



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Bill 23-0513, Hate Crime Civil Enforcement Clarification Amendment Act of 2019
- D.C. Council schedules a public hearing on Bill 23-0584, Pregnancy as a Qualifying Event Act of 2019
- Department of Health allows eligible physicians to become licensed in the District through the Interstate Medical Licensure Compact (IMLC)
- Department of Health solicits an organization to assess the impact of financial incentives and workforce satisfaction strategies on recruitment and retention of health professionals in shortage areas
- Department of Health announces availability of funding for implementing a pilot first-time mothers home visiting program
- Office of Victim Services and Justice Grants establishes an Address Confidentiality Program

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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

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

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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*Note: An incorrect file for this Rulemaking was published in the  
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 to update the public health education requirements for  
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*Note: This Rulemaking was mistakenly republished  
 in the December 27, 2019 District of Columbia Register  
 at 66 DCR 016563. For citation purposes, please use  
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ENROLLED ORIGINAL

## A RESOLUTION

23-198

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To confirm the reappointment of Mr. Peter Shapiro to the Zoning Commission for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Zoning Commission Peter Shapiro Confirmation Resolution of 2019”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Peter Shapiro  
48th Place, N.W.  
Washington, D.C. 20016  
(Ward 3)

as a member of the District of Columbia Zoning Commission, established by section 1 of An Act To regulate the height, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes, approved March 1, 1920 (41 Stat. 500; D.C. Official Code § 6-621.01), for a term to end February 3, 2023.

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

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

23-200

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To confirm the reappointment of Ms. Linda Greene to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Historic Preservation Review Board Linda Greene Confirmation Resolution of 2019”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Linda Greene  
W Street, S.E.  
Washington, D.C. 20020  
(Ward 8)

as a public member of the Historic Preservation Review Board, established by Mayor’s Order 83-119, issued May 6, 1983 (30 DCR 3031), in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2022.

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

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

- |         |   |
|---------|---|
| B23-593 | Strangulation Prohibition Amendment Act of 2019<br><br>Intro. 12-20-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety   |
| <hr/>   |   |
| B23-600 | Common-interest Community Air Quality Amendment Act of 2020<br><br>Intro. 1-7-20 by Councilmembers Bonds, Silverman, Nadeau, Grosso, and Cheh and referred to the Committee on Transportation and the Environment with comments from the Committee on Housing and Neighborhood Revitalization |
| <hr/>   |   |
| B23-601 | Condominium Warranty Amendment Act of 2020<br><br>Intro. 1-7-20 by Councilmembers Bonds, Silverman, Nadeau, Grosso, and Cheh and referred sequentially to the Committee on Housing and Neighborhood Revitalization and the Committee of the Whole   |
| <hr/>   |   |
| B23-602 | Gendered Terms Modernization Amendment Act of 2020<br><br>Intro. 1-7-20 by Councilmember Grosso and referred to the Committee of the Whole  |
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- B23-603 Senior Employment Tax Credit Amendment Act of 2020  
Intro. 1-7-20 by Councilmembers Todd, Bonds, and R. White and referred to the Committee on Business and Economic Development with comments from the Committee on Labor and Workforce Development
- 
- B23-604 Clarence J. Venable Violence Intervention and Prevention Workers Protection Act of 2020  
Intro. 1-7-20 by Councilmember T. White and referred to the Committee on Judiciary and Public Safety
- 
- B23-605 Equitable Employment in High Displacement Risk Zone Initiative Act of 2020  
Intro. 1-7-20 by Councilmembers T. White, Cheh, and Bonds and referred to the Committee on Labor and Workforce Development
- 
- B23-606 Diversity in Fund Management Amendment Act of 2020  
Intro. 1-7-20 by Councilmembers McDuffie, Cheh, Bonds, R. White, Allen, Grosso, Todd, Silverman, Nadeau, and T. White and referred to the Committee of the Whole
- 

### **PROPOSED RESOLUTIONS**

- PR23-635 District of Columbia Retirement Board Joseph M. Bress Reappointment Resolution of 2020  
Intro. 1-2-20 by Chairman Mendelson and referred to the Committee of the Whole
- 
- PR23-637 Medical Marijuana Real ID Registration Proposed Rulemaking Approval Resolution of 2019  
Intro. 12-19-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-

PR23-645      Sense of the Council in Support of the Langston Initiative Resolution of 2020  
Intro. 1-7-20 by Councilmembers McDuffie, Evans, R. White, Allen, Bonds,  
Todd, and Chairman Mendelson and Retained by the Council

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PR23-646      Sense of the Council Urging the District Department of Transportation to  
Annually Recognize Bus to Work Day Resolution of 2020  
Intro. 1-7-20 by Councilmembers Todd, R. White, and Cheh and Retained by  
the Council with comments from the Committee on Transportation and the  
Environment

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**COUNCIL OF THE DISTRICT OF COLUMBIA  
 ABBREVIATED NOTICE OF PUBLIC HEARINGS  
 AGENCY PERFORMANCE OVERSIGHT HEARINGS  
 FISCAL YEAR 2019-2020  
 1/7/2020**

**SUMMARY**

January 6, 2020 to  
March 6, 2020

Agency Performance Oversight Hearings on Fiscal Year 2019-2020

February 5, 2020

Committee of the Whole Public Briefing on the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR) at 1:30 p.m. in Room 500

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2019 and FY 2020. The hearings will begin Monday, January 6, 2020 and conclude on Friday, March 6, 2020 and will take place in the Council Chamber (Room 500), Room 412, Room 123, and Room 120 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the committee at which you are testifying. If a written statement cannot be provided prior to the day of the hearing, please have at least 15 copies of your written statement available on the day of the hearing for immediate distribution to the Council. Unless otherwise stated by the Committee, the hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's performance oversight hearing schedule, please contact the committee of interest.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the relevant Committee office 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.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
1/22/2020	1/8/2020	Office of Nightlife and Culture (Gov Ops); Room 412 - 10:00 a.m.
1/29/2020	1/23/2020	Joint Hearing with Committee on Human Services and Committee on Housing and Neighborhood Revitalization; Room 412 - 10:00 a.m.
2/10/2020	2/6/2020	Housing Finance Agency (Housing); Room 500 - 11:00 a.m.
2/13/2020	1/9/2020	Office of the Attorney General (Judiciary & Public Safety); Room 412 - 9:30 a.m.

PUBLIC HEARING SCHEDULE

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>WEDNESDAY, JANUARY 8, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office on Women's Policy and Initiatives
	Office of Cable Television, Film, Music and Entertainment

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, JANUARY 9, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Office of Neighborhood Safety and Engagement
	Comprehensive Homicide Elimination Strategy Task Force
	Deputy Mayor for Public Safety and Justice

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>THURSDAY, JANUARY 9, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Public Works
	Food Policy Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Chairperson Kenyan McDuffie**

<b>WEDNESDAY, JANUARY 15, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>WEDNESDAY, JANUARY 15, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:15 a.m. - End	District of Columbia Health Benefit Exchange Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>THURSDAY, JANUARY 16, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Energy and the Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, JANUARY 16, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Office of Police Complaints
	Metropolitan Police Department ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

<b>COMMITTEE ON GOVERNMENT OPERATIONS</b>		<b>Chairperson Brandon Todd</b>
<b>THURSDAY, JANUARY 16, 2020; Room 123</b>		
<b>Time</b>	<b>Agency</b>	
9:30 a.m. - End	Office of the Inspector General	
	Office of Risk Management	
	Office of the Chief Technology Officer	

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

<b>COMMITTEE ON BUSINESS &amp; ECONOMIC DEVELOPMENT</b>		<b>Chairperson Kenyan McDuffie</b>
<b>WEDNESDAY, JANUARY 22, 2020; COUNCIL CHAMBER (Room 500)</b>		
<b>Time</b>	<b>Agency</b>	
10:00 a.m. - End	Alcoholic Beverage Regulation Administration	
	Office of the People's Counsel	
	Public Service Commission	
	Public Access Corporation	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

<b>COMMITTEE ON GOVERNMENT OPERATIONS</b>		<b>Chairperson Brandon Todd</b>
<b>WEDNESDAY, JANUARY 22, 2020; Room 412</b>		
<b>Time</b>	<b>Agency</b>	
10:00 a.m. - End	Office of Nightlife and Culture	
	Office of Administrative Hearings	
	Office of Human Rights	

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

<b>COMMITTEE ON THE JUDICIARY &amp; PUBLIC SAFETY</b>		<b>Chairperson Charles Allen</b>
<b>THURSDAY, JANUARY 23, 2020; Room 412</b>		
<b>Time</b>	<b>Agency</b>	
9:30 - 3:00 p.m. - End	Fire and Emergency Medical Services Department	
	Office of Unified Communications	

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

<b>COMMITTEE ON TRANSPORTATION &amp; THE ENVIRONMENT</b>		<b>Chairperson Mary Cheh</b>
<b>MONDAY, JANUARY 27, 2020; COUNCIL CHAMBER (Room 500)</b>		
<b>Time</b>	<b>Agency</b>	
11:00 a.m. - End	Bicycle Advisory Council	
	Pedestrian Advisory Council	
	District Department of Transportation	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

<b>COMMITTEE ON HOUSING &amp; NEIGHBORHOOD REVITALIZATION</b>		<b>Chairperson Anita Bonds</b>
<b>TUESDAY, JANUARY 28, 2020; COUNCIL CHAMBER (Room 500)</b>		
<b>Time</b>	<b>Agency</b>	
10:00 a.m. - End	Department of Housing and Community Development ( <b>Public Witnesses Only</b> )	
	Housing Production Trust Fund ( <b>Public Witnesses Only</b> )	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

<b>COMMITTEE ON EDUCATION</b>		<b>Chairperson David Grosso</b>
<b>WEDNESDAY, JANUARY 29, 2020; COUNCIL CHAMBER (Room 500)</b>		
<b>Time</b>	<b>Agency</b>	
11:00 a.m. - End	State Board of Education	
	Office of the Ombudsman	
	Office of the Student Advocate	

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.



**JOINT HEARING WITH COMMITTEE ON HUMAN SERVICES & COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION** **Chairperson Brianne Nadeau**  
**Chairperson Anita Bonds**

<b>WEDNESDAY, JANUARY 29, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Department of Human Services
	Interagency Council on Homelessness

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, JANUARY 30, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
9:30 a.m. - 5:00 p.m.	Metropolitan Police Department <b>(Gov't Witnesses Only)</b>
	Corrections Information Council
	Department of Corrections

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON FACILITIES AND PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>THURSDAY, JANUARY 30, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Office of Advisory Neighborhood Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>FRIDAY, JANUARY 31, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON RECREATION AND YOUTH AFFAIRS** **Chairperson Trayon White, Jr.**

<b>MONDAY, FEBRUARY 3, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: [nfleming@dccouncil.us](mailto:nfleming@dccouncil.us) or by calling 202-727-7903.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 5, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Subject
1:30 p.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR)

**COMMITTEE ON FACILITIES AND PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>THURSDAY, FEBRUARY 6, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Office of Returning Citizen Affairs
	Commission on Re-Entry and Returning Citizen Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>THURSDAY, FEBRUARY 6, 2020; Room 412</b>	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Deputy Mayor for Operations and Infrastructure

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>THURSDAY, FEBRUARY 6, 2020; Room 123</b>	
Time	Agency
10:00 a.m. - End	Rental Housing Commission
	Office of Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 6, 2020; Room 120</b>	
Time	Agency
9:30 a.m. - 5:00 p.m.	District of Columbia National Guard
	Department of Forensic Sciences
	Office of the Chief Medical Examiner/Fatality Review Committees
	Homeland Security and Emergency Management Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>*FRIDAY, FEBRUARY 7, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**\*If needed, the continuation of this Committee on Human Services performance oversight hearing will be held on Tuesday, February 11 in Room 123.**

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>MONDAY, FEBRUARY 10, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	Housing Finance Agency
	Department of Housing and Community Development ( <b>Gov't Witnesses Only</b> )
	Housing Production Trust Fund ( <b>Gov't Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>TUESDAY, FEBRUARY 11, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
	Office of Veterans' Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>TUESDAY, FEBRUARY 11, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>WEDNESDAY, FEBRUARY 12, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE**

**Chairperson David Grosso  
Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 12, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Deputy Mayor for Education
	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>WEDNESDAY, FEBRUARY 12, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Board of Elections
	Office of Campaign Finance
	Board of Ethics and Government Accountability

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON FACILITIES AND PROCUREMENT**

**Chairperson Robert C. White, Jr.**

<b>THURSDAY, FEBRUARY 13, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Contracting and Procurement
	Contract Appeals Board

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 13, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 3:00 p.m.	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	District of Columbia Sentencing Commission
	Criminal Code Reform Commission
	Office of the Attorney General

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>THURSDAY, FEBRUARY 13, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Latino Affairs
	Office on African Affairs
	Office on African American Affairs
	Office on Asian and Pacific Islander Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON FACILITIES AND PROCUREMENT**

**Chairperson Robert C. White, Jr.**

<b>WEDNESDAY, FEBRUARY 19, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Washington Metropolitan Area Transit Authority

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE**

**Chairperson David Grosso  
Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 19, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	District of Columbia Public Schools ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON RECREATION AND YOUTH AFFAIRS**

**Chairperson Trayon White, Jr.**

<b>WEDNESDAY, FEBRUARY 19, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Commission on Fathers, Men, and Boys
	The Office for East of the River Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming ([nfleming@dccouncil.us](mailto:nfleming@dccouncil.us)) or by calling 202-727-7903.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE**

**Chairperson David Grosso  
Chairman Phil Mendelson**

THURSDAY, FEBRUARY 20, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools ( <b>Gov't Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

THURSDAY, FEBRUARY 20, 2020; Room 412	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

FRIDAY, FEBRUARY 21, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of Human Resources
	Office of Labor Relations and Collective Bargaining

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-8835.

**COMMITTEE ON RECREATION AND YOUTH AFFAIRS**

**Chairperson Trayon White, Jr.**

FRIDAY, FEBRUARY 21, 2020; Room 412	
Time	Agency
10:00 a.m. - End	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming ([nfleming@dccouncil.us](mailto:nfleming@dccouncil.us)) or by calling 202-727-7903.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

MONDAY, FEBRUARY 24, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Metropolitan Washington Council of Governments
	New Columbia Statehood Commission
	Events DC
	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cw@dccouncil.us](mailto:cw@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

TUESDAY, FEBRUARY 25, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Real Property Tax Appeals Commission
	Department of Aging and Community Living
	Commission on Aging
	Aged-Friendly DC Task Force

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

TUESDAY, FEBRUARY 25, 2020; Room 412	
Time	Agency
11:00 a.m. - End	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cw@dccouncil.us](mailto:cw@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Chairperson Kenyan McDuffie**

WEDNESDAY, FEBRUARY 26, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE**

**Chairperson David Grosso  
Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 26, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:30 a.m. - End	Office of the State Superintendent

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>WEDNESDAY, FEBRUARY 26, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Senior Advisor
	Secretary of the District of Columbia
	Mayor's Office of Legal Counsel

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON FACILITIES & PROCUREMENT**

**Chairperson Robert C. White, Jr.**

<b>THURSDAY, FEBRUARY 27, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>THURSDAY, FEBRUARY 27, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Metropolitan Washington Airports Authority
	District of Columbia Auditor
	Office of Budget and Planning
	District Retiree Health Contribution
	District of Columbia Retirement Board/Funds

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>THURSDAY, FEBRUARY 27, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	DC Water
	Washington Aqueduct

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 27, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Clemency Board
	Criminal Justice Coordinating Council
	Office of Victim Services and Justice Grants

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

<b>WEDNESDAY, MARCH 4, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Employment Services ( <b>Public Witnesses Only</b> )
	Workforce Investment Council ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>WEDNESDAY, MARCH 4, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Real Estate Commission
	Board of Real Estate Appraisers
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, MARCH 4, 2020; Room 123</b>	
Time	Agency
10:00 a.m. - End	DC Lottery and Charitable Games
	Office of the Chief Financial Officer

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>THURSDAY, MARCH 5, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	University of the District of Columbia
	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>THURSDAY, MARCH 5, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Health and Human Services
	Department of Health Care Finance
	Not-For-Profit Hospital Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mccameron@dccouncil.us](mailto:mccameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>FRIDAY, MARCH 6, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Department of Employment Services <b>(Gov't Witnesses Only)</b>
	Workforce Investment Council <b>(Gov't Witnesses Only)</b>

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>FRIDAY, MARCH 6, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

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

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

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 23-0440, THE “REMOVING BARRIERS TO OCCUPATIONAL LICENSING FOR  
RETURNING CITIZENS AMENDMENT ACT OF 2019”**

**Wednesday, January 29, 2020, 9:30 a.m.  
Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Wednesday, January 29, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to consider Bill 23-0440, the “Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2019”. The hearing will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., from 9:30 a.m. to 2:00 p.m.

The stated purpose of Bill 23-0440 is to amend Subchapter I-B of Chapter 28 of Title 47 of the District of Columbia Official Code to establish a uniform standard for occupational licensing boards to consider only pending criminal accusations or prior convictions that are directly related to the occupation for which the license is sought, as determined by enumerated factors, to require notice to and an opportunity to respond with mitigating evidence for individuals who receive an adverse decision based on their criminal history, and to require the Mayor to submit reports to the Council with information about applications by individuals with criminal histories and adverse decisions made by boards based on criminal histories; and to amend the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011 to require the Deputy Mayor for Public Safety and Justice to prepare and submit to the Mayor and Council a report identifying the statutory and regulatory collateral consequences of criminal histories in the District, along with recommendations for their mitigation or elimination.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, January 24**. 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](mailto: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 hearing. 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 hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us). **The record will close at the end of the business day on Wednesday, February 12.**



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

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

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 23-0513, THE “HATE CRIME CIVIL ENFORCEMENT CLARIFICATION  
AMENDMENT ACT OF 2019”**

**Tuesday, March 3, 2020, 2:30 p.m.  
(or immediately following the Legislative Meeting, whichever is later)**

**Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Tuesday, March 3, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to consider Bill 23-0513, the “Hate Crime Civil Enforcement Clarification Amendment Act of 2019”. The hearing will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 2:30 p.m., or immediately following the Legislative Meeting, whichever is later.

The stated purpose of Bill 23-0513 is to amend the Bias-Related Crime Act of 1989 to expand available causes of action and remedies for hate crimes and to clarify the Attorney General’s enforcement authority.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, February 27**. 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](mailto: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 hearing. 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 hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us). **The record will close at the end of the business day on Tuesday, March 17.**

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HEALTH  
NOTICE OF PUBLIC HEARING  
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004

REVISED

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON  
THE COMMITTEE ON HEALTH

ANNOUNCES A PUBLIC HEARING ON

**BILL 23-0547, THE “NATIVE AMERICAN BIRTH RECOGNITION AMENDMENT ACT OF 2019”**

**BILL 23-0565, THE “HEARING AID SALES AMENDMENT ACT OF 2019”**

**BILL 23-0584, THE “PREGNANCY AS A QUALIFYING EVENT ACT OF 2019”**

**MONDAY, JANUARY 27, 2020  
10:00 A.M., ROOM 412, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 23-0547, the “Native American Birth Recognition Amendment Act of 2019”, Bill 23-0565, the “Hearing Aid Sales Amendment Act of 2019”, and Bill 23-0584, the “Pregnancy as a Qualifying Event Act of 2019.” The hearing will be held on Monday, January 27, 2020, at 10:00 a.m., in Room 412 of the John A. Wilson Building. **This notice has been revised to reflect the addition of Bill 23-0565 and Bill 23-0584 to the hearing agenda.**

Bill 23-0547, the “Native American Birth Recognition Amendment Act of 2019”, would allow birth certificate recognition of Native American tribal enrollment. It allows an individual to request a replacement birth certificate that includes recognition of Native American tribal enrollment.

Bill 23-0565, the “Hearing Aid Sales Amendment Act of 2019”, requires both minors and adults to receive a medical clearance from an otolaryngologist and receive a hearing test evaluation before an entity can fit, offer for sale, or sell a hearing aid to them. Adults may also receive clearance from a licensed physician.

Bill 23-0584, the “Pregnancy as a Qualifying Event Act of 2019”, requires health insurers to provide a special enrollment period after commencement of a pregnancy.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, by 5:00 p.m. on Thursday, January 23, 2020. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral

testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee on Health of the need as soon as possible, but no later than Monday, January 20, 2020. We will make every effort to fulfill timely requests, however requests received after this date may not be fulfilled and alternatives may be offered.

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

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC ROUNDTABLE

on

**PR 23-73, “District of Columbia Retirement Board Michael J. Warren Reappointment Resolution of 2019”**

**PR 23-635, “District of Columbia Retirement Board Joseph M. Bress Reappointment Resolution of 2020”**

**PR 23-196, “District of Columbia Commemorative Works Committee Otto Condon Confirmation Resolution of 2019”**

on

**Thursday, January 16, 2020, 9:30 a.m.**  
**Hearing Room 120, John A. Wilson Building**  
**1350 Pennsylvania Avenue, NW**  
**Washington, DC 20004**

Council Chairman Phil Mendelson announces a public rountable before the Committee of Whole on PR 23-73, “District of Columbia Retirement Board Michael J. Warren Reappointment Resolution of 2019,” PR 23-635, “District of Columbia Retirement Board Joseph M. Bress Reappointment Resolution of 2020,” and PR 23-196, “District of Columbia Commemorative Works Committee Otto Condon Confirmation Resolution of 2019.” The roundtable will be held **Thursday, January 16, 2020, 9:30 a.m. Hearing Room 120** of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of **PR 23-73** is to re-appointment Mr. Michael Warren to the District of Columbia Retirement Board. The stated purpose of **PR 23-635** is to re-appointment Mr. Joseph Bress to the District of Columbia Retirement Board. The Board is an independent agency of the District of Columbia government with exclusive authority to manage the pension funds of the D.C. Police Officers and Firefighters’ Retirement Fund and the Teachers’ Retirement Fund. DCRB also is the benefits administrator for the plans associated with each fund.

The stated purpose of **PR 23-196** is to confirm the re-appointment of Otto Condon as a citizen member of the District of Columbia Commemorative Works Committee (“CWC”). The CWC advises the Council on each application to place a commemorative work on public space in the District of Columbia. The CWC is made up of three citizens nominated by the Mayor and confirmed by the Council, plus nine ex-officio government officials. The purpose of this roundtable is to receive testimony from public witnesses as to the fitness of Mr. Condon for the CWC.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Evan Cash at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Tuesday**,

**January 14, 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, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on January 14, 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://lims.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 a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on January 30, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON FACILITIES AND PROCUREMENT**

ROBERT C. WHITE, JR., CHAIR

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**REVISED****NOTICE OF PUBLIC ROUNDTABLE**

on

**PR23-0537, the “Director of the Office on Returning Citizens Affairs  
Lamont Carey Confirmation Resolution of 2019”****PR23-0598, the “Commission on Re-Entry and Returning Citizen Affairs  
Richard Jarvis Confirmation Resolution of 2019”**Thursday, January 23<sup>rd</sup>, 2020, 2:00 PM  
Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

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On Thursday, January 23<sup>rd</sup>, 2020, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement will hold a public roundtable on PR23-0537, the “Director of the Office on Returning Citizens Affairs Lamont Carey Confirmation Resolution of 2019” and PR23-0598, the “Commission on Re-Entry and Returning Citizen Affairs Richard Jarvis Confirmation Resolution of 2019”. The public roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 2:00 PM. **This public roundtable notice has been revised to add PR23-0598 to the agenda and to shorten the period of time before the record closes in order to allow for committee action prior to the measures being deemed approved.**

The stated purpose of the “Director of the Office on Returning Citizens Affairs Lamont Carey Confirmation Resolution of 2019” is to appoint Lamont Carey, a Ward 7 resident, as Director of the Office on Returning Citizen Affairs, to serve at the pleasure of the Mayor.

The stated purpose of the “Commission on Re-Entry and Returning Citizen Affairs Richard Jarvis Confirmation Resolution of 2019” is to appoint Richard Jarvis, a Ward 5 resident, as a public voting member of the Commission on Re-Entry and Returning Citizen Affairs, for a term to end on August 4, 2022.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Wednesday, January 22<sup>nd</sup>, 2020.**

All public witnesses will be allowed a maximum of four minutes for oral testimony, while Advisory Neighborhood Commissioners will have a maximum of five minutes to testify. At the

discretion of the Chair, the length of time provided for oral testimony may be reduced if there are a large number of witnesses. Witnesses are encouraged, but not required, to bring **twenty single-sided copies** of their testimony in writing and submit their written testimony electronically in advance to [facilities@dccouncil.us](mailto:facilities@dccouncil.us).

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee on Facilities and Procurement 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.

Witnesses are advised that should the public roundtable extend beyond 6:00 p.m., the public roundtable will recess for a period of twenty minutes. Should more than one hundred witnesses request to testify in person, the public roundtable will recess after the first one hundred witnesses and any witnesses signed up after the first one hundred will, at the discretion of the chair, be given the opportunity to either provide oral testimony when the public roundtable reconvenes at a later date or submit written testimony for the record.

For witnesses who are unable to testify, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Monday, January 27<sup>th</sup>, 2020.**



**Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

**ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 23-646, the “Sense of the Council Urging the District Department of Transportation to Annually Recognize Bus to Work Resolution of 2020”. The abbreviated notice is necessary to allow the Council to act in a timely manner.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020

License No.: ABRA-103120
Licensee: 801 Restaurant LLC
Trade Name: 801 Restaurant & Bar
License Class: Retailer's Class "C" Tavern
Address: 801 Florida Avenue, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

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 March 9, 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

Licensee is applying to add Sports Wagering to their operations. Establishment will have a mobile app to assist with the betting, and no betting kiosks on the premises.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE & CONSUMPTION FOR INSIDE PREMISES AND HOURS OF OPERATION FOR OUTDOOR SUMMER GARDEN

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

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

Sunday through Thursday 8am - 1:30am, Friday and Saturday 8am - 2:30am

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES

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

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020  
Protest Petition Deadline: February 24, 2020  
Roll Call Hearing Date: March 9, 2020  
Protest Hearing Date: April 29, 2020

License No.: ABRA-115953  
Licensee: Bar & Lounge 54, LLC  
Trade Name: Bar & Lounge 54  
License Class: Retailer's Class "C" Tavern  
Address: 1207 19th Street, N.W.  
Contact: Edward Grandis, Esq.: (202) 365-3307

WARD 2

ANC 2B

SMD 2B06

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 March 9, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **April 29, 2020 at 4:30 p.m.**

**NATURE OF OPERATION**

New Retailer's Class "C" Tavern with a full-service menu. Applicant is applying for an Entertainment Endorsement. Total seating inside is 120 with a Total Occupancy Load of 180.

**HOURS OF OPERATION**

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

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

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

**HOURS OF LIVE ENTERTAINMENT**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: December 20, 2019  
Protest Petition Deadline: February 3, 2020  
Roll Call Hearing Date: February 18, 2020  
Protest Hearing Date: April 8, 2020

License No.: ABRA-115739  
Licensee: BL 1300 Pennsylvania DC, LLC  
Trade Name: Bluestone Lane  
License Class: Retailer’s Class “C” Restaurant  
Address: \*1300 Pennsylvania Ave, N.W.  
Contact: Matt Minora: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on February 18, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **April, 8 2020 at 4:30 p.m.**

**NATURE OF OPERATION**

A full-service Australia-inspired coffee place offering a seasonal menu featuring progressive café fare for all-day breakfast, lunch and early evening appetizers. Total Occupancy Load is 55 with seating for 15 inside the premises and 20 seats on the Summer Garden.

**HOURS OF OPERATION INSIDE PREMISES AND FOR THE SUMMER GARDEN**

Sunday through Saturday 7am – 11pm

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

Sunday through Saturday 8am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: December 20, 2019  
 Protest Petition Deadline: February 3, 2020  
 Roll Call Hearing Date: February 18, 2020  
 Protest Hearing Date: April 8, 2020

License No.: ABRA-115739  
 Licensee: BL 1300 Pennsylvania DC, LLC  
 Trade Name: Bluestone Lane  
 License Class: Retailer’s Class “C” Restaurant  
 Address: \*1301 Pennsylvania Ave, N.W.  
 Contact: Matt Minora: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on February 18, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **April, 8 2020 at 4:30 p.m.**

**NATURE OF OPERATION**

A full-service Australia-inspired coffee place offering a seasonal menu featuring progressive café fare for all-day breakfast, lunch and early evening appetizers. Total Occupancy Load is 55 with seating for 15 inside the premises and 20 seats on the Summer Garden.

**HOURS OF OPERATION INSIDE PREMISES AND FOR THE SUMMER GARDEN**

Sunday through Saturday 7am – 11pm

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

Sunday through Saturday 8am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020

License No.: ABRA-099787
Licensee: Chaia Georgetown, LLC
Trade Name: Chaia
License Class: Retailer's Class "D" Restaurant
Address: 3207 Grace Street, N.W.
Contact: Bettina Stern: (202) 744-7010

WARD 2 ANC 2E SMD 2E05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 9, 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 a Class Change from a Retailer Class "D" Restaurant to a Retailer Class "C" Restaurant.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020

License No.: ABRA-108392
Licensee: Communal Restaurant, LLC
Trade Name: Communal Restaurant
License Class: Retailer’s Class “C” Restaurant
Address: 919 5th Street, N.W.
Contact: Andrew Kline, Esq. (202) 686-7600

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 March 9, 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 OPERATION

Licensee is applying to add Sports Wagering to their operations. Establishment will not have physical devices on premise, and wagering will take place on an application on the customer’s mobile device.

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

Sunday 9:30am – 2am, Monday through Thursday 10am – 2am, Friday 10am – 3am, Saturday 9:30am – 3am

CURRENT HOURS OF LIVE ENTERTAINMENT

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

**\*\*READVERTISEMENT**

Placard Posting Date:	**January 10, 2020
Protest Petition Deadline:	**February 24, 2020
Roll Call Hearing Date:	**March 9, 2020

License No.	ABRA-099603
Licensee:	1336 U Street, LLC
Trade Name:	Hawthorne
License Class:	Retailer’s Class “C” Tavern
Address:	1336 U Street, N.W.
Contact:	Francis Brogan, Owner: (202) 257-9414

WARD: 1	ANC: 1B	SMD: 1B12
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The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement attached to its license.

The parties to the settlement agreement(s) are: 1336 U Street, LLC t/a Hawthorne (Applicant), Advisory Neighborhood Commission (ANC) 1B and Five Individuals (Protestant).

A copy of the Petition may be obtained by contacting ABRA’s Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14<sup>th</sup> Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.



## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: \*\*October 25, 2019  
Protest Petition Deadline: \*\*December 9, 2019  
Roll Call Hearing Date: \*\*December 23, 2019

License No. ABRA-099603  
Licensee: 1336 U Street, LLC  
Trade Name: Hawthorne  
License Class: Retailer's Class "C" Tavern  
Address: 1336 U Street, N.W.  
Contact: Francis Brogan, Owner: (202) 257-9414

WARD: 1

ANC: 1B

SMD: 1B12

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement attached to its license.

The parties to the settlement agreement(s) are: 1336 U Street, LLC t/a Hawthorne (Applicant), Advisory Neighborhood Commission (ANC) 1B and Five Individuals (Protestant).

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14<sup>th</sup> Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020
Protest Hearing Date: April 29, 2020

License No.: ABRA-115958
Licensee: iFood 1701 LLC
Trade Name: Immigrant Food
License Class: Retailer's Class "D" Restaurant
Address: 1701 Pennsylvania Avenue, N.W.
Contact: Sean T. Morris, Esq.: (301) 654-6570

WARD 2

ANC 2B

SMD 2B06

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 March 9, 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 April 29, 2020 at 1:30 p.m.

NATURE OF OPERATION

A new Retailer's Class D Restaurant with a seating capacity of 48 and Total Occupancy Load of 67. Sidewalk Café with 19 seats.

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

Sunday through Saturday 8am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020

License No.: ABRA-082646
Licensee: Mad Hatter CT Ave, LLC
Trade Name: Mad Hatter
License Class: Retailer's Class "C" Tavern
Address: 1321 Connecticut Avenue, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2

ANC 2B

SMD 2B07

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 March 9, 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

Licensee is applying to add Sports Wagering to their operations. Establishment will have a mobile app to assist with the betting, and no betting kiosks on the premises.

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

Sunday 8am - 2am, Monday through Thursday 11:30am - 2am, Friday & Saturday 11:30am - 3am

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

Sunday through Saturday 11:30am - 10:30pm

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020

License No.: ABRA-112638
Licensee: 1726 Connecticut Ave NW, LLC
Trade Name: Northside Tavern
License Class: Retailer's Class "C" Restaurant
Address: 1726 Connecticut Avenue, N.W.
Contact: Andrew Kline, 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 March 9, 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 OPERATION

Licensee is applying to add Sports Wagering to their operations. Establishment will not have physical devices on premise, and wagering will take place on an application on the customer's mobile device.

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

Sunday 10:30am - 2am, Monday through Thursday 11:30am - 2am, Friday 11:30am - 3am, Saturday 10:30am - 3am

CURRENT HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020
Protest Hearing Date: April 29, 2020

License No.: ABRA-116058
Licensee: Dupont Estates, Inc.
Trade Name: Sign of the Whale
License Class: Retailer's Class "C" Tavern
Address: 1825 M Street, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 2

ANC 2B

SMD 2B06

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 March 9, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, D.C. 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on April 29, 2020 at 4:30 p.m.

NATURE OF OPERATION

A new class C Tavern with a seating capacity of 115 and a Total Occupancy Load of 122. Entertainment Endorsement to provide live entertainment.

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

Sunday 10am – 2am, Monday through Thursday 11am – 2am, Friday 11am – 3am, Saturday 10am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
1/10/2020

Notice is hereby given that:

License Number: ABRA-098536

License Class/Type: C Nightclub

Applicant: Soundcheck, LLC

Trade Name: Soundcheck

ANC: 2F05

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

1420 K ST NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
2/24/2020

A HEARING WILL BE  
3/9/2020

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 4 am	11 am - 2 am	8 pm - 2 am
Monday:	11 am - 4 am	11 am - 2 am	8 pm - 2 am
Tuesday:	11 am - 4 am	11 am - 2 am	8 pm - 2 am
Wednesday:	11 am - 4 am	11 am - 2 am	8 pm - 2 am
Thursday:	11 am - 4 am	11 am - 2 am	8 pm - 2 am
Friday:	11 am - 4 am	11 am - 3 am	8 pm - 3 am
Saturday:	11 am - 4 am	11 am - 3 am	8 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: December 10, 2019  
Protest Petition Deadline: February 24, 2020  
Roll Call Hearing Date: March 9, 2020  
Protest Hearing Date: April 29, 2020

License No.: ABRA-115871  
Licensee: Zemen M, LLC  
Trade Name: Sparks Restaurant  
License Class: Retailer's Class "C" Tavern  
Address: 1915 9th Street, N.W.  
Contact: Richard J. Bianco, Esq.: (202) 461-2400

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 9, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **April 29, 2020 at 1:30 p.m.**

**NATURE OF OPERATION**

New Retailer's Class "C" Tavern offering American and Italian food. Applicant is applying for an Entertainment Endorsement with Cover Charge. Total seating inside is 77 with a Total Occupancy Load of 77.

**HOURS OF OPERATION**

Sunday through Saturday 10am – 5am

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

Sunday through Thursday 12pm – 2am

Friday and Saturday 12pm – 3am

**HOURS OF LIVE ENTERTAINMENT**

Sunday through Saturday 6pm – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*READVERTISEMENT**

Placard Posting Date: \*\*January 10, 2020  
Protest Petition Deadline: \*\*February 24, 2020  
Roll Call Hearing Date: \*\*March 9, 2020  
Protest Hearing Date: \*\*April 29, 2020

License No.: ABRA-115985  
Licensee: Capriccio, LTD  
Trade Name: Tesoro Trattoria & Pizzeria  
License Class: Retailer’s Class “C” Restaurant  
Address: 4400 Connecticut Avenue, N.W.  
Contact: Angela De Rosa: (202) 363-6100

WARD 3                      ANC 3F                      SMD 3F06

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 \*\*March 9, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **\*\*April 29, 2020 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Retailer’s Class C Restaurant with a Total Occupancy Load of 77 and seating for 77.

**HOURS OF OPERATION**

Sunday through Saturday 7am – 2am

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

Sunday through Saturday 8am – 2am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: \*\*December 27, 2019  
 Protest Petition Deadline: \*\*February 10, 2020  
 Roll Call Hearing Date: \*\*February 24, 2020  
 Protest Hearing Date: \*\*April 8, 2020

License No.: ABRA-115985  
 Licensee: Capriccio, LTD  
 Trade Name: Tesoro Trattoria & Pizzeria  
 License Class: Retailer’s Class “C” Restaurant  
 Address: 4400 Connecticut Avenue, N.W.  
 Contact: Angela De Rosa: (202) 363-6100

WARD 3

ANC 3F

SMD 3F06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on \*\*February 24, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **\*\*April 8, 2020 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Retailer’s Class C Restaurant with a Total Occupancy Load of 77 and seating for 77.

**HOURS OF OPERATION**

Sunday through Saturday 7am – 2am

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

Sunday through Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020
Protest Hearing Date: April 29, 2020

License No.: ABRA-116045
Licensee: Viet Chopsticks DC, LLC
Trade Name: Viet Chopsticks Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 4304 Connecticut Avenue, N.W.
Contact: Edward Grandis: (202) 365-3307

WARD 3

ANC 3F

SMD 3F01

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 March 9, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, D.C. 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on April 29, 2020 at 1:30 p.m.

NATURE OF OPERATION

A new class C Restaurant serving Vietnamese cuisine. Seating Capacity of 98, Total Occupancy Load of 120. Entertainment Endorsement to provide live entertainment.

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

Sunday through Saturday 10am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 10, 2020
Protest Petition Deadline: February 24, 2020
Roll Call Hearing Date: March 9, 2020

License No.: ABRA-116047
Licensee: WTS Restaurant Management, LLC
Trade Name: Yaju Ramen
License Class: Retailer's Class "C" Tavern
Address: 525 8th Street, S.E.
Contact: Matt Minora: (202) 625-7700

WARD 6 ANC 6B SMD 6B03

Notice is hereby given that this licensee has requested Substantial Changes 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 March 9, 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 CHANGES

Applicant requests to transfer the license from Safekeeping with Substantial Changes. The Establishment will be a casual restaurant that serves ramen and Japanese comfort food. Applicant is requesting to increase Total Occupancy Load from 74 to 160 with seating for 120 patrons. Applicant also requests to add a Sidewalk Café Endorsement with 12 seats and a Summer Garden Endorsement with 35 seats. Additionally, the applicant requests to expand the hours of Live Entertainment indoors only.

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

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

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

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

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

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

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

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

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, MARCH 4, 2020  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD TWO**

20211            **Application of Opal, LLC**, pursuant to 11 DCMR Subtitle X, Chapter  
ANC 2F            9, for special exceptions under the use provisions of Subtitle U §  
                         301.1(g), and under Subtitle E § 5201 from the accessory structure rear  
                         yard setback requirements of Subtitle E § 5004.3, and pursuant to 11  
                         DCMR Subtitle X, Chapter 10, for an area variance from the lot  
                         occupancy requirements of Subtitle E § 304.1, to construct a second  
                         floor addition to an existing carriage house in the RF-1 Zone at  
                         premises 934 O Street N.W. (Square 367, Lot 843).

**WARD FIVE**

20213            **Application of Jake Greenhouse**, pursuant to 11 DCMR Subtitle X,  
ANC 5E            Chapter 9, for a special exception under the use provisions of Subtitle  
                         U § 601.1(c), from the alley lot use requirements of Subtitle U §  
                         600.1(e)(3)(b) , to construct a new detached, principal dwelling unit in  
                         the RA-2 Zone at premises rear of 3rd Street N.W. between O Street  
                         N.W. and P Street N.W. (Square 553, Lot 59).

**WARD THREE**

20214            **Application of Jason Harris and Jenna Stark**, pursuant to 11 DCMR  
ANC 3B            Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201  
                         from the rear yard requirements of Subtitle D § 306.2, to permit a rear  
                         deck addition to an existing, attached principal dwelling unit in the R-3  
                         Zone at premises 2211 38th Street, N.W. (Square 1301, Lot 659).

## BZA PUBLIC HEARING NOTICE

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WARD SIX

20216            **Application of Schimdt Development LLC**, pursuant to 11 DCMR  
ANC 6B           Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5  
and 5201 from the rear addition requirements of Subtitle E § 205.4, to  
raze the existing two-story, semi-detached principal dwelling unit, and  
to construct a three-story, detached principal dwelling unit in the RF-1  
Zone at premises 1624 E Street, S.E. (Square 1090, Lot 800).

WARD SIX

20217            **Application of Tricia Jefferson**, pursuant to 11 DCMR Subtitle X,  
ANC 6C           Chapter 9, for special exceptions under Subtitle E § 5201 from the lot  
occupancy requirements of Subtitle E § 304.1, from the rear yard  
requirements of Subtitle E 306.1, and from the nonconforming  
structure requirements of Subtitle C § 202.2, to construct a rear  
addition to an existing, attached principal dwelling unit in the RF-3  
Zone at premises 508 D Street N.E. (Square 836, Lot 48).

## PLEASE NOTE:

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

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

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

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

BZA PUBLIC HEARING NOTICE

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**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](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እንኳ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

Hill 联系，电话号码 (202) 727-0312，电子邮件

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

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

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

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

costo alguno.

Vietnamese

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

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

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

**FREDERICK L. HILL, CHAIRPERSON  
LESYLLEE M. WHITE, MEMBER**

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**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**

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

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the Interstate Medical Licensure Compact Enactment Act of 2018, effective June 5, 2018 (D.C. Law 22-0109; 65 DCR 3809 (June 22, 2018)), hereby gives notice of the adoption of the following amendment to Chapter 46 (Medicine) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine, in order to implement the licensure of physicians through the Interstate Medical Licensure Compact (IMLC), which will enable eligible physicians to become licensed in an expedited manner in member states including the District of Columbia. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will ensure highly qualified physicians licensed in member states are able to become more quickly licensed in the District, increasing the physician workforce and supporting the health and welfare of the public.

The first Notice of Proposed Rulemaking was published in the *D.C. Register* on March 15, 2019 at 66 DCR 003035. One comment was received. That comment from the Medical Society of the District of Columbia suggested the rule include a statement regarding the Department's authority to share disciplinary and investigative information with the Interstate Commission of the IMLC. As a result, additional information was included in the second proposed rulemaking about the requirements for physicians licensed through the IMLC regarding sharing information regarding disciplinary actions and investigations, and required reciprocal actions, as some of those requirements are different than for physicians not licensed through the IMLC.

The second Notice of Proposed Rulemaking was published in the *D.C. Register* on August 23, 2019 at 66 DCR 011483. No comments were received. A minor grammatical change was made to Subsection 4621.1(a), and the word "physician's" was inserted into Subsections 4621.3(b) and (d) to clarify which practice and state of residence were at issue. No changes affected the substance of the rule. These rules were adopted as final on October 15, 2019 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 46, MEDICINE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**A new Section 4621, INTERSTATE MEDICAL LICENSURE COMPACT, is added to read as follows:**

**4621 INTERSTATE MEDICAL LICENSURE COMPACT**

4621.1 The Interstate Medical Licensure Compact (IMLC) allows an eligible physician to become licensed in multiple states in a streamlined process. The Interstate



Commission is the governing body of the IMLC. The District of Columbia is a member of the IMLC and able to license physicians pursuant to the IMLC.

4621.2

A physician licensed in the District of Columbia is eligible to apply for licensure pursuant to the IMLC if he or she:

- (a) Is a graduate of a medical school that is: (1) accredited by the Liaison Committee on Medical Education, (2) accredited by the Commission on Osteopathic College Accreditation, or (3) listed in the International Medical Education Directory or its equivalent;
- (b) Has passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three (3) attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
- (c) Has successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;
- (d) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;
- (e) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;
- (f) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction. For the purpose of this section only, "offense" means a felony, gross misdemeanor, or crime of moral turpitude;
- (g) Has never held a license authorizing the practice of medicine that has been subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;
- (h) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and
- (i) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

- 4621.3 A physician may designate the District of Columbia as the state of principal license for purposes of registration for expedited licensure through the IMLC if the physician possesses a full and unrestricted license to practice medicine in the District and the District of Columbia is:
- (a) The state of primary residence for the physician;
  - (b) The state where at least twenty-five percent (25%) of the physician's practice of medicine occurs;
  - (c) The location of the physician's employer; or
  - (d) If no other state qualifies under paragraph (1), (2), or (3) of this subsection, the state designated as the physician's state of residence for purposes of federal income tax.
- 4621.4 An eligible physician seeking licensure through the IMLC with the District of Columbia as his or her state of principal license shall file an application for an expedited license with the Board.
- 4621.5 A physician who changes his or her state of principal license from the District of Columbia, or who no longer meets the requirements for having the District of Columbia as their principal state of licensure, shall notify the Board of this change within thirty (30) days of the change
- 4621.6 The Board shall evaluate the application for an expedited license and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission. The Board shall consider the following when evaluating an application of expedited license:
- (a) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.
  - (b) The results of a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have a suitability determination in accordance with 5 CFR § 731.202.
  - (c) An appeal on the determination of eligibility shall be made in accordance with the requirements of § 4102.3 of this title.

- 4621.7 If the Board verifies the physician's eligibility for an expedited license, the physician shall complete the registration process established by the Interstate Commission to receive a license in a member state, including the payment of any applicable fees.
- 4621.8 If the Board receives verification of eligibility and required fees for a physician applying through the Interstate Commission from a different state of principal license, the Board shall issue the physician an expedited license. This license shall authorize the physician to practice medicine in the District of Columbia pursuant to all applicable laws and regulations.
- 4621.9 An expedited license shall be valid for the same licensure period in the District of Columbia and in the same manner as required for other physicians holding a full and unrestricted license within the member District of Columbia.
- 4621.10 An expedited license obtained through the IMLC shall be terminated if a physician fails to maintain a license in the state of principal licensure for a nondisciplinary reason, without redesignating a new state of principal licensure.
- 4621.11 The Interstate Commission is authorized to develop additional rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.
- 4621.12 A physician seeking to renew an expedited license granted in the District of Columbia shall complete a renewal process with the Interstate Commission if the physician:
- (a) Maintains a full and unrestricted license in a state of principal license;
  - (b) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
  - (c) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license; and
  - (d) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.
- 4621.13 Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by the District of Columbia.
- 4621.14 The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the District of Columbia.

- 4621.15 Upon receipt by the District of Columbia of the renewal fees collected in accordance with § 4621.14, the physician's license shall be renewed.
- 4621.16 Physician information collected by the Interstate Commission during the renewal process will be distributed to the District of Columbia.
- 4621.17 The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the IMLC.
- 4621.18 When a physician licensed through the Interstate Compact has disciplinary action or an investigation taken against his or her license, the Board:
- (a) Shall report any public action or complaints to the Interstate Commission;
  - (b) Shall report any nonpublic complaint, disciplinary or investigatory information in accordance with rules of the Interstate Commission, and may report any such information not required by rule;
  - (c) Shall share complaint or disciplinary information about a physician upon request of another member board;
  - (d) May participate with other member boards in joint investigations of physicians licensed by the member boards;
  - (e) Shall deem any disciplinary action taken by a member board against a physician licensed through the Compact as unprofessional conduct which may be subject to discipline by the Board, whether or not such conduct constituted a violation of the District of Columbia Health Occupations Revision Act of 1985, D.C. Official Code §§ 3-1201.01 *et seq.* (HORA);
  - (f) Shall automatically place the license status of a physician licensed through the Compact whose license in the state of principal license has been revoked, surrendered or relinquished in lieu of discipline, or suspended, in the same status without needing any further action;
  - (g) Shall automatically suspend for ninety (90) days the license of a physician licensed through the Compact whose license in a member state has been revoked, surrendered or relinquished in lieu of discipline, or suspended, without needing any further action, in order to complete any investigation and take any other authorized action; and
  - (h) May deem any disciplinary action taken by a member state against a physician licensed through the Compact conclusive as to matters of law and fact and take appropriate action.

THE OFFICE OF LOTTERY AND GAMING

NOTICE OF FINAL RULEMAKING

The Executive Director of the Office of Lottery and Gaming, pursuant to the authority set forth in Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 36-601.06(a) and 36-601.24 (2019 Repl.)), and Office of the Chief Financial Officer Management Control Order No. 96-22, effective September 24, 1996, hereby gives notice of the her intent to amend Chapter 15 (Raffles) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking will authorize licensed organizations the option of accepting debit cards as a method of payment for 50/50 Raffle sales.

A Notice of Proposed Rulemaking was published on October 25, 2019 at 66 DCR 14105. The Office received the comment listed below and updated the Final Rulemaking to correct Subsection 1509.3(p). Subsection 1509.3(p) erroneously included the original regulation instead of the updated 2015 version of the same subsection. This subsection was corrected in this final version of the regulations. The changes made in the final rulemaking do not substantially change the intent, meaning, or application of the proposed rules as published with the notice of proposed rulemaking, or impose new obligations or requirements on claimants. Rather, the changes serve to clarify application of the rules by lessening restrictions and decreasing burdens on claimants, and correct language or grammar errors.

**Commenter: Elizabeth Pace, Monumental Sports & Entertainment**

Proposed Rule Section	Comment Summary	Response
§ 1509.2(p)	Commenter’s staff noted that the proposed Debit Card regulations included a previously amended Subsection 1509.2(p) and sought a clarification.	<p>Commenter was notified that the Subsection 1509.2(p) had not changed and that the final rulemaking would include the correct Subsection 1509.2(p).</p> <p>The final rulemaking includes the updated Subsection 1509.2(p) instead of the old Subsection 1509.2(p) from the original regulation.</p>

The regulations were adopted as final on January 8, 2020, and shall become effective upon publication of this notice in the *D.C. Register*.

**Chapter 15, RAFFLES, of Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:**

**Section 1509, 50/50 RAFFLES CONDUCTED BY CHARITABLE FOUNDATIONS AFFILIATED WITH COLLEGIATE OR PROFESSIONAL SPORTS TEAMS, is amended as follows:**

**Amend Subsection 1509.2 to read as follows:**

1509.2           Operation of 50/50 Raffles.

- (a)     The Agency shall require a non-refundable application fee for a 50/50 raffle license.
- (b)     The Agency may issue 50/50 raffle licenses for a single sporting event or game, or a period lasting the affiliated sports teams' season ("license period").
- (c)     A 50/50 raffle drawing may only take place during a single game or sporting event ("licensed event").
- (d)     The licensed organization shall complete all forms and provide all information to the Agency required under Chapter 12 of this title.
- (e)     50/50 raffles are subject to all of the applicable requirements established by Chapters 12, 13, 15, and 17 of this title except where specifically indicated in this chapter.
- (f)     50/50 raffles may be conducted with two-part "admission-style" tickets traditionally used for 50/50 raffles or electronically using computer software and related equipment to sell tickets, account for sales, and facilitate the drawing of tickets to determine winners.
- (g)     A person may purchase one or more 50/50 raffle tickets at a licensed event.
- (h)     Each 50/50 raffle ticket purchased shall represent one entry in the drawing for a winner. The equipment used to conduct 50/50 raffles and the method of play shall ensure that each and every ticket to participate shall have an equal opportunity to be drawn as a winner.
- (i)     The licensed organization's game rules shall state when the 50/50 raffle drawing shall take place.
- (j)     The 50/50 raffle drawing shall take place during the licensed event where the corresponding 50/50 raffle tickets are sold and must conclude before the end of the corresponding sporting event or game. If for some unforeseen

reason (weather delay, power outage, emergency, or other reasonably unforeseeable event), the licensed event is not completed on the day the licensed event's 50/50 raffle tickets are sold, the licensed event may be rescheduled and completed at another eligible sporting event or game provided no other licensed event is taking place at that event.

- (k) The licensed organization's game rules shall determine the number of winners that will be chosen randomly from the 50/50 raffle tickets sold.
- (l) The total prize amount of a 50/50 raffle drawing shall be 50% of the gross proceeds collected from the sale of the 50/50 raffle tickets.
- (m) The remaining 50% of the gross proceeds collected from the sale of the 50/50 raffle tickets shall be dispersed for the lawful purpose stated in the license application.
- (n) No more than one (1) 50/50 raffle drawing shall be conducted during a licensed event.
- (o) 50/50 raffle tickets shall have consecutive numbers, and shall list the licensed organization's contact name and phone number so that the purchaser may check on winning numbers.
- (p) All 50/50 raffle tickets shall be sold at a uniform price, including a uniformed tiered pricing schedule approved by the Executive Director. The licensed organization may not change Agency-approved 50/50 raffle ticket prices during the licensed event.
- (q) Winners need not be present at the 50/50 raffle draw. Each licensed organization shall post the winning raffle numbers on the affiliated team's website and the licensed organization's website.
- (r) The licensed organization's 50/50 raffle rules, and each individual 50/50 raffle ticket, shall provide the name and phone number of the individual in charge of the licensed event. Each 50/50 raffle ticket shall state where and how a 50/50 raffle ticket holder may check for the winning number after the licensed event.
- (s) The licensed organization may accept only United States currency or debit cards for the payment for any 50/50 raffle tickets.
- (t) The licensed organization is not required to accept debit cards for the sale of 50/50 raffle tickets, but if an licensed organization chooses to accept debit cards, the licensed organization shall be responsible for any costs, fees or charge backs that may be associated with debit card 50/50 raffle tickets sales.

- (u) The licensed organization may not charge a fee associated with accepting debit cards for 50/50 raffle ticket sales.
- (v) Persons selling 50/50 raffle tickets may be paid only via an hourly wage. Such persons shall not be provided additional compensation, incentives or bonuses based on amount of tickets sold. This section shall not apply to the system service provider.
- (w) 50/50 raffle tickets may not be sold in advance of the licensed event.
- (x) 50/50 raffle tickets may only be sold on the premises of the licensed event. The premises of the licensed event includes only areas where an event ticket is required for admission to view the event, and does not include event parking areas, sidewalks, streets, restaurants, shops, entertainment venues, or bars near or adjacent to the premises of the licensed event.
- (y) No single 50/50 raffle drawing shall exceed the sum of \$150,000 in prizes.
- (z) Subsections 1202.2 (l) and (n), Subsections 1204.14, 1502.1(c), (d) and (h), Subsection 1502.2, Subsection 1502.3, Subsection 1502.4, Subsection 1502.5, Subsection 1503.4, Subsection 1504.1, and Subsection 1504.2 of this title shall not apply to 50/50 raffles.



## OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

NOTICE OF FINAL RULEMAKING

The Director of the Office of Victim Services and Justice Grants (OVSJG), pursuant to the authority under Section 112 of the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code § 4-555.12 (2019 Repl.)) (“Act”), hereby gives notice of the adoption of a new Chapter 43 (Address Confidentiality Program) to Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking establishes OVSJG’s Address Confidentiality Program (“Program”). The Program will allow certain victims and employees, as provided in the Act, to maintain the confidentiality of their residential addresses, limit the ability to be located through District government agency records, and, with limited exceptions, withhold participants’ residential addresses from a requesting District government agency. Instead, OVSJG will provide participants with a substitute address that they can provide to agencies and at which mail may be received. District government agencies shall be prohibited from publishing a Program participant’s address in public records, with limited exceptions. The Program seeks to protect the confidentiality of participants’ residential addresses, while providing them with an alternative address that will allow them to engage in critical government activities, such as voting, receiving government benefits, or registering a child in a school.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 30, 2019 at 66 DCR 11728. No comments were received, but a non-substantive clarifying change has been made to the text of § 4302.1(c)(2). This clarification ensures that applicants who have remained at their actual residence for more than sixty (60) days, but have taken adequate measures to safeguard their address, are eligible to participate in the Program.

The rulemaking was adopted as final on November 4, 2019 and will become effective upon publication of this notice in the *D.C. Register*.

**A new Chapter 43, ADDRESS CONFIDENTIALITY PROGRAM, is added to Title 24 DCMR, PUBLIC SPACE AND SAFETY, to read as follows:**

**CHAPTER 43            ADDRESS CONFIDENTIALITY PROGRAM**

<b>Sec.</b>	<b>Title</b>
4300	GENERAL PROVISIONS
4301	APPLICATION ASSISTANTS
4302	PROGRAM APPLICATIONS AND CERTIFICATION
4303	ADDRESS USE BY DISTRICT GOVERNMENT AGENCIES
4304	AUTHORIZATION CARDS
4399	DEFINITIONS

**4300 GENERAL PROVISIONS**

4300.1 The Address Confidentiality Act Program (“Program”) shall be administered by the Office of Victim Services and Justice Grants (“Office” or “OVSJG”) pursuant to the Address Confidentiality Act of 2018 (“Act”), and shall be applicable to participants who are victims of a covered offense, or covered employees, and who state that disclosure of their actual address would endanger their actual safety.

4300.2 Participants in the Program shall be provided, by the Office, substitute addresses at which the Office shall receive first-class, certified, and registered mail sent to participants or their representatives. OVSJG shall, at no charge, forward that mail to the participant’s actual address.

4300.3 Unless excepted by § 4303 or other applicable law, each District agency shall be required to accept Program participants’ substitute addresses, if provided by participants, in lieu of participants’ actual addresses for any purpose the agency requires or requests a residential, work, or school address.

4300.4 The provisions of the Act, including any penalties for violations, shall apply only to District government agencies, including District government instrumentalities.

**4301 APPLICATION ASSISTANTS**

4301.1 OVSJG shall establish a training program for application assistants who, upon designation by OVSJG pursuant to section 4301.2, shall assist applicants or their representatives in submitting applications to the Program.

4301.2 A person may be designated an application assistant if the person:

- (a) Successfully completes the training established pursuant to § 4301.1; and
- (b) Provides counseling, referral, or other services to victims of a covered offense, or services at an organization that focuses on reproductive healthcare; provided, that:

(1) The organization where the person provides such services shall submit to OVSJG a letter on agency letterhead certifying that the person provides the requisite services; and

(2) If the person ceases to be affiliated with such program or organization, the program or organization shall notify OVSJG in writing and the person shall be removed from OVSJG’s roster of application assistants; provided further, that if the person subsequently becomes affiliated with another program or organization that meets the criteria under this subsection, the person may be reinstated as an application assistant.

4301.3 The Director may withdraw, suspend, or terminate a person’s designation as an application assistant.

**4302 PROGRAM APPLICATIONS AND CERTIFICATION**

4302.1 To apply for the Program, an applicant or the applicant’s representative shall meet with an application assistant and complete the application, which shall include the following:

- (a) The applicant’s name and the actual address the applicant seeks to have protected by OVSJG;
- (b) Sufficient evidence, as required under the Act, establishing that the applicant is a victim of a covered offense or is a covered employee;
- (c) A statement by the applicant or the applicant’s representative that:
  - (1) Disclosure of the applicant’s actual address would endanger the applicant’s safety;
  - (2) The applicant has:
    - (A) Moved to the actual address in the past sixty (60) days or will relocate to the actual address in the next thirty (30) days; or,
    - (B) Taken adequate measures to ensure that the applicant’s actual address is not easily accessible online or through public records;
  - (3) Identifies any existing court orders or pending judicial actions involving the applicant and includes a description of those orders or actions;
  - (4) Designates the Director as an agent for purposes of service of process and receiving mail;
  - (5) Provides the name and contact information of the applicant’s representative, if applicable; and
  - (6) Swears or affirms, under penalty of perjury, that to the best of the applicant or applicant’s representative’s knowledge, the information contained in the application is true.

4302.2 OVSJG shall certify an applicant as a Program participant if:

- (a) The applicant meets the requirements in § 4302.1; and
- (b) OVSJG determines the applicant would benefit from participation in the Program.

### **4303 ADDRESS USE BY DISTRICT GOVERNMENT AGENCIES**

4303.1 Except as provided in this section or other applicable law, a Program participant shall not be required to provide her or his actual address for any purpose for which a District government agency requires or requests a residential, work, or school address.

4303.2 Only a participant's actual address shall be used as part of a registration required by the Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law 13-137; D.C. Official Code §§ 22-4001 *et seq.*).

4303.3 For any person who is eligible to vote in the District of Columbia and is certified by OVSJG to participate in the Program:

- (a) OVSJG shall send the participant's actual address and a copy of the authorization card described in § 4304 to the District of Columbia Board of Elections ("Board"), unless the participant opts out on the application form.
- (b) The Board shall maintain this information in its records;
- (c) If the participant decides to vote, the participant shall vote by absentee ballot; and
- (d) If the participant decides to sign a petition to be filed with the Board, the participant may use the substitute address to sign the petition.

4303.4 Office of Tax and Revenue:

- (a) While a participant's actual address shall be used on any document filed with the Office of Tax and Revenue ("OTR"), OTR shall not index by a Program participant's name in any online database of the agency relating to assessment and tax information, or relating to all recorded documents, such that the OTR online databases shall not be searchable by a participant's name, with the exceptions listed in subparagraphs (1) and (2) below:

- (1) OTR may index by a participant's name the following recorded documents: a court order, a judgment, a lien, or any document related to debt collection that is not a security interest instrument; and

- (2) OTR may include a participant’s name in any notice or index OTR publishes for the collection of debts, including taxes and tax sales.
- (b) This subsection shall not require OTR to redact or otherwise erase a participant’s name or address in any document or electronic record in its online database.
- (c) Except as provided in this subsection, OTR shall not disclose a participant’s actual address unless OVSJG permits disclosure pursuant to this chapter.
- (d) To request information about and assistance with OTR records to ensure the highest level of confidentiality, a participant shall schedule an appointment with the OTR Customer Service Center or other designated contact.

**4304 AUTHORIZATION CARDS**

4304.1 After OVSJG has certified that an applicant meets all requirements and would benefit from participation in the Program, OVSJG shall issue a Program authorization card to the participant or the participant’s representative, which shall include the participant’s:

- (a) Name;
- (b) Substitute address;
- (c) Certification number;
- (d) Signature; and
- (e) Expiration date.

4304.2 An authorization card shall be valid for three (3) years from the date of the initial certification by OVSJG so long as the participant continues to qualify for the Program, unless the participant or the participant’s representative cancels the participant’s certification before the end of the three (3) year period.

4304.3 At least sixty (60) days prior to the authorization card’s expiration, OVSJG shall provide notification to the participant or the participant’s representative of the pending expiration.

4304.4 Participants may apply to OVSJG to renew their certification for an additional two (2) years. OVSJG shall renew a person’s certification if OVSJG determines that the person continues to meet all requisite qualifications.

4304.5 Upon the Director’s approval of a renewal application, OVSJG shall issue a new authorization card to the participant or the participant’s representative.

4304.6 A District agency, presented with a valid authorization card by a participant, shall accept the substitute address designated by OVSJG as the participant’s address, except as provided in § 4303.

4304.7 A District agency employee who lawfully requests a residential, work, or school address from a participant may make a photocopy of the participant’s authorization card with the substitute address, but shall return the original card to the participant.

4304.8 District agency personnel shall not make the agency’s compliance with this Act contingent upon:

- (a) Any proof of the participant’s participation in the Program other than presentation to agency personnel of the authorization card issued by the Director; or
- (b) The participant paying a fee.

To the extent an agency employee has questions about participants’ participation in the Program, she or he may contact OVSJG.

**4399 DEFINITIONS**

4399.1 The following definitions shall apply to terms used in this chapter:

**Covered employee** – an individual, including a volunteer, who provides direct or indirect services at an organization:

- (a) That focuses on reproductive health care; or
- (b) Whose primary purpose is serving victims of a covered offense.

**Covered offense** – domestic violence, a sexual offense, stalking, or human trafficking as specified in Sections 101(8), (9), (15), and (16) of the Act (D.C. Official Code §§ 4-555.01(8), (9), (15) and (16)).

**Director** – the Director of the Office of Victim Services and Justice Grants.

**Office or OVSJG** – the Office of Victim Services and Justice Grants.

**Program** – the Address Confidentiality Program.

**DEPARTMENT OF MOTOR VEHICLES****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)), Sections 6, 7, and 8a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121, 1125; D.C. Official Code §§ 50-2201.03, 50-1401.01, and 50-1401.03 (2014 Repl.)), Mayor’s Order 1975-54, dated March 7, 1975 and Mayor’s Order 2016-077, dated May 2, 2016, hereby gives notice of the intent to adopt the following amendments to Chapter 1 (Issuance of Driver Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rule will allow a residency document received pursuant to the Address Confidentiality Program to be submitted in lieu of other documents in order to obtain a driver license, provisional permit, learner permit or identification card.

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

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

**Chapter 1, ISSUANCE OF DRIVER LICENSES, is amended as follows:**

**The title is amended to read as follows:**

**CHAPTER 1 ISSUANCE OF LEARNER PERMITS, PROVISIONAL PERMITS, OR  
DRIVER LICENSES**

**Section 103, APPLICATION FOR A DRIVERS LICENSE, LEARNER PERMIT, OR PROVISIONAL PERMIT, is amended as follows:**

**Subsection 103.4 is amended by adding a paragraph (d)(13) so that the subsection reads as follows:**

103.4 Each applicant shall provide, as applicable, the documents set forth below in order to establish identity, date of birth, lawful status in the United States, social security number and address of principal residence as follows:

- (a) To establish identity, date of birth and lawful status, an applicant shall submit one of the following documents:
  - (1) Original valid, unexpired U.S. passport or passport card;

- (2) Original or certified copy of U.S birth certificate or record of birth issued by the State Office of Vital Records or the equivalent agency in the applicant's location of birth;
  - (3) Original or certified copy of the Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State;
  - (4) Original valid, unexpired Permanent Resident Card issued by the U.S. Department of Homeland Security;
  - (5) Original Certificate of Naturalization form issued by the U.S. Department of Homeland Security;
  - (6) Original Certificate of Citizenship form issued by the U.S. Department of Homeland Security;
  - (7) Original unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the U.S.;
  - (8) Original unexpired employment authorization documents issued by the U.S. Department of Homeland Security;
  - (9) REAL ID driver license or identification card issued in compliance with 6 CFR § 37; or
  - (10) Any other documents designated acceptable by the U.S. Department of Homeland Security by notice published in the Federal Register.
- (b) To establish proof of Social Security Number (SSN), an applicant shall submit an original of one of the following documents reflecting applicant's full name and full social security number:
- (1) Social Security card or Social Security Administration printout;
  - (2) W-2 form;
  - (3) SSA-1099 form;
  - (4) Non-SSA-1099 form; or
  - (5) Pay statement.



- (c) To establish proof of ineligibility for an SSN, an applicant shall submit an original letter from the Social Security Administration reflecting that the applicant is not eligible for a social security number.
- (d) To establish District of Columbia residency, an applicant shall submit an original of two of the documents set forth in (1)-(8), except as set forth in (9)-(13). The address on the documents shall match the address on the application.
  - (1) Utility bill (Water, Gas, Electric, Oil, or Cable) with name and address, issued within the last sixty (60) days;
  - (2) Telephone bill reflecting applicant's name and current address, issued within the last sixty (60) days;
  - (3) Deed or settlement agreement reflecting property address;
  - (4) Unexpired lease or rental agreement with the name of the applicant listed as the lessee, permitted resident or renter (may be a photocopy);
  - (5) Current District of Columbia Property Tax bill;
  - (6) Unexpired homeowner's or renter's insurance policy reflecting name and address;
  - (7) Official Mail received from a Federal or District of Columbia Agency, other than the District of Columbia Department of Motor Vehicles, that includes the applicant's first and last name and complete address, as well as the envelope and contents;
  - (8) Bank statement issued within the last sixty (60) days reflecting name and address;
  - (9) If unable to provide two of the documents listed above, submit a D.C. DMV Proof of Residency Form signed by the person owning or renting the property where the applicant is residing and a copy of this person's unexpired D.C. driver license or D.C. identification card and two of the documents listed above in the name of the person owning or renting the property.
  - (10) For an identification card only, Department of Motor Vehicles' approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or D.C. Department of Corrections issued within the last sixty (60) days certifying residency. A second document is not required.

- (11) For an identification card only, a District of Columbia Department of Motor Vehicles' approved letter from a certified social service provider. A second document is not required.
- (12) Any other documents deemed acceptable by the Director through written approval.
- (13) Documentation and a form approved by the Department of Motor Vehicles and received pursuant to the Address Confidentiality Program authorized by the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code §§ 4-555.01-4-555.12).

**Section 114, LIMITED PURPOSE DRIVER LICENSE, LEARNER PERMIT, PROVISIONAL PERMIT, OR IDENTIFICATION CARD, is amended as follows:**

**Subsection 114.5 is amended by adding a paragraph (m), so that the subsection reads as follows:**

- 114.5 Except as stated otherwise, each applicant shall provide two of the documents set forth below in order to establish present residency:
- (a) Utility bill (Water, Gas, Electric, Oil, or Cable) with name and address, issued within the last sixty (60) days;
  - (b) Telephone bill reflecting applicant's name and current address, issued within the last sixty (60) days;
  - (c) Deed or settlement agreement reflecting property address;
  - (d) Unexpired lease or rental agreement with the name of the applicant listed as the lessee, permitted resident or renter (may be a photocopy);
  - (e) District of Columbia Property Tax bill issued within the last twelve months;
  - (f) Unexpired homeowner's or renter's insurance policy reflecting name and address;
  - (g) For an identification card only, Department of Motor Vehicles' approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or D.C. Department of Corrections issued within the last sixty (60) days certifying residence address. A second document is not required;

- (h) Official Mail received from a Federal or District of Columbia Agency within the last sixty (60) days, other than the District of Columbia Department of Motor Vehicles, that includes the applicant's first and last name and complete address, as well as the envelope and contents;
- (i) Bank statement issued within the last sixty (60) days reflecting name and address;
- (j) District of Columbia Department of Motor Vehicles' Proof of Residency Form signed by the person owning or renting the residence where the applicant resides and a copy of this person's unexpired District of Columbia driver license or identification card as well as two of the documents listed in (a)-(i) above in the name of the person owning or renting the residence; or
- (k) For an identification card only, a District of Columbia Department of Motor Vehicles' approved letter from a certified social service provider issued within the last sixty (60) days. Does not require a second document to establish present residency.
- (l) Any other documents deemed acceptable by the Director through written approval.
- (m) Documentation and a form approved by the Department of Motor Vehicles and received pursuant to the Address Confidentiality Program authorized by the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code §§ 4.555.01 – 4.555.12). An applicant whose submission is accepted under this provision is not required to comply with § 114.6.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, with David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024, [dmvpubliccomments@dc.gov](mailto:dmvpubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov). Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposed rulemaking may be obtained, at cost, by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-001  
January 7, 2020

**SUBJECT:** Appointment — Contract Appeals Board

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 1001 of the Procurement Practices Reform Act of 2010, effective April 8, 2011, D.C. Law 18-371, D.C. Official Code § 2-360.01 (2016 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. **NICHOLAS MAJETT**, pursuant to the Contract Appeals Board Nicholas Majett Confirmation Resolution of 2019, effective September 17, 2019, R23-0209, is appointed as a member of the Contract Appeals Board, replacing Maxine McBean, for a term to end July 28, 2023.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 17, 2019.

  
MURIEL BOWSER  
MAYOR

ATTEST:   
KIMBERLY A. BASSETT  
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

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

**NOTICE OF PUBLIC HEARINGS  
CALENDAR**

**WEDNESDAY, JANUARY 15, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009**

**Donovan W. Anderson, Chairperson  
Members: James Short, Bobby Cato, Rema Wahabzadah, Rafi A. Crockett**

- |  |                |
|--|----------------|
| <b>Protest Hearing (Status)</b><br><b>Case # 19-PRO-00161;</b> Capo, LLC, t/a Capo, 715 Florida Ave NW, License #103693, Retailer CT, ANC 5E<br><b>Substantial Change (Licensee is applying to add a Sports Wagering to their Operations)</b>  | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 19-CIT-00303;</b> District Kitchen, LLC, t/a New District Kitchen, 2606 Connecticut Ave NW, License #87574, Retailer CR, ANC 3C<br><b>Failed to File Quarterly Statements</b>  | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 19-CIT-00315;</b> Georgetown Washington DC Inn, LLC, t/a Georgetown Inn-1310 Kitchen and Bar, 1310 Wisconsin Ave NW, License #88198, Retailer CH, ANC 2E<br><b>No ABC Manager on Duty</b>  | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 19-CC-00115;</b> Kroran Uyghur Restaurant, LLC, t/a Dolan Uyghur Restaurant, 3518 Connecticut Ave NW, License #104335, Retailer CR, ANC 3C<br><b>Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age</b> | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 19-CC-00099;</b> Texas Convenience Store, Inc., t/a Texas Grocery Store 4350 Texas Ave SE, License #94776, Retailer A, ANC 7F<br><b>Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age</b>              | <b>9:30 AM</b> |

Board’s Calendar  
January 15, 2020

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 19-CC-00098;** Harris Teeter, LLC, t/a Harris Teeter, 1201 1st Street NE  
License #95170, Retailer B, ANC 6C  
**Sale to Minor Violation**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 19-CMP-00106;** Pitchers, LLC, t/a Pitchers, 2317 18th Street NW  
License #110437, Retailer CR, ANC 1C  
**Failed to Allow an ABRA Investigator to Enter or Inspect Without Delay the Licensed Premises.**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 19-CIT-00321;** NAI Saturn Eastern, LLC, t/a Safeway, 1601 Maryland Ave NE, License #97703, Retailer B, ANC 5D  
**No ABC Manager on Duty**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 19-CMP-00104;** Thirteenth Step, LLC, t/a Kitty O'Shea's DC, 4624 Wisconsin Ave NW, License #90464, Retailer CR, ANC 3E  
**No ABC Manager on Duty**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 19-CC-00085;** CCHH Host Capitol Hill, LLC, t/a Hyatt Regency Washington, 400 New Jersey Ave NW, License #75037, Retailer CH, ANC 6C  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

**Show Cause Hearing\* 10:00 AM**  
**Case # 19-CC-00016;** Hope Lounge, LLC, t/a Medusa Lounge (Formerly-Peace Lounge), 2632 Georgia Ave NW, License #106785, Retailer CT, ANC 1B  
**Sale to Minor Violation, No ABC Manager on Duty**

**Show Cause Hearing\* 11:00 AM**  
**Case # 19-CC-00093;** Miku, LLC, t/a J & D Market, 2201 Minnesota Ave SE License #103723, Retailer B, ANC 8A  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

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

Board's Calendar

January 15, 2020

**Protest Hearing\***

**1:30 PM**

**Case # 19-PRO-00108;** Wi Mila, Inc., t/a New Seven Market, 1406 Good Hope Road SE, License #113576, Retailer B, ANC 8A  
**Substantial Change (Class Change from Retailer "B" 25% to Retailer B)**

**Protest Hearing\***

**4:30 PM**

**Case # 19-PRO-00110;** Deset Ethiopian Restaurant, LLC, t/a Deset Ethiopian Restaurant, 6128 Georgia Ave NW, License #98818, Retailer CR, ANC 4A  
**Application to Renew the License**

**Protest Hearing\***

**4:30 PM**

**Case # 19-PRO-00102;** Balkan Concepts, LLC, t/a Ambar, 523 8th Street SE License #90240, Retailer CR, ANC 6B  
**Substantial Change (Request to Expand to the Third Floor with 56 Additional Seats. Total Occupancy Load 140 to 196)**

*\*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](mailto:opengovoffice@dc.gov).*

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
INVESTIGATIVE AGENDA

WEDNESDAY JANUARY 15, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, January 15, 2020 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.” “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](mailto:opengovoffice@dc.gov).”

1. Case# 19-Hiwot, Ethiopian Restaurant & Market, 5333 Georgia Avenue N.W., Retailer CR, License # ABRA-100297

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2. Case# 19-CMP-00210, Surfside, 2444 Wisconsin Avenue N.W., Retailer CR, License # ABRA-078406

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3. Case# 19-CMP-00205, Lucky Strike, 701 7<sup>th</sup> Street N.W., Retailer CN, License # ABRA-111892

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4. Case# 19-251-00162, Lucky Strike, 701 7<sup>th</sup> Street N.W., Retailer CN, License # ABRA-111892

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6. Case# 19-CMP-00207, Churreria Madrid Restaurant, 2505 Champlain Street N.W., Retailer CR, License # ABRA-060806

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7. Case# 19-251-00161, Café Citron, 1343 Connecticut Avenue N.W., Retailer CT, License # ABRA-060138

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8. Case# 19-CMP-00202, Reren, 817 7<sup>th</sup> Street N.W., Retailer CR, License # ABRA-103950

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9. Case# 19-CMP-00206, Taqueria Rosticeria Fresca, 701 H Street N.E., Retailer CR, License # ABRA-104296



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, JANUARY 15, 2020 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Change of Hours inside premises. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday 11:30am to 10pm, Monday-Thursday 11:30am to 1am, Friday-Saturday 11:30am to 2am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 6D. SMD 6D02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Roy Boys*, 1025 1<sup>st</sup> Street SE, Retailer CR, License No. 114131.

- 
2. Review Application for Entertainment Endorsement to provide live entertainment inside the premises. *Proposed Hours of Live Entertainment Indoors Only:* Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. ANC 2B. SMD 2B07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *City Tap House*, 1250 Connecticut Avenue NW, Retailer CR, License No. 106537.
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**\*In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend. 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](mailto:opengovoffice@dc.gov).**

**OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**  
**COMMISSION ON ASIAN AND PACIFIC ISLANDER COMMUNITY**  
**DEVELOPMENT**

Wednesday, January 15, 2020, 6:30 PM  
441 4<sup>th</sup> Street NW, Suite 721 North, Washington, DC 20001  
Call-in: (877) 787-5492, Passcode: 9401470

Agenda

Call to Order

Introduction of Commissioners

Quorum

Approval of Agenda

Approval of December 2019 Meeting Minutes

Executive Reports and Business Items

1. Director's Report, Director Ben de Guzman, MOAPIA
2. Commission Task Forces
3. Commission Meeting Operating Procedures

Miscellaneous Items

Meeting Adjournment

Next Meeting:

Wednesday, February 19, 2020, 6:30 PM

MOAPIA

441 4<sup>th</sup> St NW, Suite 721N, Washington, DC 20001

Questions:

John Tinpe Chairman, [John.Tinpe@dcbc.dc.gov](mailto:John.Tinpe@dcbc.dc.gov)

Ben Takai, Vice Chair & Secretary [BenTakai@dcbc.dc.gov](mailto:BenTakai@dcbc.dc.gov)

Henry Duong, MOAPIA [Henry.Duong@dc.gov](mailto:Henry.Duong@dc.gov)

[www.apia.dc.gov](http://www.apia.dc.gov)

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

DISTRICT OF COLUMBIA HIGHER EDUCATION LICENSURE COMMISSION

The District of Columbia Higher Education Licensure Commission (HELCC) hereby announces the following dates for its Executive, Public and Work Meetings as well as its New Applicant Workshop for the calendar year 2020.

**2020 Executive, Public and Work Meeting Dates**

Location

1050 First Street, NE  
Washington, DC 20002

January 16, 2020	Thursday	9:30am – 3pm	Executive/Public	Room TBD
February 7, 2020	Friday	10am – 1pm	Work	Room TBD
March 5, 2020	Thursday	9:30am – 3pm	Executive/Public	Room TBD
April 3, 2020	Friday	10am – 1pm	Work	Room TBD
May 14, 2020	Thursday	9:30am – 3pm	Executive/Public	Room TBD
June 5, 2020	Friday	10am – 1pm	Work	Room TBD
July 9, 2020	Thursday	9:30am – 3pm	Executive/Public	Room TBD
AUGUST 2020	RECESS		NO MEETING	
September 14, 2020	Monday	9:30am – 3pm	Executive/Public	Room TBD
October 9, 2020	Friday	10am – 1pm	Work	Room TBD
November 5, 2020	Thursday	9am – 3pm	Executive/Public	Room TBD
December 4, 2020	Friday	10am – 1pm	Work	Room TBD

A meeting agenda will be published in the DC Register prior to the scheduled meeting. Any meeting agenda that is unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the public meetings calendar and on HELCC’s website at [helc.osse.dc.gov](http://helc.osse.dc.gov) no later than two (2) business days prior to the meeting.

**New Applicant Workshop 2020 Dates**

Location

1050 First Street, NE  
Washington, DC 20002

January 16, 2020	Thursday	10am – 12 noon	Room TBD
March 19, 2020	Thursday	10am – 12 noon	Room TBD
May 21, 2020	Thursday	10am – 12 noon	Room TBD
July 16, 2020	Thursday	10am – 12 noon	Room TBD
September 10, 2020	Thursday	10am – 12 noon	Room TBD
November 19, 2020	Thursday	10am – 12 noon	Room TBD

For additional information, please contact:

Maia N. Bailey-Turner  
Staff Assistant  
Higher Education Licensure Commission  
Division of Postsecondary & Career Education  
Office of the State Superintendent of Education (OSSE)  
1050 1<sup>st</sup> Street N.E. 5<sup>th</sup> Floor  
Washington, DC 20002  
202-481-3951 (Direct)  
202-741-0229 (Fax)  
[Maia.turner@dc.gov](mailto:Maia.turner@dc.gov)  
helc.osse.dc.gov

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**  
**OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT**  
**ANNOUNCES JANUARY 16, 2020 PUBLIC MEETING**  
**FOR THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL CREDIT**  
**ENHANCEMENT COMMITTEE**

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the District of Columbia Public Charter School Credit Enhancement Committee as follows:

**12:30 p.m. – 2:00 p.m.**  
**Thursday January 16, 2020**  
**1050 First St. NE,**  
**Washington, DC 20002**  
**Conference Room 535 (Capitol Hill)**

For additional information, please contact:

Debra Roane, Financial Program Specialist  
Office of Public Charter School Financing and Support  
Office of the State Superintendent of Education  
1050 First St. NE, Fifth Floor  
Washington, DC 20002  
(202) 478-5940  
[Debra.Roane@dc.gov](mailto:Debra.Roane@dc.gov)

The draft agenda for the above-referenced meeting will be:

- I. Call to Order
- II. Approval of agenda for the January 16, 2020, committee meeting
- III. Approval of minutes from December 19, 2019, committee meeting
- IV. Review Conflict of Interest – Transaction Disclosure Checklist
- V. Capital Village PCS - \$250,000 Unfunded Credit Enhancement

Any changes made to the agenda that are unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the [public meetings calendar](#) no later than two (2) business days prior to the meeting.

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS**  
**MONTHLY MEETINGS**

**\*\*Scheduled for the months of January 2020 through December 2020**

**(All meetings are held at 1015 Half Street, SE, Suite 750)**

DATE	TIME	LOCATION
Wednesday, January 8, 2020	10:30 AM	Suite 750
Wednesday, February 5, 2020	10:30 AM	Suite 750
Wednesday, March 4, 2020	10:30 AM	Suite 750
Wednesday, April 1, 2020	10:30 AM	Suite 750
Wednesday, May 6, 2020	10:30 AM	Suite 750
Wednesday, June 10, 2020	10:30 AM	Suite 750
Wednesday July 1, 2020	10:30 AM	Suite 750
Wednesday, August 5, 2020	10:30 AM	Suite 750
Wednesday, September 2, 2020	10:30 AM	Suite 750
Wednesday, October 7, 2020	10:30 AM	Suite 750
Wednesday, November 11, 2020	10:30 AM	Suite 750
Wednesday, December 2, 2020	10:30 AM	Suite 750

**\*\*These dates are subject to change.**

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue permit No. 7261-A1 to Schuster Concrete Ready Mix, LLC to construct and operate a Model 150 Transit Mix (dry batch) portable concrete plant (electric line powered) with associated 2.78 MMBTU/hr No. 2 fuel oil fired hot water heater and three cement silos at 3900 Wisconsin Avenue NW, Washington DC 20016. A permit was issued for this project on October 29, 2019, except that the applicant only requested approval to install two cement silos. This permitting action proposes allowing the installation of a third cement silo for storage of slag to be used as a raw material in the concrete production process. The contact person for the facility is Mike Johannes, Manager, at (410) 977-5086. The applicant's mailing address is 3713 Crondall Lane, Owings Mills MD 21117.

Emissions:

Maximum emissions from the equipment, producing 100,000 cubic yard per year, and including the 2.78 MMBTU/hr hot water tank and three cement silos are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Suspended Particulate Matter (TSP)	2.51
Sulfur Oxides (SOx)	0.28
Nitrogen Oxides (NOx)	0.23
Volatile Organic Compounds (VOC)	0.04
Carbon Monoxide (CO)	0.35

This permit amendment action only affects the potential to emit TSP, increasing the potential emissions from 2.42 tons per year to 2.51 tons per year.

The proposed overall emission limits for the equipment are as follows:

- a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the "Operational Limitations" of this permit.
- b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- c. The discharge of total suspended particulate matter (TSP) into the atmosphere from any process shall not exceed three hundredths (0.03) grains per dry standard cubic foot of the exhaust. [20 DCMR 603.1]

- d. The discharge of TSP from the concrete batch plant shall not exceed 40 pounds per hour. [20 DCMR 603.1 and Appendix 6-1]
- e. Visible emissions shall not be emitted from these units except that discharges not exceeding 40% opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minutes period and for an aggregate of twelve (12) minutes in any twenty-four (24) hours period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- f. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

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

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
Department of Energy and Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments or hearing requests submitted after February 10, 2020 will be accepted.**

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



**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, is proposing to issue air quality permit No. 7276 to the U.S. Department of the Treasury, Bureau of Engraving and Printing to construct and operate a Large Examining and Printing Equipment printing press (identified as LEPE 4), at the Bureau of Engraving and Printing, located at 14<sup>th</sup> and C Streets SW, Washington DC. The contact person for the facility is David Kaczka, Environmental Compliance Manager, Office of Environment, Health & Safety, at (202) 874-2107. The applicant's mailing address is 14<sup>th</sup> and C Streets SW, Washington, DC 20228.

The proposed emission limits are as follows:

- a. Emissions of volatile organic compounds (VOC) from the ink used in the process shall not exceed 0.04 pounds per press hour. Except when tested on a one-time basis in accordance with Condition IV(e), compliance with this condition shall be determined on a monthly average basis. Monthly average emissions shall be calculated by determining the amount of ink used in the LEPE press in a given month, in pounds, multiplying that value by the percent of the ink used that is emitted as VOC emissions (5% based on the 95% ink VOC retention factor found in document EPA-453/R-06-002), and dividing the result by the number of hours of operation of the press that month. [20 DCMR 201]
- b. VOC emissions from any cleaning solvents used shall not exceed 0.40 pounds per press hour. Except when tested on a one-time basis in accordance with Condition IV(e) of this permit, compliance with this condition shall be determined on a monthly average basis. Monthly average emissions shall be calculated by determining the amount of each cleaning solvent used by the LEPE press in a given month, in pounds, multiplying that by the percent of the solvent used that is emitted (100% of the solvent VOC content shall be assumed to be emitted except where a solvent retention factor for low vapor pressure solvents used in manual cleaning is applied in accordance with document EPA-453/R-06-002, as revised), and dividing the result by the number of hours of operation of the press. [20 DCMR 201]
- c. The total annual VOC emitted from the ink and cleaning solvent as a result of operation of the press shall not exceed 1.92 tons in any 12-month period. [20 DCMR 201]
- d. Visible emissions shall not be emitted into the outdoor atmosphere from the printing press. [20 DCMR 107 and 606]
- e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903]

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

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

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments or hearing requests submitted after February 10, 2020 will be accepted.**

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

**BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY****OFFICE OF GOVERNMENT ETHICS****2020 SCHEDULE OF ETHICS BOARD MEETINGS**

In accordance with D.C. Official Code § 1-1162.04, the Office on Government Ethics provides notice of the 2020 Schedule of meetings of the District of Columbia Board of Ethics and Government Accountability. All Meetings are scheduled on Thursdays at 10:00 a.m. and will be held at The Board of Ethics and Government Accountability, 441 4th Street, N.W., Suite 540S, Washington, DC 20001. The Board may exercise its discretion and reschedule a regular meeting or call special meetings when necessary with reasonable notice to the public.

- January 9, 2020
- February 6, 2020
- March 5, 2020
- April 2, 2020
- May 7, 2020
- June 4, 2020
- July 2, 2020
- August 6, 2020
- September 3, 2020
- October 1, 2020
- November 5, 2020
- December 3, 2020

**FRIENDSHIP PUBLIC CHARTER SCHOOL****NOTICE OF REQUEST FOR PROPOSAL**

Friendship Public Charter School is seeking bids from prospective vendors to provide;

- General Contractor/Construction Company services to build a new Middle School, approximately 56,200 square foot multi-level facility at Friendship Public Charter School- Ideal Elementary site in ward 4- Lamond Riggs, Washington, DC. Friendship has engaged an Architect to develop construction documents and specifications to meet the programmatic needs. The selected contractors will be required to construct the approved designs no later than January 31, 2021.

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, Monday, February 10, 2020. No proposals will be accepted after the deadline. Questions can be addressed to [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org).

**DEPARTMENT OF HEALTH (DC HEALTH)  
COMMUNITY HEALTH ADMINISTRATION (CHA)  
NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA# CHA\_WIPP\_01.24.20**

**Workforce Incentive Pilot Program**

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

**General Information:**

Funding Opportunity Title:	Workforce Incentive Pilot Program
Funding Opportunity Number:	FO-CHA-PG00004-035
Program RFA ID#:	CHA_WIPP_01.24.20
Opportunity Category:	Competitive
DC Health Administrative Unit:	Community Health Administration
DC Health Program Bureau	Health Care Access Bureau
Program Contact:	Urvi Patel 202-442-9168
Program Description:	DC Health's Community Health Administration (CHA) is soliciting applications from qualified organizations to implement a pilot project to assess the feasibility and effectiveness of evidence-informed strategies to improve health care workforce recruitment and retention in two priority areas: financial incentives and workforce satisfaction. Applicants will plan, implement and evaluate the impact of financial incentives and workforce satisfaction strategies on recruitment and retention among health professionals in the shortage areas.
Eligible Applicants	Eligible organizations must be a non-profit or public health center providing primary medical, dental and/or mental health services to DC residents regardless of their ability to pay. The applicants' organization must be located in a federally designated Health Professional Shortage Area (HPSA) or Medically Underserved Area (MUA), providing services that correspond with the HPSA designation.
Anticipated # of Awards:	Up to three (3) awards
Anticipated Amount Available:	\$450,000
Floor Award Amount:	\$25,000
Ceiling Award Amount:	\$150,000

**Funding Authorization**

Legislative Authorization	Fiscal Year 2020 Budget Support Act of 2019: District of Columbia Health Professional Recruitment Program Act of 2005, Title 22B, Chapter 61 (D.C. Law 16-71)
Associated CFDA#	Not Applicable
Associated Federal Award ID#	Not Applicable
Cost Sharing /Match Required?	No
RFA Release Date:	January 24, 2020
Pre-Application Meeting Date	February 6, 2020
Pre-Application Meeting Time	10:00AM-11:30AM
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE Third Floor, Room 306 Washington, DC 20002 (Contact <a href="mailto:urvi.patel@dc.gov">urvi.patel@dc.gov</a> )
Letter of Intent Due date:	Not applicable
Application Deadline Date:	February 28, 2020
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="http://opgs.dc.gov/page/opgs-district-grants-clearinghouse">http://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a> DC Health EGMS <a href="https://dcdoh.force.com/GO__ApplicantLogin2">https://dcdoh.force.com/GO__ApplicantLogin2</a>

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

**DEPARTMENT OF HEALTH (DC HEALTH)  
COMMUNITY HEALTH ADMINISTRATION (CHA)  
NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA# FTMHV\_01.24.20**

**First Time Mothers Home Visiting Program**

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

**General Information:**

Funding Opportunity Title:	First Time Mothers Home Visiting Program
Funding Opportunity Number:	FO-CHA-PG-00001-001
Program RFA ID#:	CHA_FTMHV_01.24.20
Opportunity Category:	Competitive
DC Health Administrative Unit:	Community Health Administration
DC Health Program Bureau	Family Health Bureau
Program Contact:	Belinda Logan Community Health Administration <a href="mailto:belinda.logan@dc.gov">belinda.logan@dc.gov</a>
Program Description:	This funding opportunity seeks to pilot a first-time mothers program using an evidence-based home visiting model.
Eligible Applicants	Not-for-profit, faith-based, public and private organizations located and licensed to conduct business within the District of Columbia. Additionally, 40% of the organizations' annual budget must be funded from private sources
Anticipated # of Awards:	1
Anticipated Amount Available:	\$ 300,000
Floor Award Amount:	\$100,000
Ceiling Award Amount:	\$300,000

**Funding Authorization**

Legislative Authorization	District of Columbia Fiscal Year 2020 Budget Support Act of 2019 - Leverage for Our Future Act 2019
Associated CFDA#	Not Applicable
Associated Federal Award ID#	Not Applicable
Cost Sharing / Match Required?	No
RFA Release Date:	Friday, January 24, 2020
Pre-Application Meeting (Date)	Friday, January 31, 2020
Pre-Application Meeting (Time)	10:30 am to 12:00 pm
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE Washington, DC 20002
Letter of Intent Due date:	Not applicable
Application Deadline Date:	Monday, February 24, 2020
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="http://opgs.dc.gov/page/opgs-district-grants-clearinghouse">http://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a> . DC HEALTH EGMS <a href="https://dcdoh.force.com/GOApplicantLogin2">https://dcdoh.force.com/GOApplicantLogin2</a>

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.



**DEPARTMENT OF HEALTH (DC HEALTH)  
HIV/AIDS HEPATITIS STD & TB ADMINISTRATION (HAHSTA)  
NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA# IHRP 11.22.19**

**Engaging and Empowering Communities by Building Capacity to  
Implement Harm Reduction Programs**

**Rescinded**

**This notice supersedes the notice published in DC Register on November 8, 2019 Vol 66/46**

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

**General Information:**

Funding Opportunity Title:	Engaging and Empowering Communities by Building Capacity to Implement Harm Reduction Programs
Funding Opportunity Number:	FO-HAHSTA-PG-00003-001
Program RFA ID#:	RFA # IHRP 11.22.19
Opportunity Category:	Competitive
DC Health Administrative Unit:	HIV/AIDS, Hepatitis, STD and TB Administration
DC Health Program Bureau	Prevention and Intervention Services Bureau
Program Contact:	Jonjelyn Gamble, Program Manager (202) 671-5060 <a href="mailto:Jonjelyn.Gamble@dc.gov">Jonjelyn.Gamble@dc.gov</a>
Program Description:	DC Health will fund a three-year capacity building initiative to support small community-based organizations and other non-profits interested in developing and sustaining successful harm reduction and opioid overdose reduction program models that address the needs of persons who use and/or inject drugs. Through this harm reduction capacity-building funding opportunity, DC Health will fund three areas: <ul style="list-style-type: none"> <li>• Technical Assistance/ Capacity-Building Provider</li> <li>• Grants to support recipients of Capacity-Building</li> <li>• Peer-Led Harm Reduction Coalition</li> </ul>
Eligible Applicants	501(c) (3) Not- for profit organizations located and

	licensed to conduct business in the District of Columbia. Applicants may be individual organizations or a partnership/collaboration of multiple organizations, one of which must serve as the fiscal agent or the organization that will take overall responsibility of the fiscal and grant-related requirements.
Anticipated # of Awards:	Up to 12
Anticipated Amount Available:	\$600,000.00
Floor Award Amount:	\$30,000.00
Ceiling Award Amount:	\$200,000.00

**Funding Authorization**

Legislative Authorization	Federal Funds
Associated CFDA#	93.136
Associated Federal Award ID#	1NU17CE925008-01-00
Cost Sharing / Match Required?	No
RFA Release Date:	Friday, November 22, 2019
Pre-Application Meeting (Date)	Tuesday, December 3, 2019
Pre-Application Meeting (Time)	10:00am-12:00pm
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE 4 <sup>th</sup> Floor Washington, DC 20002
Letter of Intent Due date:	Not applicable
Application Deadline Date:	Thursday, January 9, 2020
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="http://opgs.dc.gov/page/opgs-district-grants-clearinghouse">http://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a> . DC Health EGMS <a href="https://dcdoh.force.com/GO_ApplicantLogin2">https://dcdoh.force.com/GO_ApplicantLogin2</a>

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****School Design Consulting Services**

KIPP DC is soliciting proposals from qualified vendors for School Design Consulting Services. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM ET on January 24, 2020. Questions should be addressed to [saumil.shah@kippdc.org](mailto:saumil.shah@kippdc.org).

**Family & Student Research and Engagement Services**

KIPP DC is soliciting proposals from qualified vendors for Family & Student Research and Engagement Services. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM ET on January 24, 2020. Questions should be addressed to [saumil.shah@kippdc.org](mailto:saumil.shah@kippdc.org).

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Audit Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, January 23, 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.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dewater.com](mailto:lmanley@dewater.com).

DRAFT AGENDA

- |    |   |                  |
|----|---|------------------|
| 1. | Call to Order   | Chairman         |
| 2. | Summary of Internal Audit Activity -<br>Internal Audit Status | Internal Auditor |
| 2. | Executive Session   | Chairman         |
| 3. | Adjournment   | Chairman         |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, January 23, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2<sup>nd</sup> 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.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

**DRAFT AGENDA**

- |    |  |                       |
|----|--|-----------------------|
| 1. | Call to Order                              | Committee Chairperson |
| 2. | December 2019 Financial Report             | Committee Chairperson |
| 3. | Agenda for February 2020 Committee Meeting | Committee Chairperson |
| 4. | Adjournment                                | Committee Chairperson |

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

**Application No. 19886 of Giuseppe and Teresa Farruggio**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D §§ 1206.4 and 5201 from the rear addition requirements of Subtitle D § 1206.3, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(b), and pursuant to Subtitle X, Chapter 10, for variances from the front setback requirements of Subtitle B § 315.1(c) and Subtitle D § 1205.2, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition to the existing attached principal dwelling unit in the R-20 Zone at premises 3602 Prospect Street, N.W. (Square 1202, Lot 838).

**HEARING DATE:** January 9, 2019  
**DECISION DATES:** April 3, 2019 and September 18, 2019

**DECISION AND ORDER**

Giuseppe and Teresa Farruggio (the “**Applicant**”) filed an application (the “**Application**”) with the Board of Zoning Adjustment (the “**Board**”) on September 20, 2018, that requested the following relief, as subsequently amended, from the Zoning Regulations (Title 11 of the DCMR to which all references are made unless otherwise specified):

- special exception relief from the rear wall extension limits of Subtitle D § 1206.3 pursuant to Subtitle D §§ 1206.4 and 5201;
- special exception relief from the penthouse setback requirements of Subtitle C § 1502.1(b) pursuant to Subtitle C § 1504;
- area variance relief from the front setback requirements of Subtitle B § 315.1(c) and Subtitle D § 1205.2; and
- area variance relief from the limits on expanding a nonconforming structure of Subtitle C § 202.2,<sup>1</sup>

to construct a rear addition to the existing attached principal dwelling unit in the R-20 Zone at premises 3602 Prospect Street, N.W. (Square 1202, Lot 838) (the “**Property**”). For the reasons explained below, the Board voted to **APPROVE** the Application.

**FINDINGS OF FACT**

**Notice of Application and Notice of Public Hearing**

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”) sent notice of the Application and the December 12, 2018 hearing by an October 29, 2018 letter to:

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<sup>1</sup> The Board believes that this relief should have properly been requested as a special exception pursuant to Subtitle D § 5201.1(f); however, the Board concluded that the Applicant was able to meet the variance test.

- the Applicant;
  - Advisory Neighborhood Commission (“ANC”) 2E, the ANC within which boundaries the Property is located and so the “affected” ANC per Subtitle Z § 101.8;
  - the Single Member District (“SMD”) Commissioner for ANC 2E05 and the Office of ANCs;
  - the Office of Planning (“OP”);
  - the District Department of Transportation (“DDOT”);
  - the Commission of Fine Arts (“CFA”);
  - the Councilmember for Ward 2;
  - the Chairman of the Council;
  - the At-Large Councilmembers; and
  - the owners of all property within 200 feet of the Property. (Exhibit [“Ex.”] 20-33.)
2. OZ also published notice of the December 12, 2018 public hearing in the *D.C. Register* on October 19, 2018 (65 DCR 11659), as well as through the calendar on OZ’s website.
  3. The Board subsequently postponed the hearing and rescheduled for January 9, 2019.

#### Parties

4. The Applicant and ANC 7C were automatically parties in this proceeding per Subtitle Y § 403.5.
5. On October 31, 2018, the Board granted the party status request in opposition of adjoining neighbor at 3604 Prospect Street, N.W., Kaloust Yedibalian (the “**3604 Opponent**”). (Ex. 17-18.)

#### The Property

6. The Property is a rectangular lot with an area of 3,100 square feet and a width of 25 feet. (Ex. 4.)
7. The Property slopes down from Prospect Street, N.W. toward the rear of the lot to the south.
8. The Property is improved with a one-family, two-story plus basement attached dwelling unit (the “**Building**”). The Building includes four floors – two above grade and two basement levels with a rear patio area off of the upper basement level.
9. The Building is 25 feet wide with a depth of approximately 32 feet. The gross floor area of the Building is about 800 square feet per floor. (BZA Public Hearing of January 9, 2019 Transcript [“Tr.”] at 183.)
10. The adjacent property to the east is 3600 Prospect Street, N.W. (“**3600 Prospect**”), a two-story plus basement row dwelling.

11. The adjacent property to the west is 3604 Prospect Street, N.W. (“**3604 Prospect**”), a three-story plus basement row dwelling.
12. The rest of Prospect Street, N.W. is developed with a mixture of two, three, and four-story row dwellings and apartment houses.
13. The Property is zoned R-20 and is located in the Georgetown Historic District, which is within the jurisdiction of the Commission of Fine Arts Old Georgetown Board (“**OGB**”).
14. The purpose of the R-20 zone to “[r]etain and reinforce the unique mix of housing types including detached, semi-detached, and row buildings and permit row buildings on small lots and includes areas where row buildings are mingled with detached buildings and semi-detached.” (Subtitle D § 1200.3.)

#### Front Setback

15. The front façade of the Building is set back approximately 30 feet from Prospect Street, N.W. and does not align with the front wall of either of the adjacent properties which are much closer to Prospect Street, N.W. The Building is the only property on the block with a significant front setback. (Ex. 6A1-6A2 and 7A1.)
16. The front wall of 3600 Prospect is set back approximately 8.37 feet from Prospect Street, N.W. (Ex. 56.)
17. The front wall of 3604 Prospect is set back approximately 6 feet from Prospect Street, N.W. (Ex. 56.)
18. The Building and 3600 Prospect were constructed at the same time in the 1950s, prior to any requirements in the Zoning Regulations regarding front setbacks. The design of the two buildings suggests that the extensive setback was included as a deliberate design feature. (Ex. 53 and 56.)
19. The Building is non-conforming with regards to the front setback provisions of Subtitle D § 1205.2, which requires a building in the R-20 zone have a front setback consistent with at least one of the immediately adjacent properties. This rule echoes the general requirements of Subtitle B § 315.1(c) – that a proposed building façade for an interior-lot row dwelling facing a street lot line shall not be further forward or further back than the building façade of one of the immediately adjoining buildings.

#### Rear Wall

20. 3600 Prospect’s rear wall aligns with the Building’s rear wall. On its first-story, 3600 Prospect has a deck that is open underneath.
21. At the upper basement level, the Property is separated from 3600 Prospect by a wall and vegetation. (Ex. 90.)



22. 3604 Prospect is of a similar depth, measured front-to-back, to the Building, but because of the Building's staggered front setback façade with 3604 Prospect, the Building extends 21.2 feet beyond the rear wall of 3604 Prospect.
23. The Property is separated from 3604 Prospect at the property line by a wall, fence, and vegetation. (Ex. 90.)
24. The Building is non-conforming as to its rear wall which extends further than the maximum ten feet allowed beyond the farthest rear wall of 3604 Prospect under Subtitle D § 1206.3 (the rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet beyond the farthest rear wall of any adjoining principal residential building on any adjacent property). The Building is conforming for rear wall in relation to 3600 Prospect.

### **The Application**

#### **Initial Proposal**

25. The Application proposed to construct a one-story addition to the upper basement with a rear deck from the first floor above; to add a bay addition on the rear of the first and second floors; and to add a new third story, set back from the Building's front façade (the "**Addition**"). (Ex. 7A1-7A2 and 41A1-41A2.)
26. The Addition would extend beyond the rear wall of 3600 Prospect by:
  - a) Approximately 13 feet, 6.5 inches at the basement, aligning with 3600 Prospect's back deck; and
  - b) Approximately 3 feet, 2 inches at the first and second floors.
27. The Addition would extend beyond the rear wall of 3604 Prospect by:
  - a) Approximately 34 feet, 8.625 inches at the basement, slightly higher than the existing wall and fence; and
  - b) Approximately 24 feet, 4.125 inches at the first, second, and third floors.

#### **Revised Proposal**

28. In response to concerns raised by the 3604 Opponent and Board at the January 9, 2019 public hearing, the Applicant agreed to work with the 3604 Opponent on revised plans that would reduce the depth of the third story. (Tr. at 217-219.)
29. On February 21, 2019, the Applicant submitted revised architectural plans and elevations (Ex. 79, the "**Revised Plans**") that proposed to reduce the depth of the third story of the Addition by at least six feet and replacing it with an approximately seven-foot rear deck. The Revised Plans also lowered the height of the third-story of the Addition by approximately four feet, resulting in total building height of 26 feet, 10 inches. The Revised Plans did not change the Addition's proposed basement, first, and second floors.

30. The Addition, as revised, would match the rear wall of 3604 Prospect at the basement, first and second stories, but would still extend 17 feet, 6.25 inches beyond the third-story rear wall of 3604 Prospect.
31. In place of the reduced third-story, the Addition, as revised, proposed a 7-foot, 5.5-inch rear deck, which would include a 3-foot, 8-inch guardrail directly aligned with the rear wall of the second-story of the Addition below. (Ex. 79.) The guardrail would be designed to be minimally visible and would provide more light and air than a solid brick parapet. (Ex. 87A.)
32. Pursuant to Subtitle C § 1502.1(b), any rear guardrail must be set back a distance equal to its height from the rear building wall of the roof upon which it is located. The proposed guardrail does not meet this one-to-one setback requirement.
33. The Application asserts that the Addition, as revised, would otherwise conform to the development standards of the R-20 Zone:
  - a) Lot occupancy – 37% proposed, less than the maximum of 60% (Subtitle D § 1204.1)
  - b) Height – 26 feet, 10 inches with three stories, less than the maximum of 35 feet with three stories (Subtitle D § 1203.1)
  - c) Rear Yard – 48-foot rear yard, more than the minimum 20-foot (Subtitle D § 1206.2.)
34. In response to the Board’s June 19, 2019 request, the Applicant submitted plans clarifying the measurements of the Addition, as revised. (Ex. 95-95D.)

### **Zoning Relief**

#### Special Exception – Rear Addition (Subtitle D § 1206.3)

35. The Applicant requires special exception relief from the rear wall extension limits of Subtitle D § 1206.3 because the Addition, as revised, would:
  - a) Extend beyond 3604 Prospect’s rear wall by
    - 34 feet, 8.625 inches at the basement level;
    - 24 feet, 4.125 inches at the first and second stories; and
    - 17 feet, 6.25 inches feet on the third-story; and
  - b) Extend beyond the rear wall of 3600 Prospect by
    - 13 feet, 6.5 inches at the basement level

#### Special Exception – Penthouse Setbacks (Subtitle C § 1502.1(b))

36. The Application requires special exception relief from the penthouse setback requirements because the Addition, as revised, proposes to construct a penthouse deck that includes a guardrail at the rear that measures three feet, two inches in height and does not meet the one-to-one setback requirement.

Variance – Front Setbacks (Subtitles D § 1205.2 and B § 315.1(c)<sup>2</sup>)

37. The Application requires variance relief from these provisions because the proposed third-story of the Addition, as revised, would be set back further than the front facades of both 3600 and 3604 Prospect and special exception relief is not available.

Variance – Nonconforming Structures (Subtitle C § 202.2)

38. The Application proposes to extend the Building’s nonconforming rear wall and to extend the nonconforming front setback to a new third story. The Application therefore requests variance relief from the prohibition against the extension of existing nonconformities under Subtitle C § 202.2. (FF 19, 22, 25, and 29.)

**Applicant’s Statement**

39. The Application asserted that it met the requirements for the special exception relief because the Addition, as revised, would not result in significant impacts to the light, air, privacy and enjoyment of the adjacent properties. (Ex. 56.)
40. In support of its position, the Applicant also submitted sun studies showing a comparison between the existing light impacts and the proposed light impacts of the Addition based on a day in March at the following times, 9 a.m., 12 p.m., and 3 p.m. (Ex. 55A1 and 55A2.)
41. The Applicant submitted additional sun studies showing a comparison between the existing light impacts and the proposed light impacts of the Addition based on days in March, June, and December at the following times, 7:30 a.m., 9:00 a.m., and 10:30 a.m. These sun studies demonstrated that the greatest impacts of the Addition, as revised, to the light available to adjacent properties occurred in the mornings between 7:30 and 9 a.m. and primarily affected the third-floor windows of 3604 Prospect. (Ex. 65, 66, and 67.)
42. The Application asserted that it met the requirements for variance relief because of the design and orientation of the Building, including the unusually deep front setback and the staggered rear wall in relation to the adjacent properties created a unique situation which limited the Applicant’s ability to expand the Building. The Application also noted the Building’s location in the Georgetown Historic District and the associated design limitations.

**Responses to the Application****OP Report**

43. OP submitted a report dated November 30, 2018 (the “**OP Report**”) that concluded that the Application for the Addition had met the variance and special exception standards and recommended approval of the Application. With regards to the variance relief, the OP Report concluded that the existing, deep front setback constituted an “exceptional

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<sup>2</sup> Although variance relief is typically not available from a rule of measurement, the Board notes that this provision is written as a prescriptive requirement, rather than merely a directive as to how to measure the setback. (Ex. 53.)

situation resulting in a practical difficulty”. The OP Report also concluded that the rear addition would not significantly impact the available light to 3600 Prospect due to that property’s existing rear deck. In terms of 3604 Prospect, the OP Report concluded that while the third-story addition would result in some increased shadows during the morning hours, it would not result in a significant overall impact. (Ex. 53.)

44. At the January 9, 2019 public hearing, OP testified that although the OP Report was submitted before the Applicant provided sun studies to the record, upon reviewing the sun studies, OP remained in support of the Application. (Tr. at 176.)
45. OP submitted a supplemental report, dated February 22, 2019 (the “**OP Supplemental Report**”), that analyzed the Addition as revised by the Revised Plans. The OP Supplemental Report noted that the reduced third-floor addition would extend 24.4 feet from the adjacent rear wall of 3604 Prospect and the proposed roof deck would be approximately 10.3 feet deep. The OP Supplemental Report recommended approval of the additional penthouse setback relief requested for the guardrail and reiterated its support for the Application. (Ex. 81.)
46. At the request of the Board, OP submitted an additional report, dated August 19, 2019, revising its analysis based on the need for clarification from the Applicant about the dimensions of the proposed rear addition, specifically the third floor (the “**OP Corrected Report**”). The OP Corrected Report amended its comments in the OP Supplemental Report to correctly state that the reduced third-floor would only extend approximately 17 feet, 6 inches beyond the rear wall of 3604 Prospect. The OP Corrected Report continued to recommend approval of the special exceptions and variances requested in the revised Application. (Ex. 96.)

#### **DDOT Report**

47. DDOT submitted a report dated November 30, 2018 (the “**DDOT Report**”) stating that it had no objection to the Application. The DDOT Report concluded that the proposed development would not result in any adverse impacts to the District transportation network. (Ex. 54.)

#### **ANC Report**

48. ANC 2E submitted a written report (the “**ANC Report**”) stating that at a duly noticed and scheduled public meeting on December 3, 2018, at which a quorum was present, the ANC voted to adopt a resolution indicating concerns about the potential loss of light to adjacent property owners. (Ex. 60.)
49. The ANC Report recognized that there were existing “specific and unique conditions which would lead the owners of 3602 Prospect Street NW to request a special exception and variances for their home” but also expressed concern about the potential loss of light and requested that the Board give the issues of light and air impacts “great thought in

consideration of granting the special exception and variances required to move this project forward.” (Ex. 60.)

### **OGB Review**

50. On January 11, 2019, the Applicant submitted a copy of the letter from OGB, which had no objection to the concept design for the proposed additions at the roof and rear of the property per the drawings received September 18, 2018. (Ex. 70-71.)

### **3604 Opponent**

51. The 3604 Opponent provided evidence and testimony in opposition to the Application, primarily focusing on the rear addition’s adverse impacts on light and air.

### Shadow Impacts

52. The 3604 Opponent’s main concern was that the third-story addition would impact the morning sun available to his third-floor rear windows by at least an hour. (Ex. 68; Tr. at 151-52.)
53. The 3604 Opponent provided a shadow study prepared by Teass\Warren Architects (Ex. 68) and proffered Will Teass as an expert witness to provide testimony on the shadow studies. Based on the analysis of the Addition as originally proposed, Mr. Teass concluded that the primary impact would be on the third-story rear window of 3604 Prospect. Mr. Teass asserted that the Addition, as originally proposed, “eliminates the ability to look out from the master bedroom and see the sunrise in the winter in the morning.” (Tr. at 148.)
54. The 3604 Opponent also expressed concerns that the extension of the nonconforming rear wall at the basement of the Addition would further impact the available light and air on that level. (Tr. at 148-49.)
55. The Applicant asserted that the 3604 Opponent’s sun studies failed to show the four-foot existing parapet on the roof of the Property which the Applicant proposed to retain and did not show the proposed third story’s sloped roof design. The Applicant contended that these omissions exaggerated the morning shadows cast from the proposed third story roof. (Tr. at 197-198, Ex. 87.)
56. In response to the Board’s June 19, 2019, decision to reopen the record for clarified plans from the Applicant and responses, the 3604 Opponent submitted a response asserting that the Applicant’s clarified plans failed to provide sufficient detail for the Board to rely upon to grant the Application.

### The Alternative Design

57. The 3604 Opponent proposed an alternative design (the “**Alternative Design**”) to reduce the light and air impacts to 3604 Prospect. The Alternative Design would:

- a) Reduce the extent of the third story addition to five feet beyond the rear wall of 3604 Prospect;
  - b) Reduce the extent of the basement addition to 26.2 feet beyond 3604 Prospect (or 5 feet beyond the nonconforming rear wall of the Building); and
  - c) Remove the first-floor deck while maintaining the first and second floor bay additions as originally proposed by the Applicant. (Ex. 86.)
58. In response to the Alternative Design, the Applicant noted that the Addition's third floor, as originally proposed, would already be set back three feet from the Property's front wall. Further limiting its depth to five feet from the rear wall of 3604 Prospect would result in a third story with a total depth of approximately 13 feet. The Applicant explained that this would leave little usable space on the third floor, given that most of the space would be located under the sloped portion of the roof and a portion of the space would be used by the staircase. The Applicant notes that the existing staircase has already been relocated in the Addition's proposed design and cannot be relocated to accommodate the Alternative Design, as there is not enough room to do so. (Ex. 87, pg. 1-2, Ex. 89 pg. 3-4.)
59. The Applicant also argued that the Alternative Design's reduction of the basement addition would have a nominal impact on light and privacy given that the existing nonconforming rear wall already extends 21.2 feet.
60. In response to the Board's June 19, 2019, decision to reopen the record for additional information, the 3604 Opponent submitted a response to the Applicant's clarified plans asserting that these clarified plans failed to respond with sufficient accuracy for the Board to make a decision on the case.

#### Variance Test

61. The 3604 Opponent also contended that the Applicant had not met the test for variance relief. Specifically, the 3604 Opponent argued that the Applicant had not met the first prong of the variance test — demonstrating a unique and exceptional conditions affecting the property — because the Applicant relied on the Property's location in a historic district, despite DC Court of Appeals case law holding that this alone was not a sufficient basis for an exceptional condition. (*See Dupont Circle Citizens Ass'n v. D.C. Bd. of Zoning Adjustment*, 182 A.3d 138 (D.C. 2018).)

#### **Persons in Opposition**

62. The Board received a letter in opposition to the Application from Robert and Barbara O'Malley, owners of 3600 Prospect. (Ex. 58.)
63. Mr. O'Malley testified at the public hearing on January 9, 2019 in opposition to the proposed rear basement addition. Mr. O'Malley disagreed with OP's finding that the rear basement addition will not result in adverse impacts on 3600 Prospect because the

Addition would wall in the open space under the rear deck at 3600 Prospect. (Tr. at 186-90.)

64. Mr. O'Malley also testified that he would be strongly opposed to an addition to the front setback of the Building, as it would impact the windows on the west façade of 3600 Prospect that face into the Building's front setback. (Tr. at 191.)

#### **Board's Decision and Motion to Reopen Record**

65. At both the Applicant's and the 3604 Opponent's request, the Board postponed the decision scheduled for February 27, 2019; the decision was rescheduled to March 6, 2019.
66. On March 6, 2019, the Board further postponed the decision to April 3, 2019 in order to allow the 3604 Opponent additional time to review the Revised Plans.
67. On April 3, 2019, the Board voted to approve the Application for the Addition, as revised by the Revised Plans.
68. On June 19, 2019, the Board, on its own motion, rescinded its vote and reopened the case record for additional submissions to clarify the depth of the rear wall of the proposed third floor of the Addition, as revised, in relation to the rear wall of 3604 Prospect. The Board requested that the Applicant submit a final complete set of plans, and additional clarifying illustrations delineating the depth of all four proposed floors, both original and revised, and their relationship to the adjacent properties. The Board also requested that OP provide a supplemental report based on the clarifications from the Applicant. (Ex. 92.)
69. In response, the Applicant provided clarified plans (FF 34); OP submitted the OP Corrected Report (FF 45); and the 3604 Opponent responded in opposition (FF 55).

### **CONCLUSIONS OF LAW**

#### **Special Exception Relief**

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:
- (i) *will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,*
  - (ii) *will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and*
  - (iii) *complies with the special conditions specified in the Zoning Regulations.*

For the relief requested by the Application, the “specific conditions” are those of Subtitle D § 5201.

2. 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 D § 1206.3 – Special Exception for Rear Addition**

3. Relief under Subtitle D § 5201 is limited to projects that:

- (i) *are an addition to a residential building or a new or enlarged accessory structure to a residential building;* (Subtitle D § 5201.2) and
- (ii) *do not authorize the introduction or expansion of either a nonconforming use or the introduction or expansion of nonconforming height or number of stories or a lot occupancy exceeding 70%.* (Subtitle D §§ 5201.3(e), 5201.5, and 5201.6.)

4. An applicant must demonstrate through graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways (Subtitle D § 5201.3(d)), that the requested relief, if granted, would not have a substantially adverse effect on:

- (a) *the light and air available to neighboring properties shall not be unduly affected;*
- (b) *the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and*
- (c) *the addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.* (Subtitle D § 5201.3.)

5. The Board concludes that the Application meets the eligibility requirement of Subtitle D § 5201.2(a) as an addition to a residential building and complies with Subtitle D §§ 5201.3(e), 5201.5, and 5201.6 as it does not propose to introduce or expand a nonconforming use or height, nor does it provide a lot occupancy over 70%.

6. The Board also concludes that the Applicant complied with Subtitle D § 5201.3(d) by providing sufficient plans, photographs, and elevations to demonstrate that it met the criteria of Subtitle D § 5201.3(a), (b), and (c), as discussed in turn. The Board specifically rejects the 3604 Opponent’s opposition to the Applicant’s clarified plans (Ex. 95-95D), which the Board concludes did provide sufficient detail for the Board to properly evaluate the Application.



Subtitle D § 5201.3(a) – Light and Air

7. The Board concludes that the Applicant has demonstrated that the Addition will not unduly affect the light and air available to neighboring properties because, although there will be some additional shadowing on adjacent properties, the Board concludes that the design of the Addition, as revised, sufficiently mitigates the potential impacts.

3600 Prospect

8. The Board recognizes that the Addition’s proposed basement will have some effect on the light and air available to the 3600 Prospect basement patio area, because the basement addition would replace the existing three-foot high brick wall and trees along the property line. However, the Board concludes that the potential impacts do not rise to the level of “unduly affecting” the adjacent property, as there would be only a slight increase of the existing shading on a limited portion of 3600 Prospect. The Board also notes that this specific portion of 3600 Prospect is currently beneath an existing rear deck and bordered by an existing wall and trees, all of which currently limit the available light.

3604 Prospect

9. The Board concludes that the Addition’s basement, though it extends the rear wall of the Building by an additional 13 feet, 6.5 inches, will not create an undue impact on the light or air available to 3604 Prospect, as the property line between the properties is currently buffered by a wall, fence, and vegetation.

10. The Board concludes that the Addition’s proposed bay window on the first and second floors would not create any undue shadowing impacts on the property at 3604 Prospect, as they would extend the Building by only approximately three feet.

11. The Board recognizes that the Addition, as revised, will have some impact on the light available to 3604 Prospect. As demonstrated in the sun studies provided by both the Applicant and the 3604 Opponent, the Property currently affects the morning sunlight available to 3604 Prospect’s third-story rear windows. The Board acknowledges that the proposed third-story of the Addition, as revised, would cast increased shadows on all of the third-story rear windows of 3604 Prospect in the early morning. However, the Board concludes that the sloped roof design and the reduced depth of the revised third-story addition, will help mitigate the overall impacts to morning light in the 3604 Prospect third-story bedroom. Therefore, the Board concludes that the Addition, as revised, would not cause an undue impact on 3604 Prospect because the impact is limited in time and does not represent a significant change from the existing state of the properties.

Subtitle D § 5201.3(b) – Privacy of Use and Enjoyment

12. The Board concludes that the Application would not unduly compromise the privacy of use, and enjoyment of neighboring properties. With respect to both adjacent properties, the Board notes that substantial planters are proposed on both sides of the ground floor bay addition to maintain the privacy of neighboring properties. (Tr. 124.)

13. The Board also concludes that since no windows are proposed on the side elevation of the Addition, as revised, and the proposed windows and doors on the rear façade will match the existing, no windows will look directly into either adjoining property.

Subtitle E § 5201.3(c) – Visual Intrusion

14. Finally, the Board concludes that the Addition, as revised, will not substantially visually intrude upon the character, scale, and pattern of houses along Prospect Street, N.W., as viewed from the street, alley, and other public way. The Addition, as revised, will be minimally visible from the street frontage because the proposed third story will be set back three feet from the existing front façade of the Building.

15. Further, the Board finds that OGB reviewed the Application for compatibility with the Georgetown Historic District and granted concept approval.

**Subtitle C § 1502.1(b) – Special Exception for Penthouse Setback**

16. The Board is authorized to grant special exception relief from the penthouse setback requirements of Subtitle C § 1502.1(b) when the Application meets the criteria of Subtitle C § 1504.1 and the general special exception requirements of Subtitle X § 901.2. The Board determined that the Application meets the criteria of Subtitle C § 1504.1, as follows:

(a) *The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

The Board concludes that requiring the third-story guardrail to be set back by approximately four feet would be unduly restrictive, as it would result in a deck that is only approximately 3.5 feet deep.

(b) *The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;*

The Board concludes that even though the guardrail is not set back from the rear wall below, it would allow for increased light and air to 3604 Prospect, and it would not appear to be an extension of the building wall because the guard rail design would use different materials than the ones used for the Addition below.

(c) *The relief requested would result in a roof structure that is visually less intrusive;*

The Board concludes that granting the relief would result in a less visually intrusive design because, the guardrail would be minimally visible, and it would provide enhanced light and air resulting in a better less bulky design than a solid brick parapet.

(d) *Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other*

*conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;*

The Board concludes that providing a door as an entryway limits the usable space on the rear deck, such that further setting back the guardrail by approximately four feet would be unreasonable.

- (e) *Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

The request for setback relief does not involve housing for mechanical equipment, stairways, nor elevator penthouses. As such, the Board determined that this requirement is not relevant to its analysis in this case.

- (f) *The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

Finally, the Board concludes that the positioning of the proposed guard rail allows for a rear deck to be provided as part of the third-story addition, which mitigates potential impacts on the light and air of adjacent buildings.

#### **Subtitle X § 901.2 – General Special Exception Standards**

17. Pursuant to Subtitle X § 901.2(a), 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 Application is consistent with the residential purposes of the R-20 Zone and would not result in a building out of scale or character with the surrounding development. (Subtitle D § 1200.3.)

18. This Application proposes the expansion of an attached dwelling unit, in keeping with the intent of the R-20 zone. Although the Application requires relief from the rear addition and penthouse requirements, the expansion of the Building would nonetheless result in a structure that would not exceed the R-20 development standards for lot occupancy, height or rear yards. For these reasons, the Board concludes that the Application would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

19. Pursuant to Subtitle X § 901.2(b), the Board concludes that the Addition, as revised, would not have an adverse impact on light and air available to adjacent properties, privacy of use and enjoyment of adjacent properties, or the visual character of the street frontage or public alley, as explained in the discussion of the specific special exception criteria above.

### Variance Relief

20. The Board is authorized to grant variances from the requirements of the Zoning Regulations where:

- (i) “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,”
- (ii) the strict application of any zoning regulation “would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property,” and granting the requested variance would not cause
- (iii) “substantial detriment to the public good” or
- (iv) “substantial impairment to the intent, purpose, and integrity of the Zone plan as embodied in the Zoning Regulations and Map.” (Section 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (2018 Repl.); Subtitle X § 1000.1)

21. The Application’s requests for relief from the front setback and nonconforming structure requirements qualify as area variances because they are requirements “that affect the size, location, and placement of buildings and other structures ...”. (Subtitle X § 1001.3(a)) An applicant for an area variance must prove that an extraordinary condition of the property would result in “peculiar and exceptional practical difficulties” by demonstrating first that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. (*Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990); Subtitle X § 1002.1(a).)

22. “The ‘exceptional condition’ requirement may be satisfied by a characteristic of the land, *see Fleischman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561 (D.C. 2011); ‘[a] condition inherent in the structures built upon the land,’ *Capitol Hill Restoration Soc’y, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); or prior zoning actions regarding the property.” *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097–98, 1100 (D.C. 1979). “The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; however, the critical requirement is that the extraordinary or exceptional condition must affect a single property.” *Metropole Condo. Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082–83 (D.C. 2016).” *Ait-Ghezala v. District of Columbia Bd. of Zoning Adjustment*, 148 A.3d 1211, 1217 (D.C. 2016).

### **Exceptional Condition**

23. The Board concludes that the Property faces an exceptional condition because the Building’s front façade has been set back 30 feet from the street since its construction in the 1950s. The Board determined that such a deep front setback is atypical for the block and considers the two adjoining properties of 3600 and 3604 Prospect to have front setbacks more typical of the block. The unusual depth of the front setback creates a staggering effect for the Building in relation to the two adjoining properties.

24. The Board also notes that the Property is located in a historic district and although the Building is not a contributing structure in the Georgetown Historic District, OGB has indicated that it would not support any changes to the Building's existing brick front façade, due to the relationship with the adjoining structure at 3600 Prospect which was constructed at the same time.

25. While the 3604 Opponent argues that a property's location in a historic district does not establish an exceptional condition on its own, the Board concludes that this argument is not persuasive in this case. The Board concludes that the Property's location in a historic district is not the sole or primary reason for the exceptional circumstance, but rather gives rise to a "confluence of factors" affecting the property. The Board considers the Property's existing nonconforming front setback to be a unique condition and concludes that OGB's opposition to any expansion of the Building into the front setback compounds the situation by limiting the Applicant's ability to alter the front façade or expand the Building towards the street, thereby creating a practical difficulty.

#### **Practical Difficulty**

26. The Board concludes that the exceptional condition of the Building's existing nonconforming front setback, along with the design limitations imposed by OGB's approval, constrains the Applicant's ability to reasonably expand the Building and creates a practical difficulty in this case. Because the Property is affected by existing nonconformities, there are no matter-of-right options to expand the Building and any addition would require zoning relief. Given the small size of the Building, the Board concludes that it would be unduly burdensome for the Applicant to have no option to increase the size of his property.

27. Further, the Board was persuaded by the testimony and evidence provided by the Applicant that he considered alternative designs, including that proposed by the 3604 Opponent, but each presented practical difficulties to the Applicant. Specifically, the 3604 Opponent's Alternative Design would only allow for a 13-foot deep third story addition which is further limited by the sloping roof design.

#### **No Substantial Detriment to the Public Good**

28. The Board concludes that granting the Application would not result in a substantial detriment to the public good. The Board concludes that the third-story and rear addition proposed by the Application will not have an undue impact on the light, air, and privacy of adjacent property owners because:

- a) The third floor would have a limited impact on the light and air available to 3600 Prospect because the third floor would not extend beyond the rear wall of 3600 Prospect.
- b) The third floor would have more of an impact on 3604 Prospect but as previously stated, the reduced size of the third floor, the sloped roof design, and the inclusion of a deck instead of a third story rear wall aligning with the floor below will mitigate the impacts to morning light available to 3604 Prospect.

29. In addition, the third story addition will not create any negative impacts on the character of the streetscape, as viewed from the street. Notably, the third story would be set back 3 feet from the front wall of the Property to minimize its visibility. The Board also notes that the Application received approval from OGB which determined the design was compatible with the Georgetown Historic District.

#### **No Substantial Impairment to the Zone Plan**

30. The Board concludes that the requested variance can be granted without substantial impairment to the Zoning Regulations because the expansion of a one-family dwelling is in keeping with the purpose and intent of the R-20 zone.

#### **“Great Weight” to the Recommendations of OP**

31. The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8.)

32. In this case, OP recommended approval of the Application and all the requested relief. The Board has carefully considered OP’s Reports and finds its recommendation of approval persuasive and concurs in that judgement.

#### **“Great Weight” to the Written Report of the ANC**

33. The Board must give “great weight” to the issues and concerns raised in a written report of the 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 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).”

34. The Board first notes that the ANC Report concluded that the Building was affected by “specific and unique conditions” that would necessitate the Applicant requesting zoning relief.

35. The ANC Report qualified this conclusion by also noting its concern regarding the potential loss of light and requested that the Board consider this issue before granting relief. As discussed above, the Board reviewed the shadow studies provided by both parties and carefully considered the Application’s potential impacts on light in the context of the variance and special exception relief requested. Based on the evidence in the record, the Board found that the rear addition would create some impacts on the light available to 3604 Prospect during the morning hours, but the Board concluded that this would not rise to the level of an undue impact to justify denial of the relief requested.

**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 request for

- special exception relief from the rear wall extension limits of Subtitle D § 1206.3;
- special exception relief from the penthouse setback requirements of Subtitle C § 1502.1(b);
- variance relief from the front setback requirements of Subtitle D § 1205.2 and Subtitle B § 315.1(c) under Subtitle X, Chapter 10; and
- variance relief from the nonconforming structure requirements of Subtitle C § 202.2, pursuant to Subtitle X, Chapter 10.

The Board therefore **ORDERS** that the Application is hereby **GRANTED**, subject to the following **CONDITION**:

1. Development of the Property that uses the relief granted in this Order shall comply with the approved plans at Exhibits 95A-95D<sup>3</sup> as required by Subtitle Y §§ 604.9 and 604.10.

**VOTE (Sept. 18, 2019):** 4-0-1 (Frederick L. Hill, Lorna L. John, Lesylleé M. White, and Robert E. Miller to **APPROVE**; Carlton E. Hart not participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** December 31, 2019

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

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<sup>3</sup> Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6 (Exhibit 46.) In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes 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 such application that would require additional or different zoning relief from that is granted by this Order.

PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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



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

**Appeal No. 20132 of the Concerned Citizens of Woodridge**, pursuant to 11 DCMR Subtitle Y § 302, from a decision made on June 4, 2019 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Solar Permit No. SOL1900996 to construct a ground-mounted, grid-tied solar array consisting of 5072 solar modules in the R-1-B Zone at premises 2800 Otis Street, N.E. (Square 4302, Lot 828).

**HEARING DATE:** October 30 and November 13, 2019  
**DECISION DATE:** November 13, 2019

**ORDER DENYING APPEAL**

This appeal was submitted on August 5, 2019, by Joyce Chandler on behalf of the Concerned Citizens of Woodridge (“**CCOW**”) alleging that a decision made on June 4, 2019, by the Zoning Administrator (the “**ZA**”) of the Department of Consumer and Regulatory Affairs (“**DCRA**”) to issue Solar Permit No. SOL1900996 (the “**Permit**”) to authorize construction of a ground-mounted, grid-tied solar array consisting of 5,072 solar modules (the “**Proposed Solar Array**”) at Lot 828 in Square 4302, with an address of 2800 Otis Street, N.E. (the “**Property**”) violated:

- Subtitle U § 203.1(p) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

For the reasons stated below, the Board hereby **DENIES** the Appeal and affirms the decision of the ZA.

**FINDINGS OF FACT**

**Notice of Appeal and Notice of Public Hearing**

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”), sent a Notice of Appeal and Public Hearing by a September 10, 2019 memorandum (Exhibits (“**Ex.**”) 7-19) to:
  - a) Advisory Neighborhood Commission (“**ANC**”) 5C, which covers the Property and therefore is the “affected ANC” as defined by Subtitle § Y-101.8;
  - b) ANC Single District Member 5C01 and the Office of the ANCs;
  - c) the Office of Planning (“**OP**”);
  - d) the ZA at DCRA;
  - e) the Councilmember for Ward 5, which includes the Property, as well as the four At-Large Councilmembers and the Chair of the Council;
  - f) the owners of the Property, Catholic Charities of the Archdiocese of Washington (the “**Catholic Charities**”); and
  - g) CCOW.

2. Notice of the original October 30, 2019 public hearing was published in the *D.C. Register* on November 1, 2019. (66 DCR 14401.) The Board notes that the publication was late but concludes based on the other forms of notice provided (Finding of Fact (“FF”) 1) and the fullness of the record, that adequate notice of the hearing was provided.

### Parties

3. In addition to CCOW and the ZA, Catholic Charities and ANC 5C were automatically parties in this case, pursuant to Subtitle Y § 501.1. The Board received no requests to intervene.

### The Property

4. The Property is comprised of approximately 14 acres of which the Proposed Solar Array is expected to occupy approximately 5 acres. (Ex. 21A.)
5. The northern end of the Property borders Randolph Street, N.E. and its southern end borders Otis Street, N.E. (Ex. 21A.)
6. The Property is currently improved with a community residence facility serving homeless and terminally ill patients. The surrounding development is mostly residential uses. (Ex. 21A.)
7. The Property is located in the R-1-B zone.

### The Permit

8. On June 4, 2019, DCRA issued the Permit, which authorized the construction of a ground-mounted, grid tied solar array consisting of 5,072 solar modules.
9. Subtitle A § 301.4 provides that “...*any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued...*”
10. The Permit stated it was issued as compliant with the Zoning Regulations based on the emergency rulemaking taken by Zoning Commission (the “**Commission**”) in Z.C. Case No. 19-04 (the “**Emergency Text Amendment**,” Ex. 4 in Z.C. Case No. 19-04), effective February 11, 2019. (Ex. 20, Attachment A.)
11. The Emergency Text Amendment created a new use category - “Community Renewable Energy Facilities (“**CREFs**”)” – for ground-mounted solar arrays, which were explicitly excluded from the “Basic Utility” use category. (Subtitle B § 200.2(f)(4).) Under the Emergency Text Amendment, “Basic Utility” uses may be approved as a special exception.

12. The Emergency Text Amendment also made CREFs matter-of-right uses in various zones throughout the District, including the R-1-B zone, subject only to the height and yard requirements of the zone. The Emergency Text Amendment did not include any additional requirements for setbacks, or screening. (Ex. 20, Attachment A - Subtitle U § 201.1(c).)
13. Prior to the adoption of the Emergency Text Amendment, a ground-mounted solar array would have been classified as a “Basic Utility” use and would therefore have required a special exception in the R-1-B zone pursuant to Subtitle U § 203.1(p).<sup>1</sup>
14. On June 10, 2019, following the issuance of the Permit, the Commission took subsequent emergency action in Z.C. Case No. 19-04 that superseded the Emergency Text Amendment (the “**Second Emergency Text Amendment**,” Ex. 33 in Z.C. Case 19-04.) This Second Emergency Text Amendment included adding setback and screening requirements for CREFs, however CREFs were still permitted as a matter-of-right as they were excluded from the Basic Utility use category.

### **The Appellants’ Case**

15. CCOW filed the Appeal on August 5, 2019, within 60 days of the issuance of the Permit approved by the ZA, as required by Subtitle Y § 302.2. (Ex. 1-5.)
16. CCOW provided evidence that Joyce Chandler had been properly authorized to serve as CCOW’s representative. (Ex. 6.)

### Alleged Errors by the ZA

17. The Appeal (Ex. 5) alleged that the ZA erred in approving the Permit by authorizing the construction of a solar array in the R-1-B Zone without obtaining a special exception under Subtitle U § 203.1:

*The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:*

...

(p) *Utility uses subject to the following conditions:*

- (1) *An electronic equipment facility shall not be permitted;*
- (2) *Any requirements for setbacks, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood; and*
- (3) *Any new construction of a freestanding structure for use as an optical transmission node shall be built to appear compatible with surrounding construction, including exterior building material,*

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<sup>1</sup> Prior to the adoption of the Emergency Text Amendment, Catholic Charities had applied for a special exception pursuant to Subtitle U § 203.1(p), then in effect, in BZA Application No. 19927. After the Permit was issued, Catholic Charities withdrew this case.

*fenestration, and landscaping and there shall be no advertisement on the structure.*

18. The Appeal cited to Subtitle B § 100.2 and Subtitle C § 1500 but without any explanation as to how these applied to the Appeal. (Ex. 5.)
19. The Appeal also raised other claims including: pesticide use, stormwater issues, devaluation of homes, tree removal, and a lack of communication from various District agencies but did not allege that these claims violated the Zoning Regulations. (Ex. 5.)

### **Responses to the Appeal**

#### DCRA

20. DCRA filed a response (Ex. 22) asserting that the construction of the Proposed Solar Array authorized by the Permit does not violate the Zoning Regulations because the ZA properly approved the Permit pursuant to the Emergency Text Amendment, which:
  - a) Defined a CREF, which covered the Proposed Solar Array;
  - b) Specifically excluded CREFs from the “Basic Utility” use category; and
  - c) Permits the construction of CREFs as a matter of right in the R-1-B Zone, thereby eliminating the requirement for a special exception.
21. DCRA asserted that the Proposed Solar Array was therefore excluded from requiring a special exception from the Board, contrary to the allegations of the Appeal.
22. DCRA noted that the Permit specified that it had been approved pursuant to the Emergency Text Amendment. (Ex. 2.)
23. DCRA also noted that CCOW had participated in the Zoning Commission’s review and hearing process for the Emergency Text Amendment.

#### Catholic Charities

24. Catholic Charities submitted a letter to the record (Ex. 21) urging the Board to deny the Appeal because it alleged that CCOW had failed to state a claim under which the Appeal could be granted, specifically:
  - a) CCOW raised a number of claims that were not based on violations of the Zoning Regulations and as such were not properly before the Board; and
  - b) At the time the Permit was issued, the Proposed Solar Array was subject to the Emergency Text Amendment and therefore did not require a special exception.

#### The ANC

25. On October 29, 2019, ANC 5C submitted a letter in support of the Appeal that did not express any issues or concerns.

26. The ANC letter was not a formal resolution and did not include information regarding the final vote count, or whether a quorum of commissioners had been present as required to be accorded “great weight” per the ANC Act and Subtitle Y § 406.2. (Ex. 25.)

### **Public Hearing of October 30, 2019**

#### Postponement

27. On October 28, 2019, CCOW filed a motion requesting postponement of the public hearing to allow CCOW additional time to obtain various documents from DCRA and other District Agencies including, plans, stormwater management plans, an analysis of zoning compliance, and responses to the ANC’s concerns in both Zoning Commission Case No. 19-04 and BZA Case No. 19227. (Ex. 22-23.)
28. At the Public Hearing of October 30, 2019, the Board considered CCOW’s motion for a postponement. CCOW testified that additional time was needed in order to obtain additional plans and information from DCRA regarding the Proposed Solar Array and its compliance with the zoning regulations, in particular whether the proposed solar facility was meeting certain special exception and setback requirements. (October 30, 2019 Public Hearing Transcript (“Oct. 30 Tr.”) at 171-174.)
29. The Board concluded, based on the Appellant’s filings in the record, that CCOW had sufficient information needed to bring the Appeal, and did not believe that the additional requested information was relevant to CCOW’s case. As such, the Board concluded that CCOW had not demonstrated the necessity of a postponement and decided not to grant the motion. (Oct. 30 Tr. at 174-75.)
30. However, the Board also noted that even though CCOW was aware of the Emergency Text Amendment, its testimony and filings referred to the Second Emergency Text Amendment that took effect on June 10, 2019, after the Permit was issued. (Oct. 30 Tr. at 177-78.)
31. The Board therefore, on its own motion, continued the hearing to November 13, 2019, to allow CCOW sufficient time to review the Emergency Text Amendment and the information provided by DCRA and to respond in a supplemental statement of appeal to the following issues raised by the Board:
- The precise errors that CCOW alleged the ZA made in deciding that the Permit was not subject to the special exception requirement of Subtitle U § 203.1(p); and
  - The reasons for CCOW’s belief that Subtitle U § 201.1(c), as adopted by the Emergency Text Amendment, did not apply to the Permit, as asserted by the ZA. (Oct. 30 Tr. at 200-203, Ex. 26.)
32. The Board noted that pursuant to Subtitle Y § 302.13, CCOW was prohibited from amending the Appeal to add new claims in this supplemental statement but could only clarify their original appeal statement. (Oct. 30 Tr. at 203-4.)

33. The Board also allowed all other parties to submit responses to CCOW's filings. (Ex. 26.)

#### **Appellant's Supplemental Statement**

34. On November 7, 2019, CCOW submitted its supplemental statement of Appeal. (Ex. 28.)
35. CCOW requested a further postponement of the Appeal on the basis that DCRA had not provided a Letter of Determination for the Proposed Solar Array and that the plans provided by DCRA were illegible and incomplete. (Ex. 28.)
36. In addition to the request for postponement, CCOW's supplemental statement alleged that:
- a) The Proposed Solar Array does not qualify under the Emergency Text Amendment's definition of a CREF; and
  - b) Regardless of which regulations are applicable, the Proposed Solar Array is still subject to development standards regarding height, rear and side yards, and setbacks. (Ex. 28.)

#### **Responses to Supplemental Statement**

##### DCRA

37. DCRA submitted a response (Ex. 29) to CCOW's supplemental statement arguing that:
- a) CCOW's inclusion of alleged violations of the height and setback requirements violated Subtitle Y § 302.13 by amending the original Appeal to add additional issues. DCRA noted that CCOW had not alleged that DCRA had impeded CCOW's ability to identify the new issues; and
  - b) CCOW's claim that the Emergency Text Amendment was not applicable was without merit as the Appellants had failed to state with specificity why the Emergency Text Amendment did not apply.
38. The Appellant responded to DCRA's response (Ex. 30) claiming that CCOW had included citations to Subtitle B § 100.2 and Subtitle C § 1500 in its original appeal but did not elaborate how the ZA's approval of the Permit allegedly violated these referenced provisions. CCOW also reiterated that it had not received plans or letters of determination from DCRA.

##### Catholic Charities

39. Catholic Charities submitted a response (Ex. 30) to CCOW's supplemental statement noting that the only issue raised in CCOW's original appeal was the allegation that the Permit for the Proposed Solar Array could only be issued with special exception approval pursuant to Subtitle U § 203.1(p). Catholic Charities argued that CCOW's inclusion of the height and setback issues in the supplemental statement constituted new claims barred by Subtitle Y § 302.13.
40. Catholic Charities also argued that the Proposed Solar Array does qualify as a CREF under the Emergency Text Amendment.

41. Catholic Charities noted that no determination letter was required for the Proposed Solar Array as it was permitted as a matter of right.
42. Catholic Charities also noted that the approved plans are a matter of public record.

#### **Continued Public Hearing of November 13, 2019**

43. At the Public Hearing of November 13, 2019, the Board considered CCOW's second motion for postponement. The Board determined that the plans requested by CCOW were available in the public record and that a determination letter from DCRA was unnecessary because the Permit represented the ZA's final determination. (November 13, 2019 Public Hearing Transcript ("Nov. 13 Tr.") at 40-41.)

### **CONCLUSIONS OF LAW**

1. The Board is authorized by Section 8 of the Zoning Act, effective June 20, 1937 (52 Stat. 799, Ch. 534, § 8, the "**Zoning Act**"); D.C. Official Code § 6-641.07 (2018 Repl.); *see* Subtitles X § 302.1 and Y § 302.1) to "hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal" made by the ZA or any other administrative officer in the administration or enforcement of the Zoning Regulations.
2. The Appellants have the burden of proof to justify the granting of the Appeal. (Subtitle X § 1101.2.) In meeting its burden of proof, the Appellants must show that the decision of the ZA was clearly erroneous or inconsistent with the Zoning Regulations.
3. In interpreting the Zoning Regulations, "it is the Board, not the Zoning Administrator, which has final administrative responsibility. The Board's interpretative responsibility is, therefore, *de novo*" and requires "more of the (Board) than deference to the ZA, particularly when the ZA's interpretation ... is not obvious ... (although the Board) may consider the ZA's views in arriving at its own *de novo* interpretation." *Ward 5 Imp. Ass'n v. D.C. BZA* 98 A.3d 147, 154-55 (2014) (internal quotation and citations omitted).

#### **Non-Zoning Issues**

4. The Board concludes that its jurisdiction is limited to claims of error in any decision "in the carrying out of or enforcement of" the Zoning Regulations. (Zoning Act, § 8; *see* Subtitles X § 302.1 and Y § 302.1.) The Board therefore concludes that it has no authority to consider CCOW's claims regarding environmental issues, stormwater management, and property devaluation, as requested by the Appeal. *See BZA Appeal No. 19477 of Kingman Park Civic Association* (holding that an appeal which alleges violations of construction codes and environmental laws but not the zoning regulations, must be dismissed).

**Violation of Special Exception Requirement for a “Basic Utility” - Subtitle U § 203.1(p)**

5. The Board concludes that, pursuant to Subtitle A § 301.4, the Permit was subject to the Emergency Text Amendment, adopted by the Zoning Commission on February 11, 2019, and in force and effect on June 4, 2019 when the permit was issued. (FF 8-13.)
6. The Board notes that, while the Second Emergency Text Amendment included additional criteria regarding setbacks and screening, these requirements were not included in the Emergency Text Amendment under which the Permit was issued. (FF 12 and 14.)
7. The Board concludes that CCOW has not met its burden of proof to demonstrate that the project was not subject to the Emergency Text Amendment. (Nov. 13 Tr. at 43, 48-49.)
8. The Board concludes that, pursuant to the Emergency Text Amendment, the Proposed Solar Array was properly classified as a CREF and therefore not subject to the Basic Utility Use requirements of Subtitle U § 203.1(p). (FF 8-13.)
9. The Board further concludes that as a CREF, the Proposed Solar Array was permitted as a matter-of-right use in the R-1-B zone pursuant to Subtitle U § 201.1(c) as effective under the Emergency Text Amendment. (FF 10-12.)

**Violation of the Prohibition on the Addition of New Appeal Claims - Subtitle Y § 302.13**

10. The Board also concludes that CCOW has violated the prohibition on the amending of an appeal to add new claims pursuant to Subtitle Y § 302.13. The Board noted explicitly in its directions to CCOW at the October 30, 2019 hearing that it would not be permitted to amend its appeal to include additional issues not raised in the initial statement of Appeal. (FF 32.)
11. The Board concluded that CCOW’s Supplemental Statement is unclear as to whether the alleged violations of the height, side and rear yards, and setback requirements refer to the Emergency Text Amendment or the Second Emergency Text Amendment. If the allegations relate to the Second Emergency Text Amendment, the Board concludes that they are not applicable because as discussed above, the Permit was issued under the Emergency Text Amendment. If instead CCOW’s allegations regard the Emergency Text Amendment, the Board concludes that these allegations are barred because they were not raised in the original appeal statement as required by Subtitle Y § 302.13.
12. The Board notes that CCOW’s original appeal statement (Ex. 5), as reiterated in its response to DCRA’s response to CCOW’s supplemental statement (FF 38), referenced Subtitle B § 100.2 and Subtitle C § 1500.5 but failed to elaborate how the ZA’s decision to approve the Permit allegedly violated these provisions. The Board concludes that Subtitle B § 100.2 is not applicable because this subtitle only includes definitions and no development standards that apply to the Proposed Solar Array. The Board concludes that Subtitle C § 1500.5 is not applicable to the Proposed Solar Array because it concerns penthouses and the Proposed Solar Array does not include any penthouses.



**“Great Weight” to the Written Report of the ANC**

13. The Board must give “great weight” to the issues and concerns raised in a written report of the 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 (the “ANC Act,” D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 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).”
14. The Board notes that ANC 5C’s letter did not meet the requirements for “great weight” per the ANC Act and Subtitle Y § 406.2. Nonetheless, the Board considered the ANC’s letter but found it unpersuasive because the letter also failed to identify any specific issues or concerns with the Proposed Solar Array.

**DECISION**

Based on the case record, the testimony at the hearing, and the Findings of Fact and Conclusions of Law, the Board concludes that the Appellants have failed to satisfy their burden of proof that the ZA erred in authorizing Solar Permit No. SOL1900996 that allowed the construction of a ground-mounted, grid-tied solar array consisting of 5072 solar modules at premises 2800 Otis Street N.E. (Square 4302, Lot 828), and therefore orders that the appeal is **DENIED** and the decision of the Zoning Administrator is **SUSTAINED**.

**VOTE (Nov. 13, 2019): 3-0-2** (Frederick L. Hill, Carlton E. Hart, and Anthony J. Hood to **DENY**; Lorna L. John and Lesylleé M. White not participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** December 24, 2019

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.

**BZA APPEAL NO. 20132**

**PAGE NO. 9**

**BOARD OF ZONING ADJUSTMENT  
PUBLIC MEETING NOTICE  
WEDNESDAY, MARCH 4, 2020  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**FOR EXPEDITED REVIEW**

**WARD FIVE**

20212            **Application of Thomas and Nancy Gavin**, pursuant to 11 DCMR  
ANC 5B           Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from  
the lot occupancy requirements of Subtitle D § 304.1, and from the rear  
yard requirements of Subtitle D § 306.1, construct a front and rear addition  
to an existing detached principal dwelling unit in the R-1-B Zone at  
premises 3115 15th Street, N.E. (Square 4014, Lot 32).

**PLEASE NOTE:**

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

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

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

BZA PUBLIC MEETING NOTICE

MARCH 4, 2020

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

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

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

**Do you need assistance to participate?**

Amharic

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

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

Chinese

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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

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French

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

Korean

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Spanish

## BZA PUBLIC MEETING NOTICE

MARCH 4, 2020

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¿Necesita ayuda para participar?

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

*Vietnamese*

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

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

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**12-Month Schedule of Monthly Meeting Dates for 2020**

The Zoning Commission of the District of Columbia, in accordance with § 103.1 of the District of Columbia Municipal Regulations, Title 11-Z, Zoning, hereby gives notice that it has scheduled the following meetings. Meetings are held in the Jerrily R. Kress Memorial Hearing Room, Suite 220-South of 441 4<sup>th</sup> Street, N.W., #1 Judiciary Square, beginning at 6:30 p.m.

The dates of the Monthly Meetings for the following year of the Zoning Commission of the District of Columbia are as follows:

<b>Regular Monthly Meeting</b>	<b>Second Monthly Meeting</b>
January 13, 2020	January 27, 2020
February 10, 2020	February 24, 2020
March 9, 2020	March 30, 2020
April 13, 2020	April 27, 2020
May 11, 2020	--
June 8, 2020	June 29, 2020
July 13, 2020	July 27, 2020
September 14, 2020	--
October 19, 2020	--
November 9, 2020	November 30, 2020
December 14, 2020	--

Please note that these dates are subject to change.

Additional meetings as needed may be called by the presiding officer or by three (3) members. However, no meetings or hearings are held in the month of August.

The proposed agenda for each meeting is posted in the office of the Commission and available to the public at least four days prior to the meeting.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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