may award a contract on an emergency basis if the requirement is essential to handle an existing or imminent emergency situation, including, but not limited to, any situation or condition which would threaten the health, safety, property or welfare of the University community or severely hamper the ability of the University to accomplish its educational mission.
- 3020.2 Emergency procurement procedures shall not be used for contracts exceeding ninety (90) days, subject to any exceptions allowed by the PPRA.
- 3020.3 The CCO shall not be required to publicize emergency solicitations. Publication of emergency procurements shall be governed by PPRA Section 405.

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PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF THIRD PROPOSED RULEMAKING**RM3-2018-01, IN THE MATTER OF THE INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES GOVERNING ENERGY METER LOCATIONS,**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 2-505 (2016 Repl.) and Section 34-802 (2019 Repl.) of the District of Columbia Official Code,¹ of its intent to amend Sections 301 and 399 of Chapter 3 (Consumer Rights and Responsibilities) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), commonly referred to as the Consumer Rights and Responsibilities. Among other requirements, this chapter sets forth standards for energy meter locations.

2. On March 9, 2018, the Commission published a Notice of Proposed Rulemaking (NOPR) in the *D.C. Register* (65 DCR 2477-2482), revising Sections 301 and 399 of the Consumer Rights and Responsibilities to clarify its rules for energy meters replacement and relocation. On December 27, 2019, the Commission published a Second NOPR in the *D.C. Register* (66 DCR 16587-16592), adding additional provisions to its first NOPR in response to Washington Gas Light Company's January 2, 2019, filing in *Formal Case No. 1142*, Commitment No. 70.² This Third NOPR supersedes the Second NOPR published on December 27, 2019. In the Third NOPR, Subsections 301.2, applicable to natural gas meters and equipment, and 399.1 have been revised in response to comments filed on this matter by the Washington Gas Light Company.

3. The Commission gives notice of its intent to take final rulemaking action in not less than thirty (30) days after publication of this NOPR in the *D.C. Register*.

Section 301, ENERGY METER LOCATIONS, of Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended to read as follows:

301 LOCATION OF ENERGY SERVICE METERS AND RELATED EQUIPMENT**301.1 Electric Meters and Equipment**

- (a) Electric Meters shall be located outdoors whenever possible unless the relocation of the Meter will result in an unsafe condition.

¹ D. C. Official Code § 2-505 (2016 Repl.); D. C. Official Code § 34-802 (2019 Repl.).

² *Formal Case No. 1142, In the Matter of the Merger of AltaGas Ltd. and WGL Holdings, Inc.*, Washington Gas Light Company, Commitment No. 70 Compliance Filing, filed January 2, 2019.

- (b) When an indoor electric Meter installation is replaced due to modifications in electric service equipment by the Electric Utility, the electric Meter shall be relocated outdoors at no expense to the Customer. If the electric Meter relocation is for the convenience of the Customer, it shall be at the Customer's expense and calculated in accordance with the Electric Utility's approved Tariff for this service. The cost of connecting the Meter to the Customer's electric service panel shall remain with the Customer.
- (c) Customers must grant access to the electric Meter for maintenance or service Disconnection within the provisions of Subsection 310.1. If a Customer refuses to grant access, the utility may relocate the electric Meter to an accessible location and the Customer shall bear the relocation cost.
- (d) The Electric Utility shall provide Customers with a fifteen (15) day notice prior to replacing or relocating electric equipment located on the Customer's premise or property. No such notice is required in emergencies.
- (e) The notice required by Subsection 301.1(d) shall inform the Customer of the equipment that the Electric Utility proposes to replace or relocate, the planned new location, and how to contact the Electric Utility to provide supplemental information, such as the building's historic status or any private property line limitations. The notice shall include contact information for the Commission and OPC.
- (f) The Electric Utility shall develop and implement detailed protocols for determining the location of electric Meters, consistent with these rules, and shall inform Customers of these protocols.

301.2 Gas Meters and Natural Gas Equipment

- (a) Gas Meters, Natural Gas Service Regulators, and Natural Gas Equipment shall be located outdoors whenever possible unless the relocation will result in an unsafe condition or as otherwise authorized by Subsection 301.2.
- (b) When new Natural Gas Service Lines are installed, or existing ones are replaced, gas Meters shall be placed outdoors at no expense to the Customer. If the gas Meter relocation is for the convenience of the Customer, it shall be at the Customer's expense and calculated in accordance with the Natural Gas Utility's approved Tariff for this service.
- (c) Customers must grant access to the gas Meter for maintenance or service Disconnection within the provisions of Subsection 310.1. If a Customer

refuses to grant access, the utility may relocate the gas Meter to an accessible location and the Customer shall bear the relocation cost.

- (d) The Natural Gas Utility shall provide Customers with a fifteen (15) day notice prior to replacing or relocating Natural Gas Equipment located on the Customer's premise or property. No such notice is required in emergencies.
- (e) The notice required by Subsection 301.2(d) shall inform the Customer of the Natural Gas Equipment that the Natural Gas Utility proposes to replace or relocate, the planned new location, and how to contact the Natural Gas Utility to provide supplemental information, such as the building's historic status or any private property line limitations. The notice shall include contact information for the Commission and OPC.
- (f) The Natural Gas Utility shall determine the location of indoor or outdoor Natural Gas Equipment, subject to the provisions of this Section, all applicable pipeline safety industry practices, federal and District of Columbia laws and regulations, including the Design Guideline for Utility Meters issued by the District of Columbia Historic Preservation Review Board, and any applicable District laws and regulations.
- (g) Where exterior gas Meters, Natural Gas Service Regulators, Shut-Off Valves or other Natural Gas Equipment cannot be installed in front of the Customer's premises, the Natural Gas Utility, after consultation with the Customer, shall employ best efforts to avoid installing Natural Gas Equipment on the principal street façades (of building/dwelling) and to place the Natural Gas Equipment to the rear and secondary façades (side of building/dwelling) of the Customer's premises. If it is necessary and safe to place a gas Meter on a rear or secondary façade (side of building/dwelling) wall, the Natural Gas Utility shall select a location that provides reasonable access to the gas Meter. The Natural Gas Utility shall employ best efforts to preserve the integrity and appearance of the building and its façades.
- (h) When installing gas Meters, Natural Gas Service Regulators, Shut-Off Valves or other Natural Gas Equipment outdoors, the Natural Gas Utility shall:
 - (1) Locate all Shut-Off Valves outdoors in a readily accessible location;
 - (2) Consider the potential damage to the Natural Gas Equipment;

- (3) Select a location that accommodates access to gas Meter reading, inspection, repairs, testing, and safe changing and operation of the natural gas Shut-Off Valves, and service Disconnections;
- (4) Consider an outdoor location consistent with the adjoining buildings and Natural Gas Equipment locations;
- (5) Consider, to the extent feasible and safe, locating the Natural Gas Equipment behind existing landscaping to make it least visible from the street;
- (6) Consult with Customers prior to conducting outdoor gas Meter relocation or replacement on the potential impact of the building's aesthetics;
- (7) When safe to do so, install outdoor gas Meters and Natural Gas Service Regulators above ground in a protected location adjacent to the building served, and as close as possible to the point where the Natural Gas Service Line connects to the Natural Gas Main Line;
- (8) Determine the location of Natural Gas Service Regulators outdoors, when safe to do so. Otherwise, Natural Gas Service Regulators shall be located indoors as near as practicable to the point where the Natural Gas Service Line enters the building and shall be vented to the outside;
- (9) Avoid placing Natural Gas Equipment in front of windows or other building openings that may directly obstruct emergency fire exits and building entryways; and
- (10) Place Natural Gas Equipment under exterior stairways only when deemed safe by the Natural Gas Utility and when no other safe location is available.
 - (i) At the Customer's request and only when deemed safe to do so, the Natural Gas Utility may locate the gas Meter and associated gas piping up to five (5) feet in length from the Natural Gas Utility's preferred installation location at no cost to the Customer. If a Customer requests an installation location that is safe to complete but is further than five (5) feet in length from the Natural Gas Utility's preferred installation location, then the Customer shall be responsible for the costs associated with the additional piping beyond five (5) feet from the Natural Gas Utility's preferred location to the location selected by the Customer. The cost shall be calculated in accordance with the Commission-approved Tariff for this service.

- (j) The placement of gas Meters indoors shall be considered only when one or more of these circumstances are present:
 - (1) The Natural Gas Service Line pressure is less than ten (10) pounds per square inch gauge (“psig”);
 - (2) The gas Meter could not be installed safely on the private property surrounding the building and would have to be placed in an area that would violate traffic laws or interfere with the public right-of-way;
 - (3) A Natural Gas Utility determines that a gas Meter and associated Natural Gas equipment is subject to a high risk of damage based on the Natural Gas Utility’s prior experience; and
 - (4) Protection from ambient temperatures is necessary to avoid gas Meter freeze-ups, flooding or icing, or other extreme weather conditions that could impact the safe and accurate operation of the gas Meter.

- (k) If gas Meters are placed indoors, the Natural Gas Utility shall ensure:
 - (1) Indoor gas Meters shall be supported in such a manner as to be as free as possible from damage that will render them unsafe or inaccurate;
 - (2) Gas Meters are located in a ventilated place not less than three (3) feet away from a source of ignition or source of heat which may damage the gas Meter; and
 - (3) The Customer is informed in writing of any safety measures that the Customer needs to adhere to, including but not limited to, ventilation requirements and proximity of ignition source or heat to the gas Meter and Natural Gas Equipment.

- (l) All gas Meters, Natural Gas Service Regulators, Shut-Off Valves, and Natural Gas Equipment installed indoors at multi-family buildings, commercial buildings, or multiple connected residential dwellings shall be inspected by the Natural Gas Utility at intervals not exceeding twenty-seven (27) months, but at least once every two (2) calendar years, beginning July 1, 2020.

- (m) The Natural Gas Utility shall develop and implement detailed protocols for determining the location of Natural Gas Equipment, consistent with these rules, and shall inform Customers of these protocols.

Section 399, DEFINITIONS, of Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended to add the following definitions:

399 DEFINITIONS

399.1 When used in this chapter, the following terms and phrases shall have the meaning:

Natural Gas Service Regulator: the device on a service line that controls the pressure of natural gas delivered from a higher pressure to the pressure provided to the Customer. A service regulator may serve one Customer or multiple Customers through a gas Meter header or manifold.

Natural Gas Main Line: a distribution line that serves as a common source of supply for more than one service line.

Natural Gas Service Line: a distribution line that transports gas from a common source of supply to an individual Customer, to two adjacent or adjoining residential or small commercial Customers, or to multiple residential or small commercial Customers served through a gas Meter header or manifold. A service line ends at the outlet of the Customer gas Meter or at the connection to a Customer's piping, whichever is further downstream, or at the connection to Customer piping if there is no gas Meter.

Shut-Off Valve: a small local valve used to control the flow of natural gas and is installed upstream of the gas Meter.

Natural Gas Equipment: the term includes gas Meters, Natural Gas Service Regulators, Shut-Off Valves, and any other gas equipment associated with the delivery of gas to the Customer.

4. Any person interested in commenting on the subject matter of this NOPR 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.dcpssc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpssc.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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**Z.C. CASE NO. 20-01****(Text Amendment – 11-C DCMR)****(To Amend General Waterfront Regulations)**

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 Repl.)), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend the following provisions of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references are made unless otherwise specified):

- Subtitle C (General Rules), § 1102.2

The text amendment proposes to change certain uses currently prohibited in the one-hundred (100)-year floodplain to be permitted by special exception subject to specific criteria and review and report by the District Department of Energy and Environment (DOEE).

The Office of Planning (OP) filed a report dated January 3, 2020, that served as the pre-hearing report required by Subtitle Z § 501 and as a petition proposing the text amendment to the Zoning Regulations. OP filed a supplementary report dated January 24, 2020, that modified the proposed text amendment and requested flexibility to work with the Office of the Attorney General (OAG) on the final text.

At its January 27, 2020, public hearing, the Commission heard testimony from OP in support of the proposed text amendment.

At the close of its January 27, 2020 public meeting, the Commission voted to take **PROPOSED ACTION** to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (January 27, 2020): 5-0-0 (Anthony J. Hood, Peter A. Shapiro, Robert E. Miller, Peter G. May, Michael G. Turnbull to **APPROVE**)

The complete record in the case, including the OP reports and transcript of the public hearings, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *D.C. Register*.

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in ~~bold and strikethrough~~ and new text is shown in **bold and underlined**):

Title 11 DCMR, ZONING REGULATIONS OF 2016, is amended as follows:

Proposed Amendments to Subtitle C, GENERAL RULES

Section 1102, GENERAL WATERFRONT REGULATIONS, of Chapter 11, WATERFRONT, of Subtitle C, GENERAL RULES, is amended by revising current § 1102.4, adding a new § 1102.5, and renumbering current §§ 1102.5 and 1102.6 as new §§ 1102.6 and 1102.7, to read as follows:

1102.1 A waterfront setback to any building ...

...

1102.4 The following uses ~~are prohibited~~ **shall be permitted as a special exception** within a one hundred (100)-year floodplain, **if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and subject to the conditions in Subtitle C § 1102.5:**

- (a) Residential uses with only one (1) or two (2) dwelling units;
- (b) Animal sales, care, and boarding;
- (c) Community-based institutional facilities;
- (d) Daytime care;
- (e) Education;
- (f) Emergency shelter;
- (g) Hospital; and
- (h) Lodging.

1102.5 The following conditions shall apply to any application for a special exception use under Subtitle C § 1102.4:

(a) The application shall include an analysis that provides the following:

- (1) **A site plan showing the one hundred (100)-year floodplain boundaries and base flood elevations for the property that is**

- certified by a registered professional engineer, architect, landscape architect, or other qualified person;
- (2) A description of how the project has been designed to meet applicable flood resistant design and construction standards that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;
- (3) An evacuation plan that describes the manner in which the property would be safely evacuated before or during the course of a one-hundred (100)-year flood event; and
- (4) A description of how of the proposed use would not result in any adverse impacts to the health or safety for the project's occupants or users due to the proposed use's location in the floodplain; and
- (b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211:
- (1) District Department of Energy and Environment (DOEE);
- (2) District of Columbia Fire and Emergency Medical Service Department (FEMS);
- (3) Metropolitan Police Department (MPD); and
- (4) The District of Columbia Homeland Security and Emergency Management Agency (HSEMA).

~~1102.5~~ 1102.6 Parking space requirements for the waterfront areas are ...

~~1102.6~~ 1102.7 The following structures and projections may encroach ...

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.

DEPARTMENT OF HEALTH

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Health, pursuant to Sections 6 and 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999 (Act), effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.05 & 7-1671.13 (2018 Repl.)); Section 4902(d) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(d) (2018 Repl.)); and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 5 (Qualifying Patients) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will continue to enable patients to prove D.C. residency through the use of a Real ID driver license issued by the District of Columbia Department of Motor Vehicles in lieu of two other forms of acceptable identification. This emergency action is necessary to address the needs of patients suffering from medical conditions which may benefit from the use of medical marijuana by streamlining the application process.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 27, 2019 at 66 DCR 012804. Those emergency rules were adopted on August 14, 2019 and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption, December 12, 2019. This emergency rulemaking action is necessary to maintain the continuity of these provisions pending Council Review and publication of the final rulemaking.

No comments were received after the Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 27, 2019. Accordingly, no changes have been made and this emergency rulemaking is identical to the Notice of Emergency and Proposed Rulemaking published in the *D.C. Register* on September 27, 2019.

This emergency rulemaking was adopted on December 12, 2019, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption, April 10, 2020, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 5, QUALIFYING PATIENTS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Subsection 501.2 of Section 501, RESIDENCY, is amended to read as follows:

501.2 In proving bona fide District residency, an applicant shall submit:

- (a) A non-expired Real ID driver license issued by the District of Columbia Department of Motor Vehicles; or

- (b) At least two (2) of the following items:
- (1) Proof of payment of District of Columbia personal income tax, in the name of the applicant, for the tax period closest in time to the application date;
 - (2) A property deed for a District of Columbia residence showing the applicant as an owner or co-owner;
 - (3) A valid unexpired lease or rental agreement in the name of the applicant on a District of Columbia residential property;
 - (4) A pay stub issued less than forty-five (45) days prior to the application date which shows evidence of the applicant's withholding of District income tax;
 - (5) A voter registration card with an address in the District of Columbia;
 - (6) Current official documentation of financial assistance received by the applicant from the District Government including, but not limited to Temporary Assistance for Needy Families (TANF), Medicaid, the State Child Health Insurance Program (SCHIP), Supplemental Security Income (SSI), housing assistance, or other governmental programs;
 - (7) A current motor vehicle registration in the name of the applicant evidencing District residency;
 - (8) A valid unexpired District motor vehicle operator's permit or other official non-driver identification in the name of the applicant;
 - (9) Utility bills (excluding telephone bills) from a period within the two (2) months immediately preceding the application date in the name of the applicant on a District of Columbia residential address; or
 - (10) Any other reasonable form of verification deemed by the Director or the Director's agent to demonstrate proof of current residency.

These rules were published as Emergency and Proposed Rulemaking in the *D.C. Register* on September 27, 2019, for the thirty (30) day public comment period. No comments were received after publication of the Notice. Copies of the Emergency and Proposed Rulemaking can be obtained at www.dcregs.dc.gov or by contacting Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-034
February 28, 2020

SUBJECT: Appointment — Acting Deputy Mayor for Planning and Economic Development


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **JOHN FALCICCHIO**, is appointed Acting Deputy Mayor for Planning and Economic Development, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2019-062, dated July 2, 2019.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-035
February 28, 2020

SUBJECT: District Government Preparations for the Coronavirus (COVID-19)

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

1. This Order is issued to prepare District government agencies for the potential impacts of the Coronavirus (COVID-19) on Washington, DC's residents, businesses, and visitors and on the operations of the District government.
2. The directors of the Department of Health ("DOH") and Homeland Security and Emergency Management Agency ("HSEMA") shall be responsible for coordinating the District's emergency response planning for the potential impacts of COVID-19.
3. The District's Emergency Operations Center ("EOC") shall be activated at 9:00 a.m. on Monday, March 2, 2020, at Enhanced Watch status to coordinate inter-agency information sharing and identify logistical needs for critical incident responses.
 - a. All relevant District agencies shall review their copy of the District Response Plan to evaluate the potential impacts of COVID-19 on emergency roles and responsibilities and take necessary steps to ensure continued performance. Agencies may contact HSEMA for information on the District Response Plan.
 - b. All relevant District agencies shall designate personnel to staff the EOC if called upon.
 - c. The EOC activation level may be increased, if needed, by the HSEMA Director.
4. All District agencies shall review and update their Continuity of Operations (COOP) plans. Actions in agency COOP plans should support requirements outlined in DOH's Pandemic Influenza Annex to the Disease Surveillance and Response Plan.
 - a. HSEMA shall notify all District agencies if their agency COOP plans have not been updated in more than one (1) year.
 - b. Within five (5) days after receipt of this notification, District agencies shall update their COOP plans and submit them to hsema.coop@dc.gov.

5.
 - a. The City Administrator shall establish inter-agency working groups that focus on the following issues that may arise from the impacts of COVID-19:
 - i. Health care needs;
 - ii. Medical quarantines and isolations;
 - iii. Finance, supplies and logistics;
 - iv. Schools, recreation centers, libraries, and other public facilities and public gatherings;
 - v. Special and at-risk populations;
 - vi. Regulatory, insurance, and legal;
 - vii. Human resources and workforce policies;
 - viii. Technology; and
 - ix. Communication with the community.
 - b. The City Administrator shall appoint the members of each working group, each of which shall be chaired by a Cabinet-level official or a senior-staff level designee. Members of the working group may include non-District agencies, including Federal and regional agencies, relevant industry representatives, regional organizations, nonprofit organizations, and other persons as deemed appropriate.
 - c. HSEMA shall provide support to the working groups.
6. Agency directors may authorize temporary personnel assignments within across District agencies as appropriate to assist in the District's response preparations.
7. District government employees who take leave relating to COVID-19 shall be entitled to use any accrued leave whether or not they sought pre-approval for such leave and any reconciliation of their time, coding of leave, and payments may be made upon their return to work.
8. All procurement requests for infectious disease personal protective equipment shall be submitted through the WebEOC procurement process for centralized and streamlined processing by the Office of Contracting and Procurement.
9. Agency directors are authorized to update and coordinate any applicable mutual aid agreements between the District government and federal, state, or local jurisdictions, as well as any compacts or interstate agreement to which the District government belongs, as appropriate to assist in the District's response preparations.

10. a. District agency directors are to remind their staff and constituencies of basic infection practices:
 - i. Stay home when feeling sick;
 - ii. Wash hands with soap and water for at least twenty (20) seconds. An alcohol-based hand sanitizer can be used if soap and water are not available;
 - iii. Avoid touching eyes, nose and mouth with unwashed hands;
 - iv. Avoid close contact with people who are sick;
 - v. Cover your cough or sneeze with a tissue, then throw the tissue in the trash; if no tissue is at hand, cover cough or sneeze with your arm or shoulder;
 - vi. Clean and disinfect frequently touched objects and surfaces;
 - vii. If you or someone in your family is sick with symptoms of COVID-19, call ahead – you may be able to be examined using telemedicine or the emergency room or urgent care unit may be able to prepare an isolation room for you before your arrival;
 - viii. Keep supplies at home for an extended emergency, to include non-perishable foods, clean water, toilet paper and paper towels, medicines for supportive therapy for viral infections plus a supply of your necessary medicines;
 - ix. Check before travelling to see if there is a special travel advisory for your destination; and
 - x. Use other practices to stay healthy as COVID-19's impact will be felt the hardest by people who are already sick or suffer from chronic conditions. For example, get your flu shot to avoid the flu, too.
- b. Up-to-date information can be found on the District's official website for this event: <https://dchealth.dc.gov/coronavirus>.
11. Within five (5) days of this Order, the Office of the City Administrator shall coordinate an in person briefing by the DOH and HSEMA to the Council.
12. Within seven (7) days of this Order, the Mayor's Office of Community Relations and Services shall coordinate a telephonic briefing by DOH and HSEMA.

13. EFFECTIVE DATE: This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-036
March 2, 2020

SUBJECT: Appointments — Violence Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 3043 of the Fatality Review Committee Amendment Act of 2018, effective October 30, 2018, D.C. Law 22-168, D.C. Official Code § 5-1431.02 (2019 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **SARA KERAI**, pursuant to the Violence Fatality Review Committee Sara Kerai Confirmation Resolution of 2019, effective February 22, 2020, PR23-0624, is appointed as a representative from an organization providing mental and behavioral health services member of the Violence Fatality Review Committee, for a term to end October 12, 2022.
2. **JOSEPH RICHARDSON**, pursuant to the Violence Fatality Review Committee Joseph Richardson Confirmation Resolution of 2019, effective February 22, 2020, PR23-0627, is appointed as a representative of an organization providing hospital-based violence intervention programs member of the Violence Fatality Review Committee, for a term to end October 12, 2022.
3. **MALLORY WILLIAMS**, pursuant to the Violence Fatality Review Committee Mallory Williams Confirmation Resolution of 2019, effective February 22, 2020, PR23-0626, is appointed as a representative from a college or university within the District conducting research in homicide and suicide prevention member of the Violence Fatality Review Committee, for a term to end October 12, 2022.
4. **ERIC LI**, pursuant to the Violence Fatality Review Committee Eric Li Confirmation Resolution of 2019, effective February 22, 2020, PR23-0625, is appointed as a representative from a District hospital member of the Violence Fatality Review Committee, for a term to end October 12, 2022.

- 5. The following persons are appointed to the Violence Fatality Review Committee, to serve at the pleasure of the Mayor:
 - a. **FOREST HAYES**, as a representative of the District of Columbia Housing Authority;
 - b. **ROGER MITCHELL**, as a representative of the Office of the Chief Medical Examiner;
 - c. **SETAREH WALKER**, as a representative of the Office of Neighborhood Safety and Engagement; and
 - d. **ELIZABETH WIESER**, as a representative of the District of Columbia Office of the Attorney General.

- 6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the dates of confirmation for paragraphs 1 through 4. This Order shall be effective immediately for paragraph 5.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-037
March 2, 2020

SUBJECT: Reappointments and Appointments — Domestic Violence Fatality Review Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 2 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003, D.C. Law 14-296, D.C. Official Code § 16-1053 (2012 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **LAILA LEIGH**, pursuant to the Domestic Violence Fatality Review Board Laila Leigh Confirmation Resolution of 2019, effective February 22, 2020, PR23-0618, is reappointed as a community representative member of the Domestic Violence Fatality Review Board, for a term to end July 20, 2022.
2. **ASHLEY JOYNER CHAVOUS**, pursuant to the Domestic Violence Fatality Review Board Ashley Joyner Chavous Confirmation Resolution of 2019, effective February 22, 2020, PR23-0619, is appointed as a community representative member of the Domestic Violence Fatality Review Board, replacing Heather Powers, for a term to end July 20, 2022.
3. **CRYSTAL JACOBS**, pursuant to the Domestic Violence Fatality Review Board Crystal Jacobs Confirmation Resolution of 2019, effective February 22, 2020, PR23-0622 is appointed as a representative from a domestic violence housing organization member of the Domestic Violence Fatality Review Board, filling a vacant seat, for a term to end July 20, 2022.
4. **LENORE JARVIS**, pursuant to the Domestic Violence Fatality Review Board Lenore Jarvis Confirmation Resolution of 2019, effective February 22, 2020, PR23-0623, is appointed as a representative from a District of Columbia hospital member of the Domestic Violence Fatality Review Board, filling a vacant seat, for a term to end July 20, 2022.
5. **SHANNON SIGAMONI**, pursuant to the Domestic Violence Fatality Review Board Shannon Sigamoni Confirmation Resolution of 2019, effective February 22, 2020, PR23-0621, is appointed as a community representative member of the Domestic Violence Fatality Review Board, filling a vacant seat, for a term to end July 20, 2022.

- 6. **KAREN BARKER MARCOU**, pursuant to the Domestic Violence Fatality Review Board Karen Barker Marcou Confirmation Resolution of 2019, effective February 22, 2020, PR23-0620, is appointed as a community representative member of the Domestic Violence Fatality Review Board, filling a vacant seat, for a term to end July 20, 2022.

- 7. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF AGING AND COMMUNITY LIVING**NOTICE OF FUNDING AVAILABILITY****SENIOR FITNESS PROGRAM (SFP)**

The mission of the District of Columbia Department of Aging and Community Living is to advocate, plan, implement, and monitor programs in health, education, and social services for the elderly; to promote longevity, independence, dignity, and choice for aged District residents, District residents with disabilities regardless of age, and caregivers; to ensure the rights of older adults and their families, and prevent their abuse, neglect, and exploitation; to uphold the core values of service excellence, respect, compassion, integrity, and accountability; and to lead efforts to strengthen service delivery and capacity by engaging community stakeholders and partners to leverage resources.

In Fiscal Year (FY) 2021, the Department of Aging and Community Living (DACL) seeks to identify a qualified applicant to conduct a variety of exercise classes for 73 DACL funded programs located in nine DACL Senior Centers and 15 Department of Parks and Recreation (DPR) facilities across the city. The classes are funded to augment wellness center offerings focused on improving the overall health of seniors participants, 60 years, and older.

Program Overview

DACL has an established exercise class schedule. This award will fund an organization to administer these classes and others cooperatively with DACL and DPR facilities Directors, and other internal and external facilities and staff.

Program service designs must include approaches to address all of the following:

- planning, developing and implementing a senior exercise program;
- managing all aspects of the exercise program;
- recruiting and assigning certified instructors to conduct all classes;
- collaborating, monitoring, evaluating, and reporting on the effectiveness of the program; and
- providing injury prevention protection measures for participants.

The organization must ensure injury prevention protection measures are adhered to and paramount during class implementation. Also, the organization is responsible for the administration of promotional and incentive programs to encourage regular participation in exercise and fitness programs.

Target Populations

The target population for FY 2021 is individuals aged 60 and over, residing in the District of Columbia, underserved and low-income seniors.

Eligibility

Any organization or institution is eligible to apply. For-profit organizations are eligible, but may not include profit-making activities in their grant application. Partner organizations may also participate as consultants to the applicant, but the roles must be clearly defined. The principal of the project must be a full-time employee of the organization submitting the proposal.

DACL plans on awarding \$303,502 to manage and implement a variety of senior appropriate exercise classes for fiscal year 2021.

The department plans to fund the program for one year with an option for two (2) one-year continuations beginning October 1, 2020, through September 30, 2023, based on performance and available funding.

The RFA will be released on March 6, 2020. The deadline for submission is April 17, 2020, at 4:00 p.m. EST. A Pre-Application Conference will be held on March 11, 2020, at 2:00 p.m. EST at 500 K Street, NE, Washington, DC in the first-floor conference room.

Electronic posting will be on the DACL website, www.dcoa.dc.gov, and the Office of Partnerships and Grants Development website, www.opgd.dc.gov no later than March 6, 2020. Inquiries should be directed to Eric Manuel at eric.manuel@dc.gov; Jennifer Adu at Jennifer.Adu@dc.gov; or David Jackson at David.jackson11@dc.gov or by calling (202) 724-8821.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MARCH 11, 2020
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson

Members: James Short, Bobby Cato, Rema Wahabzadah, Rafi A. Crockett, Jeni Hansen

- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00134; Brixton Pub, LLC, t/a The Brixton, 901 U Street NW
License #82871, Retailer CT, ANC 1B
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00143; Voyager 888, LLC, t/a Assets, 1805 Connecticut Ave
NW, License #113585, Retailer CN, ANC 2B
Application to Renew the License
*This hearing has been continued to May 13, 2020 at 9:30 am., at the request of
the Parties.*
- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00139; Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License
#104710, Retailer CT, ANC 1B
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00144; Fab Lounge, Inc., t/a Safari Restaurant and Lounge
4306 Georgia Ave NW, License #90424, Retailer CT, ANC 4C
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 19-PRO-00145; Kraken 3400, LLC, t/a Hook Hall, 3400 Georgia Ave
NW, License #109296, Retailer CT, ANC 1A
Application to Renew the License

Board's Calendar

March 11, 2020

Protest Hearing (Status) 9:30 AM

Case # 19-PRO-00149; Jvle, LLC, t/a Jimmy Valentine's Lonely Hearts Club
1103 Bladensburg Road NE, License #76330, Retailer CT, ANC 5D

Application to Renew the License

Protest Hearing (Status) 9:30 AM

Case # 19-PRO-00131; Allure Lounge, LLC, t/a Allure Lounge, 711 H Street
NE, License #108303, Retailer CT, ANC 6C

Application to Renew the License

Protest Hearing (Status) 9:30 AM

Case # 19-PRO-00140; The Fireplace Restaurant, Inc., t/a The Fireplace
2161 P Street NW, License #14419, Retailer CT, ANC 2B

Application to Renew the License

Protest Hearing (Status) 9:30 AM

Case # 19-PRO-00148; TMI International, Inc., t/a Sip (1812 Lounge), 1812
Hamlin Street NE, License #95164, Retailer CT, ANC 5C

Application to Renew the License

Show Cause Hearing (Status) 9:30 AM

Case # 19-AUD-00018; Quara Ethiopian Fusion Restaurant, LLC, t/a Quara
Ethiopian Fusion Restaurant, 818 H Street NE, License #105042, Retailer CR
ANC 6A

Failed to File Quarterly Statement

Show Cause Hearing (Status) 9:30 AM

Case # 19-CMP-00056; Red & Black, LLC t/a 12 Twelve DC/Kyss Kyss, 1210
H Street NE, License #72734, Retailer CT, ANC 6A

**Violation of Settlement Agreement, Permitted Nude Dancers in the
Establishment**

Show Cause Hearing (Status) 9:30 AM

Case # 19-CMP-00081; Red & Black, LLC t/a 12 Twelve DC/Kyss Kyss, 1210
H Street NE, License #72734, Retailer CT, ANC 6A

**Violation of Settlement Agreement, Permitted Nude Dancers in the
Establishment**

Show Cause Hearing (Status) 9:30 AM

Case # 19-CMP-00196; BBDC 1, LLC, t/a Bareburger, 1647 20th Street NW
License #102759, Retailer CR, ANC 2B

No ABC Manager on Duty

Board's Calendar

March 11, 2020

Fact Finding Hearing* **10:00 AM**

Case # 20-CMP-00004; The Phillips Collection, t/a The Phillips Collection
1600 21st Street NW, License #19017, Retailer CX, ANC 2B

**Failed to Obtain Board Approval to add a Trade Name to the License,
Allowed a Third Party to use its License to Purchase Alcohol and Operate
without Board Approval**

Fact Finding Hearing* **10:30 AM**

Case # 19-251-00160; Los Brothers, Inc., t/a La Molienda, 3568 14th Street NW
License #60398, Retailer CR, ANC 1A

Simple Assault

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

Case # 19-AUD-00084; Café Europa, LLC, t/a LeDesales, 1725 De Sales Street
NW, License #60754, Retailer CR, ANC 2B

Failed to File Quarterly Statement

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Protest Hearing* **1:30 PM**

Case # 19-PRO-00120; Brilliant, LLC, t/a Flash, 645 Florida Ave NW, License
#90823, Retailer CT, ANC 1B

Application to Renew the License

Protest Hearing* **1:30 PM**

Case # 19-PRO-00153; Club Cinema of Mazza, Inc., t/a Club Cinema, 5300
Wisconsin Ave NW, License #60040, Retailer CT, ANC 3E

Petition to Amend or Terminate the Settlement Agreement

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, MARCH 11, 2020 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 3B. SMD 3B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Surfside*, 2444 Wisconsin Avenue NW, Retailer CR, License No. 078406.

2. Review Application for Safekeeping of License – Original Request. ANC 6C. SMD 6C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *The State Room*, 201 D Street NE, Retailer CT, License No. 060457.

3. Review Application for Safekeeping of License – Original Request. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Asmara Lounge and Restaurant*, 2218-2220 18th Street NW, Retailer CR, License No. 102180.

4. Review Application for Safekeeping of License – Original Request. ANC 4C. SMD 4C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Catrachitos Restaurant*, 4608 14th Street NW, Retailer CR, License No. 095465.

5. Review Request to Extend Safekeeping of License – Fourth Request. Original Safekeeping Date: 3/28/2018. ANC 6B. SMD 6B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Safeway #4205*, 415 14th Street SE, Retailer A, License No. 097707.

6. Review Application for a Class Change from Retailer C Restaurant to Retailer C Tavern. ANC 4A. SMD 4A06. The Establishment has a pending protest. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Deset Ethiopian Restaurant**, 6128 Georgia Avenue NW, Retailer CR, License No. 098818.
-
7. Review Application for a Class Change from Retailer B Beer and Wine to Retailer A Liquor Store. ANC 1A. SMD 1A04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Bottle House**, 3445 14th Street NW, Retailer B Beer and Wine, License No. 116325.
-
8. Review Application for a Change of Hours to operate until 12am. **Approved Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 9am to 10pm. **Proposed Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 9am to 12am. ANC 7B. SMD 7B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Penn Branch Liquor/Turnt Liquor**, 3228 Pennsylvania Avenue SE, Retailer A Liquor Store, License No. 101190.
-
9. Review Application for a Change of Hours to close earlier. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 8am to 11pm. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Chaia**, 3207 Grace Street NW, Retailer DR, License No. 099787.
-
10. Review Application for Entertainment Endorsement inside the premises only. **Proposed Hours of Live Entertainment Inside the Premises:** Thursday-Saturday 10pm to 1am. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Los Cuates Restaurant**, 2429 18th Street NW, Retailer CR, License No. 103576.
-
11. Review Application for a Sports Wagering Substantial Change, to include up to 25 kiosks, 3 betting terminals, and up to 11 mobile desks for betting. Wagering from mobile devices is also expected to be offered in the future. ANC 6D. SMD 6D05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with

Settlement Agreement. *Levy @ DC United*, 100 Potomac Avenue SW, Retailer C Arena, License No. 060462.

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

DC COMMISSION ON THE ARTS AND HUMANITIES***REVISED* NOTICE OF FUNDING AVAILABILITY****FY 2020 MuralsDC Program**

The DC Commission on the Arts and Humanities (CAH) announces the availability of grants to support public art projects of the MuralsDC program in the District of Columbia during Fiscal Year 2020.

CAH seeks to provide support for graffiti and aerosol mural artists and/or artist teams to design and install murals that inspire the various communities in which they will be placed.

Artist/Artist teams must meet eligibility criteria listed in the program's guidelines. Preference will be given to artists based in the District of Columbia. All District of Columbia based artists must possess a Citywide Clean Hands Certification at the time of application.

All eligible applications are reviewed through a competitive process. CAH will publish evaluation criteria and eligibility requirements in its forthcoming MuralsDC Call for Graffiti and Aerosol Mural Artists. All activities funded by the grant must be completed by September 30, 2020.

The Request for Qualifications (RFQ) will be available beginning March 13, 2020 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for this application is April 17, 2020.

For more information, please contact:

Alissa Maru or Lauren Dugas Glover
Public Art Department
DC Commission on the Arts and Humanities
200 I (EYE) St. SE, Suite #1400
Washington, DC 20003
(202) 724-5613 or Alissa.Maru@dc.gov; Lauren.glover@dc.gov

CAPITAL VILLAGE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Pre-Construction & General Contracting Services**

Capital Village Public Charter School is soliciting proposals from qualified vendors for Pre-Construction & General Contracting Services for a Charter School Facilities Project. The RFP can be found on the Capital Village website at www.capitalvillageschools.org/rfps. Proposals should be uploaded to the website no later than 5:00 PM EST, on March 25, 2020. Questions can be addressed to Keina Hodge at: RFP@CapitalVillageSchools.org or (202) 505-1375.

CENTER CITY PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS (RFP)****Pest Control Services**

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

Pest Control Services for six (6) schools beginning July 1, 2020

To obtain copies of full RFP, please visit our website: <https://centercitypcs.org/contact/requests-for-proposal/>. The full RFP contains guidelines for submission, applicable qualifications, and deadlines.

Contact Person

Natasha Harrison
nharrison@centercitypcs.org

CENTER CITY PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS (RFP)****Waste Removal Services**

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

Waste and Recycling Removal Services for six (6) schools beginning July 1, 2020

To obtain copies of full RFP, please visit our website: <https://centercitypcs.org/contact/requests-for-proposal/>. The full RFP contains guidelines for submission, applicable qualifications, and deadlines.

Contact Person

Natasha Harrison
nharrison@centercitypcs.org

CESAR CHAVEZ PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Healthcare Broker Services**

Cesar Chavez PCS is seeking broker services inclusive of all healthcare benefits only as outlined in the Request for Proposal. Chavez is seeking immediate services for our upcoming Open Enrollment, that starts in May 2020.

Cesar Chavez PCS is offering a standard healthcare broker agreement with the standard termination clause with notice initiated by Cesar Chavez PCS at its sole discretion at any time. It is the bidder's responsibility to assess the resources and manpower needed to meet the needs of Cesar Chavez PCS.

Cesar Chavez PCS solicits proposals for the following:

- Employee Benefits – Provide health, dental, vision, critical illness, short- and long-term disability and life insurance for up to 80 employees.

Please email procurement@chavezschools.org to request a full copy of the RFP.

Proposals shall be made to:

Ashley High at procurement@chavezschools.org

Complete responses must be received via e-mail no later than 5:00 P.M., Friday, March 13, 2020, to the primary contact below. Proposals received after the time and date specified above will be declined.

Please direct questions about this bid to:

Ashley High
Cesar Chavez Public Charter School
3701 Hayes Street NE
Washington, DC 20019
(202) 398-2230 ext. 1011

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING**

WEDNESDAY, MARCH 4, 2020 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, March 4, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #50 - Cumulative Update to the Revised Criminal Code Other than Chapter 6 (February 19, 2020);
 - (B) Advisory Group Memo #30 - Supplemental Materials to the First Draft of Report #50; and
 - (C) Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties.
- III. Adjournment.

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

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**NOTICE: FOR REQUEST FOR PROPOSAL**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY19.20:

- General Contractor-Kitchen Lab Buildout
(March 13th: 11:00 AM - Open site walk - RSVP required by March 12th at 5:00 pm)

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **3:00 p.m. EST on Friday March 27, 2020**. Proposals should be emailed to bids@dcbilingual.org or at **33 Riggs Rd NE, Washington, DC 20011**.

No phone call submission or late responses please. Contact bids@dcbilingual.org for a copy of the Scope of Work.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
HEALTHY YOUTH AND SCHOOLS COMMISSION**

NOTICE OF 2020 MEETING SCHEDULE

The Healthy Youth and Schools Commission (“Commission”) hereby gives notice of the annual schedule of meetings for the 2020 Calendar Year. The Commission holds quarterly public meetings at the Office of the State Superintendent located at 1050 First Street NE.

DATE	TIME	LOCATION
May 20, 2020	3:00-5:00pm	1050 First Street NE Washington, DC 20002
August 19, 2020	3:00-5:00pm	1050 First Street NE Washington, DC 20002
November 18, 2020	3:00-5:00pm	1050 First Street NE Washington, DC 20002

Any changes to this schedule will be reflected on the District of Columbia Office of Open Government website located at <http://www.open-dc.gov>. For questions regarding this schedule of meetings, please contact:

Caitlin Shauck
Policy Analyst
Office of the State Superintendent of Education
Division of Health and Wellness
1050 First Street NE
Washington, DC 20002
202-442-9274
Caitlin.Shauck@dc.gov

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

DC Early Head Start Home-Based Program Grant

Request for Application Release Date: Monday, March 23, 2020 12:00 p.m.

Pursuant to Section 107(a) of the Birth to Three for All DC Act of 2018 (D.C. Law 22-179; D.C. Code § 4-651.07(a)) the Office of the State Superintendent of Education (OSSE) is soliciting applications from organizations interested in providing an Early Head Start (EHS) home-based program to families with an infants and toddlers experiencing homelessness residing in DC General Family Shelter replacement units. This grant aims to deliver a research-based curriculum that delivers developmentally, linguistically and culturally appropriate home visits and group socialization activities that support children's cognitive, social and emotional growth ensuring families have access to programs that meet the Head Start Program Performance Standards (HSPPS) see: <https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii>.

Services are meant to support the full range of health, nutrition and family engagement services a child and their family needs from birth through the age of 36 months, or for a limited number of additional months following the child's third birthday.

Services will be delivered through a District wide entity. The recipient of funds will oversee the EHS home-based program for the entire city and deliver comprehensive services as outlined in the HSPPS see: <https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii>.

Eligibility and Selection Criteria: OSSE's Division of Early Learning will accept applications from eligible non-profit organizations that are licensed as a child development facility within the District of Columbia. Applicants are encouraged to propose bold and innovate strategies to achieve the objectives of the RFA. Additional eligibility requirements will be specified in the RFA.

Applications will be scored on the following selection criteria: applicant mission, history, and strategic logic; organizational knowledge; process to provide and monitor adherence to HSPPS; and financial management and proposed budget

Length of Award: The period for this grant will end Sept. 30, 2020.

Available Funding for Awards: The total funding available for implementing the EHS home-based program is approximately \$1,000,000 in local funds.

OSSE/DEL anticipates issuing one award from this funding opportunity. OSSE maintains the right to adjust the grant award and amount based on funding availability. Successful applicants may be awarded amounts less than requested. Grant funds shall only be used to support activities authorized by the relevant statues and included in the applicant's submission.

Application Process: OSSE will make the funds available through a competitive process to identify eligible organizations interested in implementing the EHS home-based program. Applications that meet all eligibility and application requirements will be evaluated, scored and rated by an OSSE/DEL designated review panel.

OSSE will use external peer reviewers to review and score the applications received for this RFA. External peer reviewers may include employees of the District of Columbia government who are not employed by OSSE. An external peer reviewer is an expert in the field or the subject matter. The final decision to fund applicants rests solely with OSSE. After reviewing the recommendations of the review panel and any other relevant information, OSSE shall decide which applicant to fund.

Applications must be submitted by May 4, 2020 at 3:00 p.m. OSSE anticipates that awards will be announced by June 30, 2020.

For additional information regarding this competition, applicants are advised that the authorized contact persons for matters concerning this RFA are:

Tara Dewan-Czarnecki
Program Manager
Division of Early Learning
Office of the State Superintendent of Education
Phone: (202) 741-7637
Tara.Dewan-czarnecki@dc.gov

Rebecca Shaw
Director of Operations and Management
Division of Early Learning
Office of the State Superintendent of Education
Phone: (202) 727-5045
Rebecca.Shaw@dc.gov

The RFA will be available on OSSE's website at <https://osse.dc.gov/service/early-learning-grants-and-funding>. All applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov. OSSE will conduct both a pre-application meeting and make a recorded EGMS training available. Please see the RFA for more details.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

Scholarships for Opportunity and Results Act Grants

Request for Applications Release Date: March 23, 2020, 4:30 PM

As authorized by the Scholarships for Opportunity and Results Act (SOAR), as amended, (Pub. L 112-10; 125 Stat. 201; DC Code §38-1853.01 et al.) The Office of the State Superintendent of Education (OSSE) will issue Requests for Applications (RFAs) for SOAR Act grant funds. SOAR Act funds are available to District of Columbia (DC) charter local education agencies (LEAs) and third-party non-profit charter support organizations. The purpose of the funds is to increase the achievement and academic growth of DC public charter school students and to support the improvement and expansion of high-quality public charter schools. This notice provides information regarding two competitive opportunities: Grants to Non-Profit Third-Party Charter Support Organizations (Charter Support Grants) and Facilities Grants

I. Charter Support Grants

Eligibility and Selection Criteria: Eligible applicants are DC-based non-profit third-party charter school support organizations that have a demonstrated history of success working with DC charter schools on similar projects. Applicants must use funds to support projects designed to have a direct and rapid impact on academic achievement and outcomes for charter school students overall or on the achievement of historically underperforming subgroups. Applicants are required to submit a letter of recommendation from a DC charter school with direct experience working with the organization as well as a complete list of all schools and districts to which the organization has provided similar services.

Applications will be scored in the following selection criteria: (1) project data; (2) needs assessment; (3) project description; (4) theory of action; (5) OSSE's priority of meeting the needs of students with disabilities; (6) logic model; (7) an overall description of the project; and (8) the application's budget.

Length of Award: The duration of the Charter Support grant is for a period of two years from the grant award date.

Available Funding for the Award: The amount available under the Charter Support grant is \$2,000,000. OSSE will provide up to \$400,000.00 per "direct assistance" award and up to \$300,000.00 per "indirect assistance" award. Determinations regarding the number of competitive grant awards will be based on the quality and number of applications received and available funding. OSSE anticipates awarding approximately 7 to 10 awards. Successful applicants may be awarded amounts less than requested. Awards are limited to one per organization. Grant funds shall only be used to support activities authorized by the relevant statutes and included in the applicant's submission.

II. Facilities Grants

Eligibility and Selection Criteria: Eligible applicants are high-quality DC public charter schools. Applicants must use funds to support the renovation of facilities occupied by charter schools. Eligible applicants must provide documentation of site control.

Applications will be scored in the following selection criteria: (1) project data; (2) needs assessment; (3) project description; (4) theory of action; (5) OSSE's priority of meeting the needs of students with disabilities; (6) logic model; (7) an overall description of the project; and (8) the application's budget.

Length of Award: The duration of the Facilities grant is for a period of two years from the grant award date.

Available Funding for the Award: At least \$4,000,000.00 is available for awards through this RFA. OSSE will provide up to \$750,000 per award. Determinations regarding the number of competitive grant awards will be based on the quality and number of applications received and available funding. OSSE anticipates awarding approximately 5 to 8 awards. Successful applicants may be awarded amounts less than requested. Awards are limited to one per local educational agency. Grant funds shall only be used to support activities authorized by the relevant statutes and included in the applicant's submission.

III. Application Process:

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external, neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). OSSE will make all final award decisions. Applications for both grants must be submitted prior to 3pm on May 5, 2020. OSSE estimates that it will award both grants by June 1, 2020; however this date may change.

The mandatory pre-application webinar will be held on the following dates:

- Charter Support Grants – Tuesday, Mar. 31, 2020, from 1 p.m. to 2 p.m.
 - To register for this webinar, visit:
<https://attendee.gotowebinar.com/register/7950495318219420941>
- Charter Support Grants – Thursday, Apr. 2, 2020, from 10 a.m. to 11 a.m.
 - To register for this webinar, visit:
<https://attendee.gotowebinar.com/register/8664851321320388365>
- Facilities Grants – Tuesday, Mar. 31, 2020, from 1 p.m. to 2 p.m.

- To register for this webinar, visit:
<https://attendee.gotowebinar.com/register/8088902941435528973>
- Facilities Grants – Thursday, Apr. 2, 2020, from 10 a.m. to 11 a.m.
 - To register for this webinar, visit:
<https://attendee.gotowebinar.com/register/1443304030064391693>
 -

Each interested organization must have at least one representative attend one of the above webinars for the specific grant you intend to apply for in order to meet the attendance requirement for the grant. Webinar attendance is tracked electronically through registration and online attendance. The organization representative should be someone who is directly employed by the applicant and is familiar with the project.

To receive more information on these grants, please contact:

Ronda Lasko
Office of the State Superintendent of Education
1050 First Street, NE, Fifth Floor, Washington, D.C. 20002
Email: Ronda.Lasko@dc.gov

The RFA for these competitive grant programs will be available on OSSE's website at www.osse.dc.gov. All applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP2310 4th Street, NE
Case No. VCP2020-067

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 2310 4th Street, NE, Washington, DC 20002, is Edgewood Lots LLC, located at 1501 11th Street NW #2 Washington DC 20001. The application identifies the presence of trace levels of chlorinated solvents in the soil and soil vapor. The applicant intends to redevelop the subject property into a residential structure with a cellar.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-2B) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty-one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2020-067 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN

**340 Morse Street, NE
Case No. VCP2019-065**

Pursuant to § 601 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312, as amended April 8, 2011, D.C. Law 18-369; D.C. Official Code §§ 8-636.01), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received a Voluntary Cleanup Action Plan (VCAP) requesting to perform a remediation action. The applicant for the property located at 340 Morse Street, NE, Washington, DC 20002 is Grosvenor USA Limited, c/o Jonathan Carr, 1701 Pennsylvania Avenue, Suite 450, Washington DC, 20006.

The application identifies the presence of petroleum compounds, Polycyclic Aromatic Hydrocarbons (PAH), trace PCBs in soil, and petroleum compounds and chlorinated solvents in groundwater. The applicant will re-develop the site with a building comprising of two below-grade levels of parking, retail, mail storage and other amenity spaces on the first floor and residential for floors 2 through 13.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5D01) for the area in which the property is located. The VCAP is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 499-0437. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the Voluntary Cleanup Action Plan must be received by the VCP at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2019-065 in any correspondence related to this application.

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

**Building Community Capacity to Reduce Housing-Related
Disparities in Childhood Lead Exposure and Asthma**

The Department of Energy and Environment (the Department) seeks eligible entities to propose ways to build community and workforce capacity to address housing conditions in the District of Columbia associated with two serious pediatric health problems, lead exposure and asthma. Educating, training, mobilizing, and supporting key stakeholders to strengthen the community's ability to reduce the presence of lead, mold, pests, and other home environmental hazards requires collective planning and action by a wide array of partners. Applicants will be able to facilitate collaboration with multi-sector partners. The amount available for a single project is \$62,000.

Beginning 3/6/2020, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to LeadandHealthyHousing.grants@dc.gov with "Request copy of RFA 2020-2016-LSHHD" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Lisa Gilmore at (202) 535-2624 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Lisa Gilmore RE:2020-2016-LSHHD" on the outside of the envelope.

An informational meeting and conference call will be held on Monday, 3/19/2020 at 2:00 pm. The call number is 1-877-680-0165 and the conference code is 5498641. The location of the meeting will be: Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington, DC 20002.

The deadline for application submissions is 4/6/2020, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to LeadandHealthyHousing.grants@dc.gov.

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; and
- Private Enterprises.

For additional information regarding this RFA, write to: LeadandHealthyHousing.grants@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF PUBLICATION FOR PUBLIC COMMENT

**District of Columbia Draft 2020 Integrated Report
Under the Clean Water Act**

Notice is hereby given that the Department of Energy and Environment (the Department) is soliciting comments from the public on the District of Columbia Draft 2020 Integrated Report (required biennially by Sections 305(b) and 303(d) of the federal Clean Water Act). The Integrated Report reports on the status of all waterbodies in the District. Waterbodies listed as impaired may require the development of total maximum daily loads.

The District of Columbia Draft 2020 Integrated Report (IR) is available for public review. A person may obtain a copy of the Report by any of the following means:

Download from the Department's website, at www.doe.dc.gov, under the "Laws & Regulations" and "Public Notices & Hearings" tab; or

Email a request to 2020draftir.doe@dc.gov with "Request copy of District of Columbia Draft 2020 Integrated Report" in the subject line.

The Department is committed to considering the public's comments when finalizing this report. Interested persons may submit written comments on the draft Report, which must include the person's name; telephone number; affiliation, if any; mailing address; a statement outlining their concerns; and any facts underscoring those concerns. **All comments must be submitted by Monday, April 6, 2020, no later than thirty (30) days from the date of this notice's publication in the *D.C. Register*.**

Comments should be clearly marked "District of Columbia Draft 2020 Integrated Report" and either:

- 1) Mailed or hand-delivered to the Department of Energy and Environment, Water Quality Division, 1200 First Street, NE, 5th Floor, Washington, DC 20002, Attention: District of Columbia Draft 2020 Integrated Report, or
- 2) Emailed to 2020draftir.doe@dc.gov.

The deadline for public comments is Monday, April 6, 2020 at 5:00pm. Input should be submitted via e-mail (preferred) or mail to the address below. Mail should be postmarked by **April 6, 2020** at 5:00pm.

The Department will consider all timely received comments before finalizing the Report. All comments will be treated as public documents and will be made available for public viewing on the Department's website. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by email, the email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the email address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

NOTICE OF FUNDING AVAILABILITY

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA) for grant funds pursuant to the authority established by D.C. Act 23-92, Fiscal Year 2020 Budget Support Act of 2019, Title V, Subtitle H, Section 5072 to make grant funds available to provide operating expenses associated with the provision of medical care respite services to individuals who are homeless. The Director of DHCF has authority to issue grants under the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code 7-771.05(4) (2012 Repl.).

A Request for Applications (RFA) for the below opportunity will be released under a separate announcement with guidelines for submitting the application, review criteria, and DHCF terms and conditions for applying for and receiving funding. The anticipated performance period for these grants is the date of the award to September 30, 2020.

Description of Opportunity:

Medical Care Respite Grant: One (1) grant award not to exceed \$150,000 will be awarded to fund operating expenses associated with the provision of medical respite care services to individuals who are homeless.

Eligibility Requirements:

Applicants must have the staff capacity and expertise to provide medical and respite care services, with a particular emphasis on delivering services to women who are homeless. Applicants should also have the ability to provide case management services, including assistance in accessing permanent supportive housing. All applicants must also be registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.

An RFA will be released on or around March 20, 2020. The application package will be available online at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> and the DHCF website (<https://dhcf.dc.gov/page/dhcf-grant-opportunities>). Hard copies of the application package may be obtained at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk daily from 9:00 am until 4:00 pm.

DHCF will hold a pre-proposal conference on April 1, 2020 at 2:00 pm at Main Street Conference Room, 10th Floor North, 441 4th Street NW. Washington, DC 20001. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.

Completed applications must be received on or before 4:00 PM Eastern on April 20, 2020. Applications must be submitted in hard copy and in-person at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk. No applications will be accepted after the submission deadline. All eligible applications will be reviewed through a competitive process.

For additional information regarding this NOFA, please contact Taylor Woods, Special Projects Officer, DHCF, Health Care Policy and Research Administration, at taylor.woods2@dc.gov or at 202-442-9048.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Nursing
March 6, 2020

On MARCH 6, 2020 at 9:00 a.m., the Board of Nursing will hold a meeting to consider and discuss a range of matters affecting competency and safety in the practice of nursing. This meeting has been rescheduled from its normal meeting date of March 4, 2020.

The meeting will be open to the public from 9:00 a.m. to 10:30 a.m. to discuss various agenda items and any comments and/or concerns from the public.

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

The meeting location is 899 North Capitol Street, N.E., 2nd Floor, Washington, D.C. 20002.

Executive Director for the Board – Tonoah P. Hampton, MSN, RN

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Brick Privacy Wall/Fencing**

KIPP DC is soliciting proposals from qualified vendors for Brick Privacy Wall and Fencing 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 ET on March 31, 2020. Questions should be addressed to jason.ray@kippdc.org.

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER AMENDMENT**

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a charter amendment request submitted by Achievement Preparatory Public Charter School (Achievement Prep PCS) on February 18, 2020, for a network reconfiguration. DC PCSB originally opened this request for public comment on February 5, 2020, but the request has been revised per the removal of an asset acquisition of the middle school. If approved, these amendments will take effect in school year (SY) 2020-21.

Per the request, effective July 1, 2020, Achievement Prep PCS will close its Wahler Place Middle School campus. (Rising 4th-7th grade students from Achievement Prep PCS will have the opportunity to apply to the newly approved Friendship PCS Wahler Middle for SY 2020-21). Given Achievement Prep PCS will not serve grades 4-8 in SY 2020-21, the school proposes for DC PCSB to reduce the school's enrollment ceiling by 361 students, to a new maximum enrollment ceiling of 679 students for SY 2020-21 and beyond. Achievement Prep PCS will continue to serve grades Prekindergarten-3 (PK3) through 3, and the closing Wahler Place Middle School campus will be removed from Achievement Prep PCS's charter agreement. The school proposes to reconfigure its existing program from a two-campus model that operates a separate elementary and middle grades program, into a single-campus PK3-8 program that will allow Achievement Prep PCS to slowly restart its middle school program, beginning in SY 2021-22, by enrolling a new cohort of fourth grade students in SY 2021-22, and then adding a new grade each year after that until the school, once again, reaches maturation serving grades PK3-8 under Achievement Prep PCS's network

DATES:

- Comments must be submitted on or before March 16, 2020.
- Public hearing will be held on March 16, 2020, at 6:30 pm. For location, please check www.dcpsb.org.
- Board vote will be held on April 20, 2020, at 6:30 pm. For location, please check www.dcpsb.org

ADDRESSES: You may submit comments, identified by "Achievement Prep and Friendship PCS - Notice of Petition for Asset Acquisition," by one of the following methods:

1. Submit a written comment via:
 - (a) E-mail: public.comment@dcpsb.org
 - (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - (c) Hand Delivery/Courier: Same as postal address above
2. Sign up to testify in-person at the public hearing on March 16, 2020 by emailing a request to public.comment@dcpsb.org by no later than 4 p.m. on Wednesday, March 11, 2020.

FOR FURTHER INFORMATION CONTACT: Rashida Young at ryoung@dcpsb.org or (202) 328-2209.

**OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE
COMPREHENSIVE HOMICIDE ELIMINATION STRATEGY TASK FORCE**

NOTICE OF PUBLIC MEETING

The Comprehensive Homicide Elimination Strategy Task Force, will be holding a meeting on Tuesday, March 3rd, 2020 at 6:30 p.m. The meeting will be held in the Room 104 of the John A. Wilson Building (1st floor) at 1350 Pennsylvania Ave NW, Washington, D.C. 20004 Below is the draft agenda for this meeting. A final agenda will be posted to Deputy Mayor for Public Safety and Justice’s website at <https://dmps.jdc.gov/page/homicide-elimination-task-force>

For additional information, please contact Nishant Keerikatte at nishant.keerikatte@dc.gov or at 202-213-2938.

DRAFT AGENDA

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|----|---------------------------------------------|------------------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | Monthly Updates | Committee Chairperson |
| 3. | Review and Set Priority for Recommendations | Committee Chairperson |
| 4. | Begin Budget Discussion | Committee Chairperson |
| 5. | Other Business | |
| 6. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF INVESTMENT COMMITTEE MEETING

March 19, 2020
10:00 a.m.

DCRB Board Room
900 7th Street, N.W.
Washington, D.C 20001

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, March 19, 2020, at 10:00 a.m. to consider investment matters. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the open portion of the meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

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|------------------------------------------------------|--------------|
| I. Call to Order and Roll Call | Chair Warren |
| II. Approval of Investment Committee Meeting Minutes | Chair Warren |
| III. Chair's Comments | Chair Warren |
| IV. Chief Investment Officer's Report | Mr. Barnette |

At this point, the investment committee meeting will be closed in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

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| V. Other Business | Chair Warren |
| VI. Adjournment | |

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF OPEN PUBLIC MEETING

March 19, 2020

1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, March 19, 2020, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

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|-------|-----------------------------------|--------------------|
| I. | Call to Order and Roll Call | Chair Clark |
| II. | Approval of Board Meeting Minutes | Chair Clark |
| III. | Chair's Comments | Chair Clark |
| IV. | Executive Director's Report | Ms. Morgan-Johnson |
| V. | Investment Committee Report | Mr. Warren |
| VI. | Operations Committee Report | Mr. Smith |
| VII. | Benefits Committee Report | Ms. Collins |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Audit Committee Report | Mr. Hankins |
| X. | Other Business | Chair Clark |
| XI. | Adjournment | |

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**REQUEST FOR PROPOSALS****Dual Enrollment Programs**

Thurgood Marshall Academy (“TMA”)—a nonprofit, college-preparatory, public charter high school located in Southeast Washington, DC—seeks one or more programs that will provide students with college-level instruction and college credits.

Proposal:

Qualified parties should submit a proposed Memorandum Of Understanding including the following:

- **Term & Effective Date**—
 - TMA seeks a program with an effective date no earlier than July 1, 2020.
 - Multi-year contracts will be considered.
 - Non-exclusive agreements preferred.
 - Include Renewal & Termination provisions.
- **Program Approach:** Commitments and logistics regarding admissions, course offerings, grades and credits, program licensure, academic policies, facilities, and the like.
- **Human Resources Information**, including but not limited to:
 - faculty qualification policies; and
 - plans for compliance with DC and federal background check laws.
- **Fees**

Questions, Information & Protests:

- Please address questions and protests concerning this RFP to **Nora Moore**, nmoore@tmapchs.org, 202-563-6862 x181.
- Amendments/changes (if any) to the RFP will be posted at <https://thurgoodmarshallacademy.org/about/employment-opportunities/>
- By bidding, programs agree to Thurgood Marshall Academy’s General Conditions Statement found on the page linked link above.
- Further information about Thurgood Marshall Academy—including the school’s nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission:

- Submit proposals to nmoore@tmapchs.org (**5 MB file-size limit**, including exhibits). For best consideration, bids should be submitted no later than **Tuesday, March 17, 2020**.

TWO RIVERS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****General Contractor**

Two Rivers PCS is soliciting price quotes from licensed general contractors to convert existing spaces in a school facility. To request a copy of the RFP, email Gail Williams at procurement@tworiverspcs.org. Proposals are due by March 20, 2020.

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, March 19, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), 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 linda.manley@dcwater.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 |
| 4. | Project Status Updates | Director, Engineering & Technical Services |
| 5. | Action Items | Senior VP |
| | - Joint Use | |
| | - Non-Joint Use | |
| 6. | Water Quality Monitoring | Senior Director, Water Ops |
| 7. | Action Items | Senior VP
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

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Tuesday, March 24, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), 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 lmanley@dcwater.com.

DRAFT AGENDA

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|----------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Union Topics | Union Presidents |
| 3. Other Business | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment | Committee Chairperson |

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

Application No. 19960 of MCF Montana LLC and MCFI LP, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the zone boundary line requirements of Subtitle A § 207.2, under the new residential development requirements of Subtitle U § 421.1, and under Subtitle C § 714.3 from the surface parking screening requirements of Subtitle C § 714.2, to permit the construction of a new 108-unit apartment house in the MU-4/RA-1 zones at the premises at 1400 Montana Avenue, N.E. (Square 4023, Lot 1).

HEARING DATES: April 3, 2019 and May 1, 2019
DECISION DATE: May 22, 2019

DECISION AND ORDER

MCF Montana LLC and MCFI LP (the “**Applicant**”) filed a self-certified application requesting that the Board of Zoning Adjustment (the “**Board**”) to consider the following relief from Title 11 of the D.C. Municipal Regulations (Zoning Regulations of 2016, the “**Zoning Regulations**”, to which all references are made unless otherwise specified):

- a special exception under Subtitle A § 207.2 to extend a zone boundary line;
- a special exception under the new residential development requirements of Subtitle U § 421.1; and
- a special exception under Subtitle C § 714.3 from the surface parking screening requirements of Subtitle C § 714.2 (the “**Application**”),

to permit the construction of a new 108-unit apartment house at premises 1400 Montana Avenue, N.E. (Square 4023, Lot 0001) (the “**Property**”), located in both the MU-4 and RA-1 zones. The Board conducted the public hearing and considered the Application in accordance with the provisions of Subtitle Y. For the reasons explained below, at its May 22, 2019 public meeting, the Board voted to **APPROVE** the Application.

FINDINGS OF FACT

Notice

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”) sent notice of the Application and the April 3, 2019 hearing by a February 13, 2019 letter to
 - the Applicant;
 - Advisory Neighborhood Commissions (“**ANC**”) 5B and 5C, the “affected ANCs” per Subtitle Y §§ 101.8 and 403.5;
 - the single-member district ANC 5C06;
 - the Office of ANCs;
 - the Office of Planning (“**OP**”)
 - the District Department of Transportation (“**DDOT**”);

- the Deputy Mayor for Education (“DME”);
- the Department of Parks and Recreation (“DCPR”);
- the Councilmember for Ward 5, the Chairman of the Council, and the At-Large Councilmembers; and
- the owners of all property within 200 feet of the Property. (Ex. 18-33.)

OZ published a notice of the April 3, 2019 public hearing in the *D.C. Register* on February 8, 2019 (66 DCR 1819) as well as on the calendar on OZ’s website.

2. In response to questions from Zoning Commission Vice Chair Robert Miller at the May 1, 2019 public hearing, OZ made additional referrals on May 3, 2019 to
 - the District’s Fire Marshal and Emergency Medical Service Department (“FEMS”);
 - the DC Water and Sewer Authority; and
 - the District of Columbia Metropolitan Police Department (“MPD”). (Ex. 84-86.)

Parties

3. The Applicant, ANC 5B, and ANC 5C were automatically parties in this proceeding per Subtitle Y § 403.5.
4. A request for party status in opposition was filed by Bootz on the Ground Community Coalition (“BGCC”), through counsel on March 20, 2019. (Exhibit [“Ex.”] 42.)
5. BGCC’s party status request listed BGCC’s members as three individuals: Dorothy Davis, Minnie Elliot, and Yvonne Johnson. In support of its argument for party status, BGCC asserted that its three members had been residents of long-term rentals in the vicinity of the Property for at least 15 years. BGCC further claimed that one of its members lived “only one-half block away and arguably within 200 ft. of the site.” (Ex. 42.)
6. BGCC’s party status request stated that it would testify as to the “adverse impacts of allowing significant upzoning, gaps in screening for parking, bulk expansion, and multi-family use with only IZ and limited, if any, family housing” and that such impacts would include “traffic intensification, parking concerns, increased pollution from emissions, inconsistency with the comprehensive plan, and displacement pressures.” (Ex. 42.)
7. BGCC’s party status request alleged that the “changes to the existing zoning maps” would “undermine [Subtitle A § 101.1] because the proposed changes [would] not be in harmony with the general purposes and intents of the zoning regulations and maps pursuant to D.C. [Official] Code § 6-641.01.” (Ex. 42.)
8. BGCC’s party status request stated that its members were residents of Brookland Manor, and alleged that “the lack of family housing” in the Project would be “particularly injurious to BGCC membership” because “this Application is being proposed by the same developer – Mid-City – and the proposed building is to be built in synergy” with the re-development of Brookland Manor. (Ex. 42.)

BZA APPLICATION NO. 19960

PAGE NO. 2

9. The Applicant responded in opposition to BGCC’s party status request, arguing that the BGCC had not met its burden under Subtitle Y § 404 because the Applicant asserted that BGCC had not proved that any of its members’ interests “would likely be more significantly, distinctly, or uniquely impacted than the general public”. The Applicant provided documentation that none of BGCC’s named members lived within 200 feet of the Property. (Ex. 44, 61.)
10. The Applicant also raised procedural objections that BGCC’s party status request:
 - had failed to adequately designate witnesses (Y § 404.1(h));
 - had failed to serve the Applicant or submit a certificate of service (Y § 404.6 and 404.7); and
 - incorrectly sought to combine the issues raised in the Brookland Manor planned unit development case (Z.C. Case No. 14-18A) with the Board’s review of the Application. (Ex. 44.)
11. The Board considered the party status request of BGCC at its April 3, 2019 public hearing.
12. BGCC’s counsel argued for party status because two of its members lived within half of a block of the Project and that they would be uniquely impacted because the Project would:
 - Change the “character of the neighborhood.”
 - Create issues with traffic and parking, especially traffic flow and pedestrian traffic by the Property because of the nearby school; and
 - Result in changes to the viewsheds.(Transcript of the April 3, 2019 Hearing [“April 3 Tr.”] at 112, 113.)
13. BGCC did not provide additional BGCC members to testify or satisfy BGCC’s burden of proof and BGCC provided no supplemental documentation at the April 3, 2019 hearing. (April 3 Tr. at 110-131.)
14. The Applicant responded by asserting that BGCC had not met its burden of proving that any of its members were uniquely affected by the proposed zoning action because the Board has frequently used a 200-foot radius as a threshold for determining “unique” impacts and the closest member of BGCC lived 457 feet from the Property. (April 3 Tr. at 116; Ex. 44.) The Applicant noted that the Zoning Regulations require requests for party status to include “the distance between the person’s property and the property that is the subject of the application before the Board.” (Subtitle Y § 404.1(i)(3).)
15. In rebuttal, BGCC conceded that the Property was “more than 200 feet away” from the homes of BGCC’s members but asserted that the 200-foot distance was not a prerequisite for party status. BGCC argued that, despite not meeting the 200-foot distance, BGCC nonetheless satisfied the party status standard because its members would be uniquely

impacted because its members often “cut across” the Property as part of their normal commute. (April 3 Tr. at 121-22.)

16. Subtitle Y § 404 establishes the standard for evaluating party status requests:

Y § 404.12 *The Board shall determine who will be recognized as a party. In so determining, the Board shall consider whether the provisions of Subtitle Y § 404.1 have been complied with and whether the specific information presented qualifies the person as a party.*

Y § 404.13 *The Board shall grant party status only if the person requesting party status has clearly demonstrated that the person’s interests¹ would be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of the general public.*

17. At its April 3, 2019 public hearing, the Board concluded that BGCC had not met its burden under Subtitle Y §§ 404.12 and 404.13 to demonstrate how any of its members were “uniquely affected” by the proposed zoning relief because BGCC’s concerns were of a broader, neighborhood-wide character that were not significantly distinct from those of the general public, nor were BGCC’s members uniquely affected by the Application in comparison to the general public. The Board noted that the ANC had also raised several of the same neighborhood-wide concerns, including traffic impacts and landscaping, in its report. Moreover, the Board noted that BGCC’s individual members would be able to testify as individuals at the public hearing. (April 3 Tr. at 127, 131.)
18. The Board credited the evidence provided by the Applicant, confirmed by BGCC, that none of BGCC’s members lived within 200 feet of the Property. While the Board acknowledged that proximity was not the sole factor in determining whether impacts were unique, it noted that proximity serves as a baseline measure for the Board to begin its evaluation of a party status request. (April 3 Tr. at 116; Ex. 61.)
19. Moving beyond the issue of proximity to the site, the Board found that BGCC’s claims were of a general nature relating to the overall “character of the neighborhood”. The Board was not persuaded by BGCC’s claim that its members would be uniquely impacted because its members walk through or past the site during their normal commute because the Board noted that the Property is privately owned and as such, members of the general public cannot claim a right to use it as an alternative pedestrian route. (April 3 Tr. at 121-122.)
20. The Board therefore concluded that BGCC had failed to demonstrate that its members were “uniquely” affected and voted to deny the party status request by a vote of 5-0-0.

¹ Subtitle Y §404.1(i)(4) defines “interests” as “the environmental, economic, social, or other impacts likely to affect the person and/or the person’s property”.

Since BGCC failed to meet this threshold requirement, the Board did not address the other issues raised by the Applicant in its response. (April 3 Tr. at 124-131.)

The Property

21. The Property is triangularly shaped and is bounded by Evarts Street, N.E. to the north; Montana Avenue, N.E. to the southwest; and Saratoga Avenue, N.E. to the southeast. (Ex. 7.)
22. The Property contains 38,873 square feet of land area. (Ex. 43.)
23. As shown as early as 1943 on the Baist's Real Estate Atlas of Surveys of Washington, D.C., the Property (shown therein as Parcel No. P143/35) was in single ownership prior to May 12, 1958. (Ex. 89.)
24. The Property is currently improved with a one-story building and surface parking lot. (Ex. 7.)
25. The Property is currently surrounded by low to moderate density residential buildings and locally serving retail uses. (Ex. 43.)
26. The Rhode Island Avenue Metro Station is located one-half mile from the property and there are nine Metrobus lines near the property. (Ex. 7.)
27. Walkscore.com indicates that the property is considered "Very Walkable", "Bikeable" and with "Good Transit". (Ex. 7.)
28. The property is split between the MU-4 zone (23,717 sq. ft.) on the western side of the property and the RA-1 zone on the eastern side of the property along Saratoga Avenue N.E. (15,156 sq. ft.). (Ex. 7, 89A1.)
29. Both the MU-4 and the RA-1 zones permit apartment development. The MU-4 zone permits apartments as a matter of right and the RA-1 zone permits them by special exception. (Subtitle U §§ 421.1, 501.)
30. The purpose and intent of the MU-4 zone is to permit moderate density mixed-use development, including housing, with access to main roadways or rapid transit stops. (Subtitle G § 400.3.)
31. The purpose and intent of the RA-1 zone is to provide for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. (Subtitle F § 300.2.)

The Application

32. The Application proposed to construct a 108-unit apartment house consisting of four stories and a penthouse on the MU-4 zone portion of the Property, and three stories on the RA-1 zone portion of the Property (the “**Building**”). The Application also proposed to construct a surface parking lot (collectively, the “**Project**”). (Ex. 7, 82A1-82A2.)
33. The Building will be subject to the Inclusionary Zoning (“**IZ**”) program, which the Applicant estimates would require 11 units at 60% Area Median Income (“**AMI**”). (Ex. 93; Transcript of May 1, 2019 Hearing [“**May 1 Tr.**”] at 13.)
34. The Application asserts that the Project will meet the development standards of by the MU-4 and the RA-1 zones if relief is granted from Subtitle A § 207.2 and Subtitle C § 714.3. (Ex. 43, 89A1.)²
35. The Application proposed the equivalent of 34 parking spaces, composed of 32 standard surface parking spaces, and one car-share space,³ which would be accessed by a 24-foot wide driveway off Saratoga Street, N.E. (Ex. 7, 82A1-82A2.)
36. The Applicant submitted updated plans on April 30, 2019, to provide one additional parking space, and updated façade and landscape plans. (Ex. 82A1 and A2.)
37. The Applicant stated that it had presented the Application to the surrounding community and the full ANC at the public meeting on May 15, 2019.

Zoning Relief Requested

38. The Application requested a special exception under the zone boundary line provision of Subtitle A § 207.2 to permit a 35-foot adjustment of the zone boundary line to permit the bulk regulations of the MU-4 zone to extend to a portion of the Property zoned RA-1.
39. The Application also requested special exception relief pursuant to the new residential requirements of Subtitle U § 421.1 to permit a new residential development in the RA-1 zone.
40. Finally, the Application requested a special exception under Subtitle C § 714.3 from Subtitle C § 714.2(b)’s maximum 20-foot gap in driveway screening to allow a 24-foot-wide driveway.

OP Report

41. OP submitted a report dated March 22, 2019 (the “**OP Report**,” Ex. 43) that analyzed the Application’s satisfaction of the requirements for the requested special exceptions. The

² The plans at Ex. 89A1 provide the correct standards, but incorrectly reference Subtitle E for the development standards for the RA-1 Zone which are found in Subtitle F.

³ Per Subtitle C § 708.2, one car share space may count as up to three required parking spaces.

OP Report concluded that the Application satisfied the special exception standards and therefore recommended approval of the Application.

42. The OP Report noted that the Applicant would need to coordinate with DDOT and the Public Space Committee for the improvements in the public right of way.

DDOT Report

43. DDOT submitted a report dated March 22, 2019 (the “**DDOT Report**”, Ex. 46).
44. The DDOT Report concluded that that the Project would not have an adverse impact on the District’s transportation network, although it would lead to a minor increase in vehicular, transit, pedestrian, and bicycle trips and might also lead to minor impacts to on-street parking availability.
45. The DDOT Report had no objection to the Application, provided that the following conditions were adopted by the Board:
 - a. The Applicant be required to modify the building entrance to comply with public space regulations (provided no additional BZA relief required);
 - b. The Applicant implement the Transportation Demand Management (“**TDM**”) Plan as proposed by the Applicant’s transportation memo (Ex. 34); and
 - c. The Applicant install the proposed new crosswalk across Evarts Street, N.E. where it connects to Saratoga Avenue, N.E.⁴
46. After the submission of the DDOT Report, MPD submitted an email dated May 14, 2019 which noted that its only concern was that the Project would result in increased vehicular and pedestrian traffic. (Ex. 90.)
47. DDOT responded to MPD’s comments noting that it concurred with the Applicant’s traffic study and had concluded that the impacts to the District transportation network would be relatively low and that it continued to recommend approval of the Application. (Ex. 91.)

Persons in Support

48. The Board received a letter in support of the Application from Historic Berean Baptist Church, the current occupant of the site. (Ex. 17.)
49. The Board also received 21 letters in support from neighbors. (Ex. 49-58, 69-79)
50. Two persons testified in support at the May 1, 2019 public hearing.

⁴ The Board concluded that this condition was beyond the Board’s authority to impose. The Applicant has stated on the record that it will work with DDOT to implement the crosswalk. (Ex. 93.)

Persons in Opposition

51. The Board received no letters from persons in opposition to the Application.
52. One person testified in opposition at the May 1, 2019 public hearing.

Public Hearing of May 1, 2019

53. At the public hearing, the Applicant presented testimony from its architect, landscape architect, transportation consultant, and planning expert. (May 1 Tr. at 11-32.)
54. In response to the Applicant's testimony, multiple Board members raised concerns regarding the Project's relationship to and impact on the surrounding neighborhood. (May 1 Tr. at 46-48, 53-59.) The Board noted that it needed to consider the Project's impacts on a wider area than just the immediately adjacent properties. (May 1 Tr. at 60-61.)
55. Commissioner Kirsten Williams of ANC 5C06 (the "**5C06 Commissioner**") raised concerns about the impacts of construction traffic and noise on the surrounding neighborhood but agreed that other construction projects are proposed for the surrounding area. (May 1 Tr. at 65-73.) Although the 5C06 Commissioner stated that she represented ANC 5C in her testimony, as noted by the Applicant, she did not provide any written statement authorizing her to represent ANC 5C. (May 1 Tr. at 83-86.)
56. In response to the Applicant's objection to the 5C06 Commissioner's testimony, the Board requested that ANC 5C submit a written authorization for the 5C06 Commissioner. The Board reminded the 5C06 Commissioner that the Board can only give "great weight" to a written report by the ANC, which can include ratifying the prior testimony of the ANC's authorized representative. (May 1 Tr. at 85.)
57. OP testified in support of the Application. In addressing the requested relief, OP noted:
 - a. The location of the zone line allowed the project to "step down" in density as it moved towards to single family residential development to the east. (May 1 Tr. at 87-88.)
 - b. By providing a single, wider driveway entrance, the Applicant was eliminating the need for a second 20-foot entrance which would ultimately help minimize both the visual and traffic impacts of the driveway. (*Id.* at 88.)
 - c. The Application was also in conformance with the requirements for new residential developments in the RA-1 and was not expected to have an adverse impact on District services or programs. (*Id.* at 88.)
 - d. That both zones permitted apartment houses and that the building would comply

with the zoning requirements for the respective zones. (*Id.* at 89.)

58. In response to questions from the 5C06 Commissioner, OP testified that it did not believe that the Project would have any adverse impacts in terms of light and air available to the adjacent properties because of the separation between the Property and the nearby residential neighborhoods. (May 1 Tr. at 98-99.)
59. Two neighbors, D’Andre Phillips and Ross Ridenour, testified in support of the Project, noting that the Project would bring additional housing and will “help bring life to that location.” Both neighbors also testified that the Applicant’s parking and traffic plans would accommodate the Project and Mr. Phillips noted that it would be “great to have a completed sidewalk.” (May 1 Tr. at 101-07.)
60. Ms. Dorothy Davis testified in opposition. (Ex. 83; May 1 Tr. at 108-112). At the hearing, Ms. Davis expressed her concerns regarding the height of the Project in relationship to the nearby single-family homes and the potential traffic issues at the intersection of Saratoga Avenue and Montana Avenue.) Ms. Davis also noted that “a lot of senior and disabled people” walk past the Property to reach the Rite Aid and 7-Eleven on Rhode Island Avenue and that crossing the street was difficult. (May 1 Tr. at 109-111.)
61. At the conclusion of the hearing the Board requested that the Applicant submit:
 - a. Updated plans showing additional elevations and perspective renderings of the Project from each street illustrating the Project’s relationship to the surrounding current and future neighborhood;
 - b. A construction management plan, and a construction traffic management plan; and
 - c. Additional information regarding the changes in pervious surface between the existing conditions and the proposed Project. (Ex. 88; May 1 Tr. at 127-134.)

Post-Hearing Submissions

62. On May 10, 2019, in response to the Board’s requests, the Applicant submitted the following to the record:
 - a. Updated plans showing elevations and perspective renderings of the Project illustrating the compatibility of its materials, design, and massing with the current and future neighborhood, including contextual illustrations of the Project with and without the zone boundary line extension. (Ex. 89A1-A2.)
 - b. Shadow studies showing the Project in context with the surrounding neighborhood and illustrating that there would be no impact from the Project on the light and air of the current and future neighborhood, especially the single-family dwellings on Saratoga Avenue. (Ex. 89A1 and A2.)

- c. Draft construction management agreement and construction traffic management agreements. (Ex. 89B and 89C.)
- d. An updated landscaping plan and additional information regarding the changes in the pervious surface between the existing conditions and the proposed Project. (Ex. 89A, 89E.)

ANC Report

63. ANC 5B did not file a response to the Application or participate in the case.
64. After the May 1, 2019, public hearing, ANC 5C submitted a written report (the “**ANC 5C Report**,” Ex. 92), stating that at a duly noticed and scheduled public meeting on May 15, 2019, at which a quorum was present, the ANC voted to adopt the hearing testimony of the ANC Commissioner for 5C06 and to support the Application.
65. The ANC 5C Report raised several issues and concerns including:
 - a. The amenities that would accrue to the community;
 - b. Project staging and mediation;
 - c. Distribution of IZ units;
 - d. Traffic management;
 - e. Sidewalks and landscaping;
 - f. ADA street crossing improvements; and
 - g. Ongoing communications with the ANC and the public.
66. The ANC 5C Report also recommended that the Applicant reduce the total number of units and make the appearance of the proposed building congruent with the nearby buildings and residences.
67. The Applicant responded to the ANC 5C Report’s concerns and suggestions in a May 20, 2019 letter (Ex. 93) that addressed the ANC 5C Report’s concerns as follows:
 - a. Neighboring development projects will be staggered in the stages of development and construction along Montana Avenue, N.E., and the Applicant will work with ANC 5C to mediate concerns.
 - b. The Project will have 11 IZ units, distributed proportionally throughout the Project.

- c. A traffic management plan will be implemented during construction, a draft of which is at Ex. 89C.
 - d. The sidewalks and landscaping of the Project will be improved as indicated in the Applicant's post-hearing filings at Ex. 89A-E.
 - e. As noted in the traffic report at Ex. 34 and 89D, the sidewalks and street crossings at the perimeter of the Project will become ADA compliant.
 - f. As described in the Applicant's draft Construction Management Plan and draft Construction Traffic Management Plan at Ex. 89B-C, notifications will be made to the ANC and neighborhood regarding any impacts on the community from construction of the Project, including any sidewalk and/or street closures.
68. The Applicant also noted in its statement that reducing the number of units would not be financially viable.

CONCLUSIONS OF LAW

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); *see also* Subtitle X § 901.2) authorizes the Board to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception
 - a. will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,
 - b. will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and
 - c. complies with the special conditions specified in the Zoning Regulations.
2. For the relief requested by the Application, the "specific conditions" are those of Subtitle A § 207.2, Subtitle U § 421, and Subtitle C § 714.3.
3. Relief granted by the Board through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the Board ordinarily must grant the application." *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C.

1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

Subtitle A § 207.2 - Relief from the Zone Boundary Line Requirements of Subtitle A § 207

4. If approved by the Board as a special exception, the regulations applicable to that portion of a lot located in a lesser restrictive use zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:

The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);

The Board concludes that the Application meets this criterion because the Applicant is only requesting to extend the boundary of the MU-4 zone 35 feet into the portion of the Property zoned RA-1. (Finding of Fact [“FF”] 37.)

In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);

The Board concludes that this subsection is not applicable as the boundary line extension will not be into either a lower density R or RF zone. (Ex. 43.)

The extension shall have no adverse effect upon the present character and future development of the neighborhood;

The Board concludes that the proposed boundary extension would not result in any adverse effects on the present character or future development of the neighborhood because the portion of the property fronting on Saratoga Avenue, which is closest to the low density residential development, would continue to be zoned and controlled by the RA-1 designation and would effectively create a buffer between these lower intensity uses and the Project’s greater bulk and density on the other side of the property. (Transcript of May 22, 2019 Public Meeting [“**May 22 Tr.**”] at 7.) The Board also notes that apartment buildings are permitted as a matter of right in the MU-4 zone and as a special exception in the RA-1 and that the Application was not seeking relief from any of the development standards for either zone. (May 22 Tr. at 8.)

The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

The Board concluded that no additional requirements were necessary.

Subtitle U § 421 – Special Exception for New Residential Development

5. Subtitle U § 421.1 requires that all new residential developments in the RA-1 zone, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board as a special exception in accordance with the standards and requirements of the following sections.

U-421.2 The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

- a) *Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and*

The Office of Zoning referred the Application to the Deputy Mayor for Education by a letter dated February 13, 2019. (Ex. 24.) No comments were received.

- b) *Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.*

OZ referred the Application to DPR (Ex. 25) as well as DDOT (Ex. 23).

DPR did not submit any comments. DDOT submitted a report recommending “No Objection” and recommending three conditions be imposed on the Project. (FF 42-44.) DDOT also responded to concerns raised by MPD about the increased pedestrian and vehicular traffic surrounding the Property.

The Board concurred with DDOT’s findings and proposed conditions, except for the third condition regarding the implementation of a new crosswalk across Evarts Street, N.E. where it connects to Saratoga Avenue, N.E. The Board determined that this condition was beyond the scope of the Board’s authority to impose and would need to be addressed separately by the Applicant and DDOT. (May 22 Tr. at 9 and 11.)

U-421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

The Application was referred to OP, which submitted a report in support of the Application. (Ex. 43.) The OP Report concluded that the design and layout of the site was generally acceptable. The OP noted that while it did not favor the use of surface parking lots, they were permitted, and noted that the Applicant should ensure that the all parking lot landscaping requirements of Subtitle C § 715 are met or exceeded. (Ex. 43.)

U-421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant submitted all of the required plans and elevations. (Ex. 89A1 and 89A2.)

Subtitle C § 714.3 - Relief from the Surface Parking Screening Requirements of Subtitle C § 714.2

6. Per Subtitle C § 714.3, when evaluating a request for a special exception from the screening requirements of Subtitle C § 714.2, the Board of Zoning Adjustment may consider:
 - a. Impacts on the pedestrian environment within adjacent streets, sidewalks, and other public areas;*
 - b. Existing vegetation, buildings or protective and screening walls located on adjacent property;*
 - c. Existing topographic conditions;*
 - d. Traffic conditions; and*
 - e. In granting a modification or waiver, the Board of Zoning Adjustment may require any special treatment of the premises that it deems necessary to prevent adverse impacts on neighboring properties or the general public.*

The Board concurred with the conclusions of the OP and DDOT Reports that the Applicant's proposed 24-foot wide break in the parking lot screening would allow the Applicant to consolidate all vehicular ingress and egress to the site. The Board credited the Applicant's argument, and the conclusions of DDOT, that a singular, widened vehicular access point, instead of two points at 20-feet each for a total of 40-feet, would have less of an impact on the pedestrian environment and would cause fewer conflicts with vehicles using the surrounding streets. In addition, because the Project occupies the entire lot and there are no adjacent properties, the Board did not feel the need to impose any special treatment of the premises.

General Special Exception Relief – Subtitle X § 901

7. The Board concludes that the Application, in addition to meeting the specific conditions of the special exceptions from the zone boundary, RA-1 new residential development, and surface parking screening requirements, also meets the general special exception standards in Subtitle X § 901.2 to be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and to not adversely affect the surrounding properties.
8. The Board concludes that granting the requested special exceptions would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the portion of the Project in the MU-4 zone meets the intent of the zone to permit

BZA APPLICATION NO. 19960

PAGE NO. 14

moderate density development, including residential, that meets the other development standards of the MU-4 zone. The portion of the Project located in the RA-1 also meets the intent and standards of the RA-1 zone. The Board also notes that the configuration of Building, with the greater bulk positioned towards the eastern side of the Property, allows it to be compatible with the higher intensity uses along Rhode Island Avenue, N.E. while still providing a lower density transition to the residential neighborhoods east of Saratoga Avenue, N.E.

9. The Board concludes that granting the requested special exceptions would not tend to adversely affect the use of neighboring properties. The Board credits the findings of DDOT that the Project would not result in unacceptable traffic or parking impacts on the surrounding neighborhood.
10. The Board therefore concludes that the Applicant met its burden of proof to demonstrate that the Application met the general conditions, as well as the specific conditions, for the requested special exceptions from Subtitle A § 207.2, Subtitle U § 421.1, and Subtitle C § 714.3.

“Great Weight” to the Recommendations of OP

11. Pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8, the Board must give “great weight” to the recommendation of OP. *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016).
12. The Board concludes that the OP Report, which provided an in-depth analysis of how the Application met each of the requirements for the requested special exception 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

13. Pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2, the Board must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting. To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).
14. Since ANC 5B did not submit a written report stating its issues and concerns with the Application, there is nothing to which the Board can give great weight.

15. The Board considered the ANC 5C Report and concluded that only the concerns regarding traffic management, sidewalks, and landscaping were “legally relevant” to the Board’s review and could be given “great weight”. In finding that the Applicant had satisfied the special exception criteria, the Board concluded that the Applicant had suitably addressed the ANC’s concerns regarding sidewalks and landscaping. With regard to the concerns regarding traffic management, the Board concluded that the Applicant’s DDOT-approved TDM Plan would address the traffic management concerns stated in the ANC 5C Report. The remainder of the issues and concerns were found to be outside of the scope of the Board’s review. The Board notes that the ANC 5C Report supported the Application and the Board concurs in that judgement.

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 following relief:

- a special exception under Subtitle A § 207.2 to extend a zone boundary line;
- a special exception under the new residential development requirements of Subtitle U § 421.1; and
- a special exception under Subtitle C § 714.3 from the surface parking screening requirements of Subtitle C § 714.2

and therefore, orders this relief be **GRANTED**, subject to the following **CONDITIONS**:

1. Development of the Property that uses the relief granted in this Order shall comply with the approved plans⁵ at Exhibit 89A1 and 89A2, as required by Subtitle Y §§ 604.9 and 604.10.
2. The Applicant shall modify the building entrance to comply with public space regulations, provided such modification does not require further zoning relief from the Board.
3. The Applicant shall implement the TDM plan proposed by the Applicant’s transportation memo (Exhibit 34) as follows:
 - a. The Applicant, or subsequent owner of the Property will identify a TDM Leader (for planning, construction, and operations) at the building, who will act as a point of contact with DDOT/Zoning Enforcement with annual updates. The TDM Leader will

⁵ Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Ex. 16.) In granting the requested self-certified relief subject to the plans submitted with the Application, the Board made no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. 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 that would require additional or different zoning relief from that is granted by this order.

- work with residents to distribute and market various transportation alternatives and options;
- b. The Applicant, or subsequent owner of the Property, will provide TDM materials to new residents in the Residential Welcome Package materials;
 - c. The Applicant, or subsequent owner of the Property, will meet Zoning requirements by providing approximately 36 long-term bicycle parking spaces on the ground floor of the building;
 - d. Five (5) short-term bicycle parking spaces will be provided along Montana Avenue, meeting zoning requirements;
 - e. The Applicant, or subsequent owner of the Property, will unbundle the cost of residential parking from the cost of lease or purchase of each unit; and
 - f. The Applicant, or subsequent owner of the Property, will provide a bicycle repair station to be located in the secure long-term bicycle storage room.

VOTE (May 22, 2019): 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Robert E. Miller (by absentee ballot), 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: February 21, 2020

PURSUANT TO 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 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.

BZA APPLICATION NO. 19960

PAGE NO. 17

PURSUANT TO 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 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.

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, APRIL 1, 2020
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 FIVE

19466A **Application of Beresford Davis**, pursuant to 11 DCMR Subtitle Y § 703,
ANC 5D for a modification of consequence to the plans approved by BZA Order
No. 19466 to include a third story addition to the approved three-unit
apartment house in the RF-1 Zone at premises 1215 Holbrook Terrace,
N.E. (Square 4057, Lot 195).

PLEASE NOTE:

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

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

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

BZA PUBLIC MEETING NOTICE

APRIL 1, 2020

PAGE NO. 2

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

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

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

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

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a

BZA PUBLIC MEETING NOTICE

APRIL 1, 2020

PAGE NO. 3

Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

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

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov 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**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-30D**

Z.C. Case No. 08-30D

25 M Street Holdings, LLC

(Modification of Consequence to Approved Design Review

@ Lot 873 in Square 700 (25 M Street S.E.))

November 27, 2017

Pursuant to notice, at its November 27, 2017 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 25 M Street Holdings, LLC (the “Applicant”) for a modification of consequence to the design review application approved by Z.C. Order No. 08-30 (the “Original Order”), as modified by Z.C. Order Nos. 08-30A, 08-30B, and 08-30C (collectively with the Original Order, the “Amended Order”), for Lot 873 in Square 700 (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the “Zoning Regulations”]) to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Background

1. Pursuant to the Original Order, the Commission approved a mixed-use project subject to Capitol Gateway Overlay District Review under § 1610 of the Zoning Regulations of 1958 (the “1958 Zoning Regulations”) for Lots 33, 802, 840, 841, 850, 857, 864, 865, 868, 871, and 872 in Square 700, together with special exception and variance relief as authorized under §§ 3103 and 3104 of the 1958 Zoning Regulations (the “Approved Design”).
2. Pursuant to Z.C. Order No. 08-30A, effective June 17, 2011, the Commission approved a minor modification to the Original Order to modify various design elements, including the modification of the building elevations, the reduction of the ground-floor retail space by one percent, the modification of the roof plan, and the confirmation that the Approved Design would achieve LEED-Gold certification for the office components. (Exhibit [“Ex.”] 1B2.)
3. Pursuant to Z.C. Order No. 08-30B, effective May 13, 2016, the Commission approved a modification of the Original Order to modify the portion of the original mixed-use building located on the southern end of Square 700, including Lots 33, 802, 840, 841, 850, 864, 865, 868, 871, 872, and 874. Z.C. Order No. 08-30B did not affect the Property.
4. Pursuant to Z.C. Order No. 08-30C, effective July 1, 2016, the Commission approved a modification of the Original Order to modify the plans for the office building portion for the ground-floor lobby space and the roof and to add new outdoor terraces. The initial proposal in the application for Z.C. Case No. 08-30C for digital signage on the building

exterior was withdrawn by the Applicant in response to comments from the Commission that it would be premature to consider the signage issue while the Council of the District of Columbia considered legislation that it eventually adopted as the Ballpark Signage Act.¹ (Ex. 1,1B3.) Although part of the same building, the modifications approved in Z.C. Case No. 08-30C were separate and distinct from those approved in Z.C. Case No. 08-30B.

Parties

5. The only party to Z.C Case No. 08-30 other than the Applicant was Advisory Neighborhood Commission (“ANC”) 6D, the “affected” ANC pursuant to Subtitle Z § 101.8.

The Application

6. On July 20, 2017, the Applicant filed the Application, requesting a modification of consequence to revise the plans approved by the Amended Order in the following areas: (Ex. 1A, 1C.)
 - Ground floor - separating the parking ramp from the loading dock, relocating PEPCO vaults, and relocating the southern stair and fire pump room;
 - Second floor - windows and glazing along Half Street, S.E.;
 - Railings - 3rd and 4th floors and roof terraces;
 - Roof - increasing the size of the proposed green roof; and
 - Signage - proposed three new digital signs on the exterior of the 25 M Street office building that comply with the size, projection, and operational requirements of the Ballpark Signage Act.
7. On October 31, 2017, the Applicant submitted revised plans (the “Revised Signage Plans”), responding to the concerns raised by ANC 6D and the Commission at the September 25, 2017 public meeting with the following changes: (Ex. 7A.)
 - Removal of the digital sign proposed for the corner of M and Half Streets, S.E.;
 - Reduced size of the rectangular digital sign proposed for the second floor of the building along Half Street, S.E., from approximately 402 square feet to approximately 315 square feet; and
 - Increased size of the two-sided blade sign at the intersection of Half Street and the private VIA running between Van and Half Streets from approximately 129 square feet to approximately 183 square feet.
8. On July 20, 2017, the Applicant served the Application on ANC 6D, the Office of Planning (“OP”), and the District Department of Transportation (“DDOT”), as attested by the certificate of service submitted with the Application; and served the same parties with the

¹ The Nationals Ballpark and Ballpark District Designated Entertainment Signage Regulations Amendment Act of 2016 became effective on April 7, 2017. (D.C. Law 21-253; Title 12 DCMR § N101.20(c).)

Revised Signage Plans on October 31, 2017, as attested by a Certificate of Service. (Ex. 1, 8.)

Responses to the Application

District Department of Transportation

9. Although served with the Application and Revised Signage Plans, DDOT did not file a response to the Application.

Office of Planning

10. OP submitted a report dated September 1, 2017 (the “OP Report”), stating no objection to the Application being considered as a modification of consequence and recommending approval of the Application with the following comments: (Ex. 5.)
 - Most of the proposed ground-floor modifications were made pursuant to DDOT direction and with the approval of the Public Space Committee;
 - The increased green roof would be in keeping with the sustainability goals of the zone; and
 - The proposed signage would “help create an active entertainment area” which was envisioned by the Capitol Gateway Zone.

ANC 6D

11. ANC 6D submitted a written report (the “ANC Report”), stating that at its duly noticed and regularly scheduled meeting on September 15, 2017, at which a quorum was present, the ANC voted: (Ex. 6.)
 - To support the Application’s requests for modifications to the ground and second floors, railings, and roof; and
 - To oppose the Application’s request to add three digital signs to the 25 M Street office building.
12. The ANC Report noted the following concerns:
 - The proposed signs would detract from the original building design that the ANC strongly supported;
 - The visual impact of the signs on neighboring properties, particularly the Catholic church of St. Vincent de Paul located across the street from the Property; and
 - Discrepancies in the dimensions of the signs shown in the Applicant’s plans.
13. At its September 25, 2017 public meeting, the Commission deferred voting on the Application and requested that the Applicant meet with the ANC again and attempt to address its concerns regarding the digital signage. (Transcript of the Public Meeting of September 25, 2017, at 16-17.)

14. ANC 6D submitted a supplemental report (the “ANC Supplemental Report,” and collectively with the ANC Report, the “ANC Reports”), stating that at its duly noticed and regularly scheduled meeting on November 13, 2017, at which a quorum was present, the ANC voted to oppose the Revised Signage Plans. (Ex. 9.) Although the ANC Supplemental Report applauded the Applicant’s proposed removal of the digital blade sign at M and Half Streets, S.E., it expressed the following concerns that the proposed signs, as revised:
- “Appear poorly integrated and tacked on” and did not enhance the building’s overall design; and
 - Would negatively impact the pedestrian experience along Half Street, S.E. by detracting from the streetscape design and creating potential pedestrian bottlenecks and transit hazards at the Metro entrance.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of modifications of consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 6D.
5. The Commission concludes that the Application qualifies as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify a final condition and redesign of the architectural elements approved by the Amended Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission concludes that because ANC 6D, the only party other than the Applicant to the Approved Design, had filed a response to the Application, the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met, and therefore the Commission could consider the merits of the Application at its November 27, 2017 public meeting.
7. The Commission concludes that the Application’s requested modifications to the ground and second floors, railings, and roof, are consistent with the Approved Design, as approved by the Amended Order, because they are:

- Minor in nature;
 - Do not substantially change the exterior configuration or appearance of the Approved Design;
 - Are in compliance with the Zoning Regulations; and
 - Further the purpose and intent of the Capitol Gateway Zone.
8. However, the Commission concludes that the requested new digital signage would detract from the Approved Design and cause negative visual impacts to the immediate streetscape and nearby properties. In reaching this conclusion, the Commission found the ANC Reports' detailed analysis of the visual impact of the proposed signs more persuasive than OP's support for these signs. Therefore, even though digital signage is permitted in the Capitol Gateway Zone, the Commission concludes that this signage would not be consistent with the Approved Design, as approved by the Amended Order.

“Great Weight” to the Recommendations of OP

9. The Commission must give “great weight” to the recommendations of OP pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
10. The Commission notes OP's lack of objection to the Application being considered as a modification of consequence. The Commission finds persuasive OP's analysis and recommendation of approval for the modifications to the ground and second floors, railings, and roof, and concurs in that judgment.
11. However, the Commission does not find OP's recommendation to approve the requested digital signage to be persuasive because the ANC Reports' more detailed visual analysis highlighted the shortcomings of the design, while the OP Report focused on the broad impact of any digital sign, not the specific design of the proposed signage. Therefore, the Commission does not concur with the OP Report's recommendation to approve those modifications.

“Great Weight” to the Written Reports of the ANC

12. The Commission must give “great weight” to the issues and concerns raised in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); *see* Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and

concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

13. The Commission finds the issues and concerns stated in the ANC Reports regarding the requested digital signage persuasive because of the detailed visual analysis and the anticipated negative visual impacts on the neighborhood. The Commission also finds the ANC Report’s lack of concerns regarding the other modifications to be persuasive. Therefore, the Commission concurs with the ANC Reports’ critique of the requested digital signage as well as with the ANC Reports’ support of the other modifications requested by the Application.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has partly satisfied its burden of proof for the requested Modification of Consequence to the plans approved by, and Condition No. 1 of, Z.C. Order No. 08-30, as modified by Z.C. Order Nos. 08-30A through 08-30C, and so:

- **APPROVES** the requested modifications to the ground floor, to the second-floor windows, to the roof and terrace railings; but
- **DENIES** the requested new three proposed digital signs.

The approval is subject to the conditions in Z.C. Order No. 08-30, as modified by Z.C. Order Nos. 08-30A through 08-30C, that remain unchanged, except that Condition No. 1 is hereby amended and restated as follows (deletions in ~~bold and strikethrough~~; additions in **bold and underlined**):

The project shall be built in accordance with the following and as modified by the guidelines, conditions, and standards ~~below of Z.C. Order No. 08-30, as modified by Z.C. Orders Nos. 08-30A through 08-30C, as may be furthered modified by the Commission:~~

- ~~The architectural plans, elevations and materials submitted~~ in the record of Zoning Commission Case No. 08-30 as Exhibits 13, 21, and 31;
- **As modified by the plans dated January 28, 2011, at Exhibit 1B of Z.C. Case No. 08-30A;**
- **As modified by the plans dated April 21, 2016, at Exhibits 23C1-C2, as modified by the plans dated May 26, 2016, at Exhibit 25A in Z.C. Case No. 08-30C; and**
- **As modified by the plans dated July 20, 2017, at Exhibit 1C in Z.C. Case No. 08-30D.**

VOTE (Nov. 27, 2017): 4-0-1 (Peter G. May, Peter A. Shapiro, Anthony J. Hood, and Robert E. Miller to **APPROVE**; Michael G. Turnbull not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order No. 08-30D shall become final and effective upon publication in the *D.C. Register*; that is, on March 6, 2020.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

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

District of Columbia REGISTER – March 6, 2020 – Vol. 67 - No. 10 002469 – 002692