

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Law 23-0123, Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020
- D.C. Council passes Resolution 23-509, Sense of the Council Regarding the Union Station Expansion Project Resolution of 2020
- D.C. Council passes Resolution 23-510, Sense of the Council in Opposition to the Prosecution of Local Gun Offenses in District Court Resolution of 2020
- D.C. Council passes Resolution 23-519, Eviction Notice Moratorium Emergency Declaration Resolution of 2020
- D.C. Commission on the Arts and Humanities announces availability of funding for the FY 2021 Facilities and Buildings Grants and FY 2021 UPSTART Grants
- Department of Energy and Environment solicits partners for the GreenWrench Technical Assistance Program to assist District auto shops to become sustainable
- Department of Health Care Finance updates regulations related to certification requirements for free standing mental health clinics
- Department of Health announces availability of funding for the Colorectal Cancer Control Program
- Office of Tax and Revenue updates regulations to require solely electronic filing of real property taxes, exemption applications, and other forms starting on December 7, 2020

# DISTRICT OF COLUMBIA REGISTER

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ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0123

"Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0730 on First Reading and Final Reading, on April 7, 2020, and April 21, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0315 and was published in the edition of the D.C. Register (Vol. 67, page 5103). Act A23-0315 was transmitted to Congress on May 12, 2020 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act A23-0315 is now D.C. Law L23-0123, effective August 6, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Month	Dates Counted
May	12,13,14,15,18,19,20,21,22,26,27,28,29
June	1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26,29,30
July	1,2,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30,31
August	3,4,5

ENROLLED ORIGINAL

A RESOLUTION

23-506

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to require that the District Department of Transportation publish a report identifying modifications to roadways in each ward that will create space for uses other than for motorized vehicles and to set a timeline for implementation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Connected Transportation Network Congressional Review Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On June 9, 2020, the Council passed the Connected Transportation Network Emergency Amendment Act of 2020, effective July 7, 2020 (D.C. Act 23-331; 67 DCR 8607) (“emergency act”), which expires on October 4, 2020.

(b) On July 7, 2020, the Council passed the Connected Transportation Network Temporary Amendment Act of 2020, enacted on July 27, 2020 (D.C. Act 23-349; 67 DCR 9400) (“temporary act”), which is undergoing congressional review and is projected to take effect November 16, 2020.

(c) This emergency legislation is necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Connected Transportation Network Congressional Review Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-507

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to provide for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Comprehensive Policing and Justice Reform Congressional Review Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On July 7, 2020, the Council passed the Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020, effective July 22, 2020 (D.C. Act 23-336; 67 DCR 9148) (“emergency act”), which will expire on October 19, 2020.

(b) On July 21, 2020, the Council passed the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, enacted on August 12, 2020 (D.C. Act 23-399; 67 DCR 9920) (“temporary act”), which is pending congressional review and for which no projected law date is currently available.

(c) This congressional review emergency legislation is now necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act. It is substantively identical to the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-508

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 5, 6, and 7 to Contract No. CW64063 with Health IT 2 Business Solutions, LLC d/b/a CODICE to provide mission oriented business integrated services, and to authorize payment for the goods and services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 5, 6, and 7 to Contract No. CW64063 with Health IT 2 Business Solutions LLC dba CODICE Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Modification Nos. 5, 6, and 7 to Contract No. CW64063 with Health IT 2 Business Solutions, LLC d/b/a CODICE, to provide mission oriented business integrated services and to authorize payment for the goods and services received and to be received under Modification Nos. 5, 6, and 7 to Contract No. CW64063.

(b) On March 11, 2020, by Modification No. 5, the Office of Contracting and Procurement (“OCP”) exercised a partial option of option year one of Contract No. CW64063 for the period March 18, 2020, through August 17, 2020, in the not-to-exceed amount of \$950,000.

(c) On June 19, 2020, by Modification No. 6, OCP revised the option period to March 18, 2020, through March 17, 2021.

(d) Modification No. 7 is now necessary to increase the total not-to-exceed amount for option year one to \$10 million.

(e) Council approval is necessary as this will increase the value of the contract to more than \$1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Health IT 2 Business Solutions, LLC d/b/a CODICE cannot be paid for goods and services provided in excess of \$1 million for the period March 18, 2020, through March 17, 2021.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

**ENROLLED ORIGINAL**

Modification Nos. 5, 6, and 7 to Contract No. CW64063 with Health IT 2 Business Solutions LLC dba CODICE Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-509

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council Regarding the Union Station Expansion Project Resolution of 2020”.

Sec. 2. The Council finds that:

(1) Union Station, which is the largest transit hub in the District and the second busiest Amtrak station in the country, sees as many as 100,000 passengers each day and is a national landmark situated in a growing neighborhood. It serves District residents, commuters, business travelers, and tourists traveling on Metrorail, Metrobus, Circulator, intercity buses, regional and national train lines, bicycles, and foot.

(2) In June 2020, the Federal Railroad Administration (“FRA”) issued a draft environmental impact statement (“DEIS”) for the proposed Union Station Expansion Project that intends to expand and modernize Union Station’s multimodal transportation facilities to meet current and future transportation needs in the District and Amtrak’s Northeast Corridor.

(3) The project includes a major realignment and renovation of the existing train tracks, renovations to the existing building, a new rail terminal, a new parking garage, and a new bus facility. The project is proposed by the Union Station Redevelopment Corporation (“USRC”), which manages and operates Union Station under a long-term lease from FRA and Amtrak. FRA is the lead agency preparing the Environmental Impact Statement detailing design alternatives for the Federal government.

(4) Mixed-use development adjacent to Union Station has the potential to transform the surrounding neighborhood, providing office, residential, and retail uses, in addition to new public spaces. In order for any such development to be compatible with the surrounding neighborhood, it is essential that all aspects of the Union Station redevelopment be done in concert with local planning efforts and best practices.

(5) The DEIS released by FRA falls short of the needs of District residents, workers, visitors, and project stakeholders, and does not take into account comments by the National Capital Planning Commission, the District of Columbia Office of Planning, members of the Council, and the impacted Advisory Neighborhood Commission (“ANC”). Major changes



## ENROLLED ORIGINAL

are needed to the DEIS. Any preferred alternative identified in a final environmental impact statement must reflect both the needs of FRA and sound urban design principles.

(6) The preferred design alternative that the FRA identified in the DEIS proposes 1,600 parking spaces in a new Union Station garage, even though extensive analysis by the District of Columbia Office of Planning concluded that fewer than 300 spaces are actually needed. This conclusion has been supported by Federal planners at the National Capital Planning Commission (“NCPC”) as well as District residents, Advisory Neighborhood Commissions, adjacent landowners, and Congresswoman Eleanor Holmes Norton. NCPC has reported that nearly two-thirds of the current parking spots are monthly parking contracts — that is, not needed for commuters, travelers, and shoppers coming to Union Station. Overparking this project ignores changing trends in this multimodal core, will have a negative effect on adjacent development, is counter to the trend to reduce parking at many other large urban stations in the Amtrak system, and will induce additional traffic in the neighborhood.

(7) ANC 6C, which includes Union Station, has repeatedly emphasized that “[a]s currently envisioned, the expanded Union Station would be surrounded by a snarl of cars and buses, creating a barrier to access for the residents of the surrounding neighborhoods.” In addition to creating a pedestrian-unfriendly environment at a dense transit hub, FRA’s preferred design ignores the place-making potential at this gateway to the District. The preferred design also frustrates the intent of the Council, which budgeted more than \$200 million to remake the adjoining pedestrian bridge at H Street, N.E., as a safe pedestrian crossing to the private development adjoining the federal site.

(8) The DEIS also does not adequately consider the placement and scale of the proposed parking garage, the impact of the proposed garage access points on multimodal circulation around the facility, and northern viewsheds impacted by the proposed garage. The expanded garage is predicated, in part, on preserving a legacy revenue stream for USRC that relies on parking fees as it has since 1981. This does not reflect the changing transportation dynamics of the past 40 years and assumes that USRC is incapable of reimagining its business model.

Sec. 3. It is the sense of the Council that:

(1) Multimodal transit options, including bus, rail, transit, rideshare, bicycle, and pedestrian access, must be prioritized over parking in the FRA’s environmental impact statement for the proposed Union Station Expansion Project;

(2) The Union Station Expansion Project and neighboring development must enhance the quality of life for those who live around Union Station and for those who come to work in or visit the city by considering input from neighbors about how to integrate the design into the neighborhood; and

(3) The FRA must reduce the size and scale of the proposed parking garage consistent with the District of Columbia Office of Planning’s projections.

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Sec. 4. The Council shall transmit a copy of this resolution to the Federal Railroad Administration (for inclusion in the record), the Union Station Redevelopment Corporation, the National Capital Planning Commission, and the District of Columbia Office of Planning.

Sec. 5. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-510

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the sense of the Council in opposition to the United States Attorney for the District of Columbia's prosecution of the offense of felon-in-possession pursuant to federal law in the United States District Court for the District of Columbia rather than pursuant to the District of Columbia Official Code in the Superior Court of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Opposition to the Prosecution of Local Gun Offenses in District Court Resolution of 2020".

Sec. 2. The Council finds that:

(1) On February 6, 2019, Mayor Muriel Bowser and United States Attorney for the District of Columbia Jessie Liu announced a new initiative by the United States Attorney to prosecute the offense of possessing a firearm by an individual previously convicted of a felony – known as the "felon-in-possession" statute – under federal law in the United States District Court for the District of Columbia rather than under District law in the Superior Court of the District of Columbia.

(2) The prosecution of the offense of felon-in-possession under federal law is redundant. D.C. Official Code § 22-4503(a)(1) already criminalizes the possession of a firearm by an individual who has previously been convicted of a felony, and the United States Attorney has historically chosen to charge and prosecute hundreds of these cases annually in the Superior Court of the District of Columbia.

(3) In support of the new initiative, the Deputy Mayor for Public Safety and Justice stated, "There must be swift and certain accountability when people commit gun crimes[.]" However, there is no evidence to show that the time to trial in the Superior Court – the swiftness with which cases are adjudicated – is longer than in the U.S. District Court, justifying a change in venue. In addition, in 2018 and 2019, the Superior Court's sentences were almost universally compliant with the District's sentencing guidelines, at 98% compliant. The federal courts' judicial compliance rates under the federal sentencing guidelines were 49% and 51%, respectively. Therefore, the claim that the accountability of gun offenders if federally prosecuted will be more "certain" is also unsubstantiated.

## ENROLLED ORIGINAL

(4) The reason for the timing of the new initiative was unclear. In 2018, the United States Attorney brought approximately 350 felon-in-possession cases, with only 1/4 of those cases brought in the U.S. District Court. If the argument were that the new initiative would improve public safety outcomes by bringing these cases federally, it is puzzling as to why the United States Attorney waited until early 2019 to change its prosecution venue.

(5) Another stated goal of the new initiative was to utilize the resources of the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives. United States Attorney Liu said that her “goal is to investigate and prosecute violent crimes more fully” with these agencies’ assistance, but under current practice, those agencies could already have supported locally charged felon-in-possession cases.

(6) The new initiative strains the resources of the Federal Public Defender for the District of Columbia, which represents indigent defendants in federal criminal cases and has fewer than one dozen attorneys on staff. It is approximately 1/6 the size of the Public Defender Service for the District of Columbia, which represents indigent defendants for offenses in the District of Columbia Official Code. It is possible that, if the initiative is continued, this strain could result in overburdened legal counsel for federally-charged individuals.

(7) Individuals sentenced in federal court for felon-in-possession are generally exposed to significantly longer prison sentences than in the Superior Court. Long sentences are not proven to deter crime or prevent recidivism; they contribute to the District having the highest incarceration rate in the United States and, possibly, the world, and they overwhelmingly affect Black men.

(8) The felon-in-possession initiative disrespects the policymaking of District residents and elected officials by circumventing the District’s local sentencing and reentry tools. For example, in recent years, this Council reformed its sentencing laws for young adults in response to the scientific evidence supporting young adults’ needs for developmentally appropriate sentences and their increased capacity for rehabilitation, and these reforms do not apply to young adults convicted of federal offenses. The Council also recently passed legislation to provide an opportunity for sentence review for individuals who are convicted as juveniles and serve long sentences, and these reforms also do not apply to individuals convicted of federal offenses. Similarly, individuals with federal charges or convictions are ineligible for relief under the District’s record sealing and expungement laws.

(9) Studies regarding the success of other efforts to prosecute firearms-related offenses in federal court, such as Project Exile, have been inconclusive at best. Further, the United States Attorney has released almost no data about the initiative, so its efficacy cannot be analyzed. This also means that individuals with prior felony convictions looking to possess a weapon would have no way of knowing how frequently similar individuals have been charged, convicted, and for how long they have been sentenced. Even if one assumes that prospective gun offenders are rational actors and act with this information in mind, it would therefore be

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impossible to create any deterrent effect from the initiative due to the secrecy behind its operation.

(10) The felon-in-possession initiative, and the Executive's support for it, undermine the District's efforts to achieve statehood, strengthen Home Rule, and regain control of our justice system. A multitude of efforts are underway by the District government to advocate for the District's autonomy from the federal government, including record congressional support – with 27 cosponsors – and a historic hearing and vote in the U.S. House of Representatives for H.R. 51, the Washington, D.C. Admission Act.

(11) Regaining control of the District's justice system is of paramount importance. The current opaque and unaccountable system results in poor outcomes for federally incarcerated individuals and District residents.

(12) The prosecution of criminal offenses is a local function that should be the charge of an entity accountable to District residents, such as the Attorney General for the District of Columbia. In fact, Attorney General Karl Racine has stated his opposition to prosecuting local gun crimes in federal courts, reasoning that it undermines Home Rule, disproportionately harms African Americans, "intentionally sidesteps our local courts, thus denying offenders the benefits of these reforms, and reverts to a failed federal tough-on-crime approach." The United States Attorney for the District of Columbia is nominated by the President of the United States of America and confirmed by the United States Senate, a legislative body in which the District of Columbia is unrepresented.

(13) The District does not have a role in nominating judges to the U.S. District Court. In contrast, the judges on the Superior Court are screened, selected, and recommended by the Judicial Nomination Commission, an agency directly under the Council's oversight and to whose board the Council nominates members.

(14) Nearly 2 years after the felon-in-possession initiative was launched, it was recently revealed in court records that the initiative was designed to exclusively target Metropolitan Police Department Districts 5, 6, and 7, predominantly African-American wards. Such over-prosecution in Black neighborhoods has contributed to the District leading the country in mass incarceration and undermines the District's work to focus on reducing racial disparities in policing and criminal justice.

Sec. 3. It is the sense of the Council that:

(1) The recent increase in homicides in the District presents an opportunity to use data and evidence-based practices to improve public safety, including arrest, charging, and sentencing practices, and the disclosure of related information to policymakers and the public;

(2) The Executive and the United States Attorney should work collaboratively and transparently with the Council to identify barriers to the prosecution of gun crimes and opportunities for improvement in the current process and in sourcing guns;

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(3) A public-health approach to public safety meaningfully addresses firearms-related violence, without resorting to speculative law enforcement and prosecution strategies or harsh sentencing policies; and

(4) The Executive and the United States Attorney should learn from the ineffectual and unjust criminal justice policies of the past and immediately abandon their initiative to prosecute certain firearm-related offenses under federal law.

**Sec. 4. Transmittal.**

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Deputy Mayor for Public Safety and Justice, the Chief of the Metropolitan Police Department, the United States Attorney for the District of Columbia, the Federal Public Defender for the District of Columbia, the Director of the Public Defender Service for the District of Columbia, the Chief Judge of the Superior Court of the District of Columbia, the Chief Judge of the United States District Court for the District of Columbia, the Attorney General for the District of Columbia, and the Congresswoman from the District of Columbia in the House of Representatives.

**Sec. 5.** This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

23-511

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to approve the borrowing of funds by the District through the issuance and sale of income tax secured revenue bonds and notes and general obligation bonds and notes in an aggregate principal amount not to exceed \$1,150,000,000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2021 Income Tax Secured Revenue Bond, General Obligation Bond, and General Obligation and Income Tax Secured Bond Anticipation Note Issuance Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. Emergency legislation is necessary to ensure that the District can issue bonds in a timely manner and take advantage of favorable market conditions to provide funding for or to reimburse the District for funds already expended on Fiscal Year 2021 capital projects approved and undertaken pursuant to the District’s Fiscal Year 2021 Budget and Financial Plan.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2021 Income Tax Secured Revenue Bond, General Obligation Bond, and General Obligation and Income Tax Secured Bond Anticipation Note Issuance Authorization Emergency Approval Resolution of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-512

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To approve, on an emergency basis, the borrowing of funds by the District through the issuance and sale of income tax secured revenue bonds and notes and general obligation bonds and notes in an aggregate principal amount not to exceed \$1,150,000,000, and to approve the execution and delivery of documents connected to the issuance, sale, and delivery of the bonds or notes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2021 Income Tax Secured Revenue Bond, General Obligation Bond, and General Obligation and Income Tax Secured Bond Anticipation Note Issuance Authorization Emergency Approval Resolution of 2020”.

Sec. 2. (a) Pursuant to and in accordance with D.C. Official Code § 47-335.01, the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999-2004 Authorization Act of 1999, effective July 29, 1999 (D.C. Law 13-22; D.C. Official Code § 1-204.61, note); the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002-2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note); the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2007-2012 Authorization Act of 2006, effective March 6, 2007 (D.C. Law 16-212; D.C. Official Code § 1-204.61, note), the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2013-2018 Authorization Act of 2012, effective March 19, 2013 (D.C. Law 19-231; 59 DCR 13617), the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Act of 2017, effective March 29, 2018 (D.C. Law 22-80; 65 DCR 1565), and any successor acts thereto (“Bond Acts”), and Subchapter II-D of Chapter 3 of Title 47 of the District of Columbia Official Code (§ 47-340.26 *et seq.*) (“Income Tax Bond Act”), the Council approves the issuance and sale of:

(1) Income tax secured revenue bonds and general obligation bonds in an aggregate principal amount not to exceed \$1,150,000,000, when aggregated with the principal amount of any bond anticipation notes pursuant to paragraph (2) of this subsection, to fund the following capital projects, as that term is defined in the Income Tax Bond Act or the Bond Acts, plus all costs and expenses authorized by the Income Tax Bond Act or the Bond Acts, including, but not limited to, reimbursing amounts temporarily advanced from the General Fund of the District of Columbia, any enterprise fund or other fund or account of the District, and all costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting,



## ENROLLED ORIGINAL

rating agency fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the bonds, the payment of costs of contracts described in the Income Tax Bond Act or the Bond Acts, and the payments of other debt program-related costs as provided in the related agreements:

<b>Project Category</b>	<b>Total Borrowing Plan \$</b>
Building Systems Assessments and Improvements	23,452,067
Correctional Facilities	26,997,500
Equipment	32,514,373
Fire/EMS Stations	11,000,000
Fleet	75,957,013
General Support Facilities	17,187,500
Health Care Facilities	46,400,000
Homeless Shelters	5,777,000
Information Systems	56,997,755
Local and Regional Transportation	178,272,050
Parks, Playgrounds, Athletic Fields	7,000,000
Police Stations	3,250,000
Recreational Centers and Pools	83,486,807
Redevelopment	144,856,476
Regulatory Compliance and Restoration	7,939,467
School Facilities	256,991,992
Senior Centers	8,900,000
University Facilities	19,125,000
WMATA CIP Contribution	139,645,000
Youth Rehabilitation Facilities	4,250,000
<b>Total</b>	<b>1,150,000,000</b>

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(2) Income tax secured federally tax-exempt and taxable bond anticipation notes or general obligation secured federally tax-exempt and taxable bond anticipation notes in an aggregate principal amount that, when combined with amounts issued pursuant to paragraph (1) of this subsection, shall not exceed \$1,150,000,000, to fund the initial costs of capital projects, as those projects are, from time to time, included in the District's annual Budget and Financial Plan and defined in the Income Tax Bond Act or the Bond Acts, plus all costs and expenses authorized by the Income Tax Bond Act or the Bond Acts, including, but not limited to, reimbursing amounts temporarily advanced from the General Fund of the District of Columbia, any enterprise fund or other fund or account of the District, and all costs and expenses of issuing and delivering the commercial paper, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the commercial paper, the payment of costs of contracts described in the Income Tax Bond Act or the Bond Acts, and the payments of other debt program-related costs as provided in the related agreements.

(b) The capital projects referenced in subsection (a) of this section have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46); the Continuing Appropriations Act, 2014, approved October 17, 2013 (Pub. L. No. 113-46; 127 Stat. 558); the Consolidated Appropriations Act, 2014, approved January 17, 2014 (Pub. L. No. 113-76; 128 Stat. 5); the Continuing Appropriations Resolution, 2015, approved September 19, 2014 (Pub. L. No. 113-164; 128 Stat. 1867); Joint Resolution Making further continuing appropriations for fiscal year 2015, and for other purposes, approved December 12, 2014 (Pub. L. No. 113-202; 128 Stat. 2069); Joint Resolution Making further continuing appropriations for fiscal year 2015, and for other purposes, approved December 13, 2014 (Pub. L. No. 113-203, 128 Stat. 2070); the Consolidated and Further Continuing Appropriations Act, 2015, approved December 16, 2014 (Pub. L. No. 113-235; 128 Stat. 2130); the Continuing Appropriations Act, 2016, approved September 30, 2015 (Pub. L. No. 114-53; 129 Stat. 502); the Further Continuing Appropriations Act, 2016, approved December 11, 2015 (Pub. L. No. 114-96; 129 Stat. 2193); the Joint Resolution Making further continuing appropriations for fiscal year 2016, and for other purposes, approved December 16, 2015 (Pub. L. No. 114-100; 129 Stat. 2202); the Consolidated Appropriations Act, 2016, approved December 18, 2015 (Pub. L. No. 114-113; 129 Stat. 2242); the Fiscal Year 2017 Local Budget Act of 2016, effective July 29, 2016 (D.C. Law 21-142; 63 DCR 8786); the Continuing Appropriations Act, 2017, as amended, approved September 29, 2016 (Pub. L. No. 114-223; 130 Stat. 857); the Consolidated Appropriations Act, 2017, approved May 5, 2017 (Pub. L. No. 115-31; 131 Stat. 135); the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581); the Continuing Appropriations Act, 2018, as amended, approved September 8, 2017 (Pub. L. No. 115-56; 131 Stat. 1129); the Consolidated Appropriations Act, 2018, approved March 23, 2018 (Pub. L. No. 115-141; 132 Stat. 348); the Fiscal Year 2019 Local Budget Act of 2018, effective August 29, 2018 (D.C. Law 22-158; 65 DCR 7346); the Consolidated Appropriations Act, 2019, approved February 15, 2019 (Pub. L.

## ENROLLED ORIGINAL

No. 116-6; 133 Stat. 13), the Fiscal Year 2020 Local Budget Act of 2019, effective August 31, 2019 (D.C. Law 23-11; 66 DCR 8242), the Consolidated Appropriations Act, 2020, approved December 20, 2019 (Pub. L. No. 116-93; 133 Stat. 2317), and the Fiscal Year 2021 Local Budget Act of 2020, enacted August 31, 2020 (D.C. Act 23-408; 67 DCR 10629), and are capital projects for which the District is authorized to incur indebtedness under the Bond Acts and the Income Tax Bond Act.

(c) The Chief Financial Officer is further authorized to determine whether income tax secured revenue bonds, general obligation bonds, or bond anticipation notes or other notes authorized by the Income Tax Bond Act or the Bond Acts, will be issued to finance or refinance the capital projects described in subsection (a) of this section. If notes are issued to finance the capital projects described in subsection (a) of this section, the Chief Financial Officer shall determine when and whether income tax secured revenue bonds or general obligation bonds will be issued to refund or refinance the outstanding notes in accordance with the Income Tax Bond Act, the Bond Acts, and other applicable laws.

Sec. 3. If the funds allocated to any agency pursuant to this resolution exceed the amount required by that agency to complete any authorized capital project listed in section 2 for that agency, the excess funds shall be made available to finance other capital projects approved by a prior or subsequent Council bond issuance resolution or act.

Sec. 4. Pursuant to sections 7 and 8 of the Bond Acts, section 2 of the Income Tax Bond Act, and other applicable law, the Council approves the execution and delivery by the Mayor, or the Chief Financial Officer, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of District of Columbia general obligation bonds or notes or income tax secured revenue bonds or notes pursuant to the Bond Acts or the Income Tax Bond Act.

Sec. 5. Transmittal.

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-513

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to amend the Commission on the Arts and Humanities Act to allow grant recipients to cover certain office-related rent or mortgage operating costs during Fiscal Year 2021.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Arts and Humanities Capital Funding Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s Orders 2020-045 and 2020-046, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19.

(b) The COVID-19 pandemic has substantially and negatively affected the arts and humanities industry due to the widespread closure of art museums, theaters, music venues, museums, and other arts and humanities businesses.

(c) To aid arts and humanities organizations during the pandemic, it is necessary to amend the Commission on the Arts and Humanities Act to allow grant recipients to cover certain office-related rent or mortgage operating costs during Fiscal Year 2021.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances, making it necessary that the Arts and Humanities Capital Funding Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-514

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency, with respect to the need to extend the Mayor's authority to declare a public health emergency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Health Emergency Authority Additional Extension Emergency Declaration Resolution of 2020".

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor's Orders 2020-045 and 2020-046, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19, and on April 17, 2020, Mayor's Order 2020-063 extending the state of emergency and public health emergency.

(b) On July 7, 2020, the Council adopted emergency legislation to extend the Mayor's authority to continue the public health emergency through October 9, 2020.

(c) To continue to limit certain activities that would otherwise contribute to the spread of COVID-19, it is necessary to extend the Mayor's authority to continue the public emergency and public health emergency through December 31, 2020, affording the Council the time needed to reevaluate a number of policies triggered by the public health emergency that are contained in the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances, making it necessary that the Public Health Emergency Authority Additional Extension Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-515

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to make minor, technical, and clarifying amendments to various budget-related provisions of law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2021 Budget Support Clarification Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On July 28, 2020, the Council passed the Fiscal Year 2021 Budget Support Act of 2020, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493) (“Act”). Following the passage of the Act, staff at the Council and the Office of the Chief Financial Officer identified certain provisions that need to be clarified or amended to effectuate their intent.

(b) The proposed modifications include clarifying provisions, technical amendments, or other minor amendments that must go into effect immediately to clarify the law and implement the Fiscal Year 2021 Budget and Financial Plan as approved by the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2021 Budget Support Clarification Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-516

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to clarify the authority of the Mayor to enter into an agreement with a Business Improvement District corporation for the maintenance and improvement of public space during a public health emergency and for 30 days thereafter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Space Maintenance Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s Orders 2020-045 and 2020-046, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19, and has issued several extensions of such emergencies as authorized under the law.

(b) A critical component of reopening the District during the pandemic has been utilizing outdoor public space for various activities to allow for social distancing.

(c) Temporary or permanent modifications throughout the District are necessary to accommodate such activities in public space.

(d) In areas of the District covered by a Business Improvement District, some of this work can be done more efficiently by the District reimbursing a Business Improvement District (“BID”) corporation for the work rather than the District contracting for the work.

(e) The proposed legislation would expand the existing authority to partner with BID corporations by raising the cap from \$250,000 to \$800,000 annually and would clarify that the work to be done in public space is not limited to sidewalks and signage.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances, making it necessary that the Public Space Maintenance Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-517

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to immediately clarify grantor agencies' obligation to maintain sole source justifications and final agency justifications related to the selection of grantees and to produce such documents upon request of the Mayor or a member of the Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Government Grant Transparency Emergency Declaration Resolution of 2020".

Sec. 2. (a) In May, the Council passed the Coronavirus Support Emergency Amendment Act of 2020, effective May 27, 2020 (D.C. Act 23-326; 67 DCR 7045), the provisions of which it has extended through the passage of 2 subsequent congressional review emergency measures ("Acts"). The Acts authorized the Mayor to issue grants to small businesses in need to economic relief as a consequence of COVID-19, and exempted the Mayor from otherwise following the provisions of the Grant Administration Act of 2013 in issuing these grants, including that grants awarded in excess of \$50,000 be awarded on a competitive basis. The Acts further authorized the Mayor to issue grants to a third-party grant managing entity for the purpose of distributing the grants to small businesses. In a process that lacked all transparency, the Mayor selected a third-party grant-managing entity and has denied requests for the justifications related to the selection.

(b) Accountability and transparency should not be sacrificed in a manner that hinders the Council's ability to perform its governmental duty and responsibility to perform agency oversight.

(c) If the Council is to be effective in carrying out the duties required of it, it must be able to request, and promptly receive, the sole source justifications and final agency justifications for grants the Council authorizes agencies to issue. Such a clarification to the existing law guarantees that Council will have access to information necessary to ensure government adherence to laws and ethical standards and to engender trust in governmental operations.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Government Grant Transparency Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

23-518

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to close a loophole in the existing law that allows large out-of-state firms to certify as local business enterprises.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Local Business Enterprise Clarification Emergency Declaration Resolution of 2020”.

Sec. 2. (a) The goal of the Department of Small and Local Business Development is to stimulate and foster the economic growth and development of businesses based in the District of Columbia. Due to a loophole in existing law, many large, out-of-District businesses have been able to legally certify as local business enterprises.

(b) Between 2016 and 2018, a total of 1,326 businesses were awarded contracts under the District’s procurement process. Of the 1,326 businesses, 730 (55%) were located within the District and 596 (45%) were located outside of the District. Although there are over 1,800 certified business enterprises (“CBEs”) registered in the District, of the businesses awarded contracts, 870 (66%) were non-CBEs. Only 456 (34%) were CBEs.

(c) Numerous small and local businesses based in the District have concerns, and continue to voice concerns, over being excluded from the competition for District contracts by larger non-District-based businesses.

(d) Also, since the public health emergency began, businesses located in the District have experienced among the largest share of revenue loss in the United States. It is estimated that one in 4 small businesses located in the District face permanent closure.

(e) Emergency legislation is needed to ensure that local businesses have a fair shot in the District’s contracting and procurement process and that the CBE Program works for the benefit of businesses that are truly local.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Local Business Clarification Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-519

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to amend the Rental Housing Act of 1985 to prohibit housing providers from issuing notices to vacate for the remaining duration of the public health emergency and for 60 days thereafter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Eviction Notice Moratorium Emergency Declaration Resolution of 2020”.

Sec. 2. (a) To protect residents during the public health emergency, the Council enacted an evictions moratorium on March 17, 2020, in the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093). This moratorium runs concurrently with the Mayor’s declaration of a public health emergency, and for 60 days after the public health emergency expires. The evictions moratorium prohibits filing a complaint to seek eviction and evicting a tenant.

(b) However, the moratorium does not specify whether the notices that housing providers are required to send prior to filing for eviction are allowed or prohibited. Rental housing providers continue to issue notices to vacate during the period of the eviction moratorium. The notices specify a date by which the tenant must either move or cure the cause for eviction and indicate that the housing provider can file for eviction after that date. These notices are currently unenforceable due to the eviction moratorium, but still lead to renters moving out.

(c) Often renters who move after a notice to vacate do so due to fear, negative court experiences in the past, confusion, immigration status, or language barriers. Allowing these notices to vacate to proceed furthers housing inequities for District residents.

(d) Prohibiting notices to vacate during the period of the eviction moratorium would prevent unnecessary moves, which the Council has already taken action in previous legislation to try to avoid. Avoiding these unnecessary moves will reduce doubling up and exposure to the coronavirus and protect vulnerable residents.

(e) A prohibition on notices to vacate may improve equity of the eviction moratorium for immigrant renters, who are more likely to experience these informal evictions outside of the court process.

**ENROLLED ORIGINAL**

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Eviction Notice Moratorium Emergency Amendment Act of 2020 be adopted after a single reading.

Sec 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-520

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to amend the Rental Housing Act of 1985 to enact a one-year moratorium on applications for and the Mayor's issuance of a Certificate of Assurance

RESOLVED, BY THE COUNCIL DISTRICT OF COLUMBIA, That this resolution may be cited as the "Certificate of Assurance Moratorium Emergency Declaration Resolution of 2020".

Sec. 2. (a) The District's modern rent stabilization laws date from 1973 and were rewritten in 1975, 1977, 1980, and 1985. Over the years, the District has reauthorized rent stabilization with the staunch belief that the availability of affordable housing is critical to neighborhood stability, the maintenance of a diverse population, and a healthy District economy. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*) ("RHA"), generally limits rent stabilized apartments to rental buildings of 5 units or more built before 1976.

(b) Section 221 of the RHA provides that the Mayor shall issue a certificates of assurance for any housing provider exempt from the RHA if any law expanding rent stabilization is passed by a Council at any time thereafter. Possession of a Certificate issued by the Mayor would entitle the affected housing providers to a property tax credit equal to the difference in the stabilized rent that the housing provider actually receives and the rent the housing provider could have received with a market rate rent. This benefit applies as long as the property is used as housing accommodation, defined as a structure or building containing one or more rental units and the land appurtenant thereto.

(c) The legislative history of the Certificate of Assurance provision shows that little, if any, public discussion occurred before the Certificate of Assurance provision became law. This record reveals that the 1985 Council ultimately chose to bind future legislatures to a poorly conceived, loophole-riddled provision that prioritizes the interests of housing providers at the expense of future democratic accountability and the housing security of future residents.

(d) This provision has implications for the District's ability to ever expand rent stabilization because the fiscal impact, should rent stabilization ever be expanded, would be severe. Chief Tenant Advocate Johanna Shreve testified on September 14, 2020, that a \$500 differential between market rate and stabilized rents for the 43 providers that have submitted requests for Certificates of Assurance would cost the District upwards of \$43,000,000 per year

## ENROLLED ORIGINAL

should the District expand rent stabilization without first addressing the Certificate of Assurance provision. Additional requests for certificates will certainly be submitted by housing providers as public awareness of this provision increases and as the Council deliberates legislation that expands rent stabilization. If the Certificate of Assurance provision is not addressed, the estimated cost to the District will increase exponentially.

(e) The Council has recently learned that despite all of the advantages of the Certificate of Assurance to housing providers, no Certificate has ever been issued to a housing provider by the District in the past 35 years. However, because of renewed interest in the Certificate of Assurance, the Department of Housing and Community Development has received 43 new requests for Certificates of Assurance in the past 10 months.

(f) The Certificate of Assurance Moratorium Emergency Amendment Act of 2020 places an emergency moratorium on applications for, and the Mayor's issuance of, Certificates of Assurance.

(g) A moratorium is also necessary because of the COVID-19 public health emergency. The current economic crisis affects both tenants who have experienced a loss of income and are unable to pay their rent in part or in full and housing providers facing decreased rental income. The Council will not be able to consider legislation expanding rent stabilization if it does not institute a moratorium that pauses both applications and issuance of certificates.

(h) The Council requires time to deliberate the wisdom and shortcomings of the Certificate of Assurance provision. With a moratorium in place for a year, the Council will have the opportunity to fully deliberate the wisdom of whether to expand rent stabilization to more housing providers.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Certificate of Assurance Moratorium Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-521

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to amend the Rental Housing Act of 1985 to extend the deadline by which the Office of the Tenant Advocate must develop the Rent Control Housing Database and transfer administration and maintenance of the database to the Rental Accommodations Division.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rent Control Housing Database Deadline Extension Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On July 20, 2017, the Publicly Accessible Rent Control Housing Clearinghouse Emergency Amendment Act of 2017 went into effect, tasking the Office of the Tenant Advocate (“OTA”) with the development of a user-friendly, Internet-accessible, and searchable database for the submission, management, and review of all documents and relevant data that housing providers are required to submit to the Rental Accommodations Division (“RAD”) within the Department of Housing and Community Development pursuant to the Rent Stabilization Program. The current statutory deadline by which OTA is required to complete the database and transfer administration and maintenance to RAD is September 30, 2020.

(b) To complete the database and transfer it to RAD by the statutory deadline, OTA proposed and began implementation of a 6-phase process including assessment, design, vendor selection, development, testing and modification, and demo completion, with an anticipated completion date of July 20, 2019. OTA completed the assessment and design phases of the project by April 30, 2018, and moved on to the vendor selection phase in coordination with the Office of Contracting and Procurement (“OCP”).

(c) As of September 2020, the project is just entering the development phase due to delays during the vendor selection phase that were beyond OTA’s control. Initially, OCP provided a timeline for vendor selection that anticipated the contract would be awarded by July 30, 2018. However, the contract was not awarded until August 7, 2020.

(d) The selected vendor requires time to understand RAD’s workflows and processes associated with housing provider submissions. Taking this into account, along with the time needed for the development itself, the vendor estimates that it will need 12 months to complete its work on the database. This timeline would allow OTA to complete the final 2 phases of the

**ENROLLED ORIGINAL**

database project (testing and modification, and demo completion) and transfer the database to RAD by December 31, 2021, with an expected rollout of the demo version for internal testing by August 2021.

(e) The Rent Control Housing Database Deadline Extension Emergency Amendment Act of 2020 will extend the deadline by which OTA must develop the database from September 30, 2020, to December 31, 2021.

(f) It is important that the deadline be extended to accommodate the delays described herein and to provide OTA with a reasonable amount of time by which to complete the database project.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Rent Control Housing Database Deadline Extension Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-522

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to amend the District of Columbia Election Code of 1955 to provide, for the November 3, 2020 General Election, that election workers who are District government employees are not required to be District residents or qualified electors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Election Worker Residency Requirement Waiver Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to amend the District of Columbia Election Code of 1955 to provide, for the November 3, 2020 General Election, that election workers who are District government employees are not required to be District residents or qualified electors.

(b) For the General Election, the District of Columbia Board of Elections (“Board”) has estimated a need for approximately 3,000 election workers.

(c) Due to the pandemic, the Board has had more difficulty than in the past recruiting election workers. In prior elections, most election workers have tended to be older residents. This demographic is particularly vulnerable to the health risks associated with COVID-19, and therefore, has been unwilling or unable to serve as election workers under the present conditions.

(d) Under current law, election workers must be “qualified registered electors” – meaning, District resident voters.

(e) The District government employs individuals who can be detailed to the Board to support the administration of the General Election in various capacities, and the Executive has offered to do so. However, some of those employees may not currently reside or be eligible to vote in the District, therefore making them ineligible to be election workers.

(f) This emergency legislation is necessary to allow the Board to utilize District government employees as election workers, regardless of their residency or voter registration status in the District, so that the Board can meet its critical staffing needs and ensure an efficient administration of the election.



**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Election Worker Residency Requirement Waiver Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-523

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to amend An Act To create a Department of Corrections in the District of Columbia to limit the District's cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sanctuary Values Emergency Declaration Resolution of 2020".

Sec. 2. (a) On October 8, 2019, the Council passed the Sanctuary Values Emergency Amendment Act of 2019, effective October 23, 2019 (D.C. Act 23-131; 66 DCR 14298), which expired on January 21, 2020.

(b) On October 22, 2019, the Council passed the Sanctuary Values Temporary Amendment Act of 2019, effective February 27, 2020 (D.C. Law 23-56; 67 DCR 2475) ("temporary act"). The temporary act will expire on October 9, 2020.

(c) The temporary act limits the District's cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order. This second round of emergency and temporary legislation will maintain and expand upon the provisions of the temporary act while the Committee on the Judiciary and Public Safety advances the permanent legislation this fall. The Committee has scheduled a public hearing on the permanent legislation for October 1, 2020.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sanctuary Values Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-524

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2020

To declare the existence of an emergency with respect to the need to amend section 14-307 of the District of Columbia Official Code to prohibit sexual assault counselors from disclosing confidential information acquired from a client in a professional capacity without consent of the client or their legal representative; and to amend the Sexual Assault Victims' Rights Amendment Act of 2019 to extend the applicability date for certain provisions from October 1, 2020 to January 1, 2021.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sexual Assault Victims' Rights Clarification Emergency Declaration Resolution of 2020".

Sec. 2. (a) On November 5, 2019, the Council passed the Sexual Assault Victims' Rights Amendment Act of 2019, effective March 3, 2020 (D.C. Law 23-57; 67 DCR 3072) ("law").

(b) To account for the time needed to train individuals to serve as sexual assault counselors, sexual assault victim advocates, and sexual assault youth victim advocates to implement the law, the law's provisions expanding the right to these trained individuals were subject to an applicability clause that delayed their applicability until October 1, 2020.

(c) On March 11, 2020, the Mayor declared a public health emergency in the District of Columbia through Mayor's Order 2020-045.

(d) As a result of the public health emergency, many of the organizations that had expressed interest in providing adult and youth advocacy services under the law faced difficulties expanding their services.

(e) To ensure the organizations have enough time to train additional individuals to serve as sexual assault counselors, sexual assault victim advocates, and sexual assault youth victim advocates, there exists a need to amend the law's applicability date to extend the applicability of sections related to the right to these trained individuals from October 1, 2020 to January 1, 2021.

(f) Furthermore, there exists a need to amend section 14-307 of the District of Columbia Official Code to clarify that sexual assault counselors are not permitted to disclose confidential information acquired from a client in a professional capacity without the consent of the client or their legal representative. This is a technical change that was omitted in the law.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sexual Assault Victims' Rights Clarification Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

B23-0918    Local Business Enterprise Clarification Amendment Act of 2020

Intro. 09-21-2020 by Councilmembers McDuffie, and Pinto and referred to the Committee on Business and Economic Development

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B23-0919    Trust and Estate Conformity Amendment Act of 2020

Intro. 09-21-2020 by Councilmember McDuffie and referred to the Committee on Judiciary and Public Safety

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B23-0920    Insulin Affordability Amendment Act

Intro. 09-22-2020 by Councilmember Cheh and referred to the Committee on Health

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B23-0921    The Education and Credit Continuity Amendment Act of 2020

Intro. 09-22-2020 by Councilmembers Grosso, R. White, Allen, and Pinto and referred sequentially to the Committee on Education, and Committee of the Whole with comments from the Committee on Recreation and Youth Affairs

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B23-0922 Public Tree Protection and Canopy Expansion Amendment Act of 2020

Intro. 09-24-2020 by Councilmembers Silverman, Allen, Bonds, Nadeau, R. White, Cheh, and Chairman Mendelson and referred to the Committee on Transportation and the Environment

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B23-0923 Helping Children Impacted by Parental Incarceration Amendment Act of 2020

Intro. 09-24-2020 by Councilmembers R. White, Silverman, Nadeau, Allen, Bonds, Cheh, T. White, and Chairman Mendelson and referred to the Committee on Facilities and Procurement

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B23-0924 Department of Motor Vehicles Electronic Proof of License, Permit or Identification Card Amendment Act of 2020

Intro. 09-24-2020 by Chairman Mendelson and referred to the Committee on Transportation and the Environment

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

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COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON  
ANNOUNCES A PUBLIC HEARING ON

**Bill 23-487, the “Service Animal in Training Clarification Amendment Act of 2019”**

**Monday, October 19, 2020, at 12:00 p.m.**  
**Hearing via Video Conference**  
**Broadcast live on DC Council Channel 13**  
**Streamed live at [www.dccouncil.us](http://www.dccouncil.us) and [entertainment.dc.gov](http://entertainment.dc.gov)**

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Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, announces a public hearing on Bill 23-487, the “Service Animal in Training Clarification Amendment Act of 2019”. The public hearing will begin at 12:00 p.m. and will take place via video conference.

B23-487, the “Service Animal in Training Clarification Amendment Act of 2019” expands the definition of a "service animal in training" to clarify that the owner of a service animal in training may also serve as the trainer of that animal.

Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on LIMS at [lms.dccouncil.us](http://lms.dccouncil.us).

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 [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or at (202) 724-8101, and provide their name, telephone number, organizational affiliation, title (if any), and any requests for accommodations by **close of business Thursday, October 15, 2020.**

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Human Services 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.

Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses

are encouraged to submit a copy of their testimony electronically to [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us).

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 either to the Committee at [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on November 2, 2020.**



COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRPERSON ELISSA SILVERMAN  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT

ANNOUNCES A PUBLIC HEARING ON

**B23-0570 First Source Resident Employment Amendment Act of 2019**  
**B23-0436 First Source Community Accountability Amendment Act of 2019**

**Thursday, November 19, 2020, 10:00 a.m.**

**Virtual hearing via Zoom**  
**Broadcast on DC Cable Channel 13 and online at [www.dccouncil.us](http://www.dccouncil.us)**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public hearing before the Committee on B23-0436 First Source Community Accountability Amendment Act of 2019 and B23-0570 First Source Resident Employment Amendment Act of 2019. Bill 23-436 would make updates and reforms to the First Source law, to provide the public with more information on projects and outcomes. Bill 23-570 would make improvements to the First Source law to increase the number of qualified District residents working on First Source projects, particularly for higher-skill jobs; improve the Department of Employment Services' assistance to First Source contractors; and remove bureaucratic reporting requirements for contractors.

Witnesses may use their phone or computer to participate in this virtual live hearing. Those who wish to testify live must sign up no later than 5:00 p.m. on Tuesday, November 17, 2020, by providing their information using the form available at <https://forms.gle/9Bdauhve5JNEzVpJA>. Witnesses must provide their name, email address, telephone number, organizational affiliation (if any), and job title (if any), as well whether they require language interpretation or sign language interpretation. Witnesses who require language interpretation or sign language interpretation may use the form linked above or email the Labor Committee at [labor@dccouncil.us](mailto:labor@dccouncil.us); witnesses should submit their requests as soon as possible, but no later than 5:00 p.m. on Wednesday, November 11, 2020, stating their need for interpretation and requested language. The Council's Office of the Secretary will fulfill timely requests for language interpretation services; however, requests received later than November 11, 2020 may not be fulfilled due to vendor availability.

On Wednesday, November 18, the Committee will email witnesses who have signed up by the deadline to provide them with details about how to participate in the hearing via the Zoom platform. Only witnesses who have signed up by the deadline will be permitted to participate. Those wishing to testify are encouraged to submit an electronic copy of written testimony by 12:00 p.m. on Wednesday, November 18, 2020, so that staff may distribute testimonies to Committee members and staff in advance. Witnesses representing organizations will have five minutes to present their testimony. Other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

If anyone is unable to testify live at the hearing, written statements will be made a part of the official record. Written statements should be submitted by email to [labor@dccouncil.us](mailto:labor@dccouncil.us). Additionally, the public may provide testimony by voice mail by calling (202) 455-0153, stating and spelling the witness's name, stating any organizational affiliation, and speaking slowly to provide a statement to be transcribed and included in the record. The record will close at 5:00 p.m. on Thursday, December 3, 2020.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON GOVERNMENT OPERATIONS  
ABBREVIATED/REVISED NOTICE –PUBLIC HEARING**

John A. Wilson Building

1350 Pennsylvania Avenue, NW, Suite 117

Washington, DC 20004

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**COUNCILMEMBER BRANDON T. TODD  
COMMITTEE ON GOVERNMENT OPERATIONS**

**ANNOUNCES A PUBLIC HEARING ON**

B23-0872 - Public Sector Workers' Compensation Permanent Total Disability  
Amendment Act of 2020

B23-0874 - Public Sector Injured Workers' Equality Amendment Act of 2020

**Friday, October 16, 2020, 10:00 AM**

**Virtual hearing via Zoom**

**Broadcast on DC Cable Channel 13 and online at [www.dccouncil.us](http://www.dccouncil.us)**

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Councilmember Brandon T. Todd, Chairperson of the Committee on Government Operations, announces a Public Hearing on *B23-0872, the Public Sector Workers' Compensation Permanent Total Disability Amendment Act of 2020* and *B23-0874, the Public Sector Injured Workers' Equality Amendment Act of 2020*. The hearing will be held on Friday, October 16, 2020, at 10:00 a.m., via Zoom.

B23-0872, the Public Sector Workers' Compensation Permanent Total Disability Amendment Act of 2020, provides for permanent total disability for District government workers.

B23-0874, the Public Sector Injured Workers' Equality Amendment Act of 2020, updates the public sector workers' compensation system to mirror the private sector workers' compensation system, creating streamlined and improved workers' compensation laws to govern work injuries suffered by District of Columbia employees.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Dolly Turner, Deputy Chief of Staff at [dturner@dccouncil.us](mailto:dturner@dccouncil.us), and provide your name, organizational affiliation, if any, and title with the organization by 5:00pm on October 14, 2020. Witnesses will be provided 3 minutes of time to orally testify. Written statements may be submitted by e-mail to [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) and [dturner@dccouncil.us](mailto:dturner@dccouncil.us). This notice is being revised/abbreviated to reflect a change in the date of the hearing.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**B23-892**, Sexual Assault Victims Rights Temporary Amendment Act of 2020, **B23-894**, Election Worker Residency Requirement Waiver Temporary Amendment Act of 2020, **B23-897**, Sanctuary Values Temporary Amendment Act 2020, **B23-899**, Eviction Notice Moratorium Temporary Act of 2020, **B23-901**, Certificate of Assurance Moratorium Temporary Amendment Act of 2020, **B23-903**, Government Grant Transparency Temporary Amendment Act of 2020, **B23-905**, Public Space Maintenance Temporary Act of 2020, **B23-909**, Fiscal Year 2021 Budget Support Clarification Temporary Act of 2020, **B23-911**, Arts and Humanities Capital Funding Temporary Amendment Act of 2020, **B23-913**, Rent Control Housing Database Deadline Extension Temporary Amendment Act of 2020, and **B23-917**, Local Business Enterprise Clarification Temporary Amendment Act of 2020 adopted on first reading on September 22, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on October 6, 2020.



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

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

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

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

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**Reprog. 23-125:** Request to reprogram \$700,000 of Fiscal Year 2020 capital funds from the Department of General Services (DGS) to the Department of Parks and Recreation (DPR) was filed in the Office of the Secretary on September 28, 2020. This reprogramming is needed for DPR to complete critical Americans with Disabilities Act (ADA) improvements to its facilities at Trinidad Recreation Center and Kelly Miller Pool House.

RECEIVED: 14-day review begins September 29, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 2, 2020
Protest Petition Deadline: December 7, 2020
Roll Call Hearing Date: December 21, 2020

License No.: ABRA-116067
Licensee: The Culinary District, Inc.
Trade Name: 1914 by Kolben
License Class: Retailer's Class "C" Tavern
Address: 1914 9th Street, N.W.
Contact: Richard Bianco, Esq.: (202) 461-2400

WARD 1 ANC 1B SMD 1B02

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 December 21, 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 change hours of operation, sales, and consumption inside premises. Applicant is also requesting to add a Summer Garden Endorsement with 40 seats and an occupancy load of 76. Applicant is also requesting to increase the Total Occupancy Load of the entire establishment from 76 to 170.

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

Sunday through Thursday 12pm - 2am
Friday and Saturday 12pm - 3am

CURRENT HOURS OF LIVE ENTERTAINMENT

Thursday through Saturday 8pm - 2am

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

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

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

Sunday through Saturday 10am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 2, 2020
Protest Petition Deadline: December 7, 2020
Roll Call Hearing Date: December 21, 2020

License No.: ABRA-097698
Licensee: Duru Inc.
Trade Name: Ankara
License Class: Retailer's Class "C" Restaurant
Address: 1320 19th Street, N.W.
Contact: Matthew T. Minora: (202) 625-7700

WARD 2 ANC 2B SMD 2B06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on December 21, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of Sidewalk Café operation.

CURRENT HOURS OF OPERATION INSIDE PREMISES

Sunday 7am – 12am, Monday through Saturday 7am – 1am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTIONS INSIDE PREMISES

Sunday 8am – 12am, Monday through Saturday 8am – 1am

CURRENT HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday 7am – 10pm, Monday through Saturday 7am – 11pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTIONS FOR SIDEWALK CAFÉ

Sunday 8am – 10pm, Monday through Saturday 8am – 11pm

PROPOSED HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday through Saturday 7am – 12am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES FOR SIDEWALK CAFÉ

Sunday through Saturday 8am – 12am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-001688

License Class/Type: B Retail - Grocery

Applicant: Amko International Inc

Trade Name: Capitol Supermarket

ANC: 2F07

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

1231 11TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 2, 2020
Protest Petition Deadline: December 7, 2020
Roll Call Hearing Date: December 21, 2020

License No.: ABRA-072566
Licensee: Ming W. Zhang
Trade Name: China Café Carryout
License Class: Retailer’s Class “B” Grocery
Address: 600 Division Avenue, N.E.
Contact: Ming W. Zhang: (240) 277-9751

WARD 7 ANC 7C SMD 7C01

Notice is hereby given that this licensee has requested to transfer the license to a new location 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 December 21, 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/SUBSTANTIAL CHANGE

Licensee requests to transfer the license from 612 Division Avenue, N.E. to a new location at 600 Division Avenue, N.E. The Establishment is a Class B Grocery store selling beer and wine.

CURRENT HOURS OF OPERATIONS

Sunday through Saturday 11:30am – 12am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 11:30am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-078015

License Class/Type: B / Retail - Grocery

Applicant: 727, Inc.

Trade Name: 727 Market

ANC: 1B09

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

2820 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-077411

License Class/Type: B / Retail - Grocery

Applicant: GG and SONS, Inc.

Trade Name: Elmira Grocery

ANC: 8D06

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

4401 SOUTH CAPITOL ST SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-072566

License Class/Type: B / Retail - Grocery

Applicant: Ming Wei Zhang

Trade Name: China Cafe Carryout

ANC: 7C01

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

612 DIVISION AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11:30 am - midnight	11:30 am - 10 pm
Monday:	11:30 am - midnight	11:30 am - 10 pm
Tuesday:	11:30 am - midnight	11:30 am - 10 pm
Wednesday:	11:30 am - midnight	11:30 am - 10 pm
Thursday:	11:30 am - midnight	11:30 am - 10 pm
Friday:	11:30 am - midnight	11:30 am - 10 pm
Saturday:	11:30 am - midnight	11:30 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-060722

License Class/Type: B / Retail - Grocery

Applicant: Friendly David's Market Inc.

Trade Name: Friendly Food Market

ANC: 6D06

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

1399 HALF ST SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-060359

License Class/Type: B / Retail - Grocery

Applicant: Habtmical Letckidan T.

Trade Name: Rafael Grocery Deli

ANC: 5E06

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

233 FLORIDA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-060094

License Class/Type: B / Retail - Grocery

Applicant: 7 Round, Inc

Trade Name: Davis Market

ANC: 4C08

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

3819 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 hours -	8 am - 12 am
Monday:	24 hours -	8 am - 12 am
Tuesday:	24 hours -	8 am - 12 am
Wednesday:	24 hours -	8 am - 12 am
Thursday:	24 hours -	8 am - 12 am
Friday:	24 hours -	8 am - 12 am
Saturday:	24 hours -	8 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-002109

License Class/Type: B / Retail - Grocery

Applicant: Sook C. Kim

Trade Name: Kusa Market

ANC: 1A10

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

3108 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

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12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-019616

License Class/Type: B / Retail - Grocery

Applicant: Ng Shu Kwan

Trade Name: Chinatown Market

ANC: 2C01

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

521 H ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
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12/7/2020

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-060453

License Class/Type: B / Retail - Grocery

Applicant: Teshome Chekole

Trade Name: Town & Country Market

ANC: 4C07

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

823 UPSHUR ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
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12/7/2020

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12/21/2020

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-000394

License Class/Type: B / Retail - Grocery

Applicant: Discount Drugs Wisconsin Inc

Trade Name: Rodman's Discount Drugs

ANC: 3E03

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

**5100 WISCONSIN AVE NW**

**PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020**

**A HEARING WILL BE HELD ON:  
12/21/2020**

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-082173

License Class/Type: B / Retail - Class B

Applicant: Kyeong & Company, Inc.

Trade Name: New Neighborhood Market

ANC: 5C06

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

1611 RHODE ISLAND AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
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12/7/2020

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12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-084981

License Class/Type: B / Retail - Grocery

Applicant: Lamont Market Associates, Inc.

Trade Name: Lamont Market

ANC: 1A10

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

450 LAMONT ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-086085

License Class/Type: B / Retail - Class B

Applicant: JH Topia, Inc.

Trade Name: Patron Convenience Store

ANC: 7B04

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

3235 PENNSYLVANIA AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	9:30 am - 10 pm
Monday:	7 am - 12 am	9:30 am - 10 pm
Tuesday:	7 am - 12 am	9:30 am - 10 pm
Wednesday:	7 am - 12 am	9:30 am - 10 pm
Thursday:	7 am - 12 am	9:30 am - 10 pm
Friday:	7 am - 12 am	9:30 am - 10 pm
Saturday:	7 am - 12 am	9:30 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-087466

License Class/Type: B / Retail - Grocery

Applicant: Shepherd Market, LLC

Trade Name: Shepherd Market

ANC: 4C06

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

1247 Shepherd ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-088611

License Class/Type: B / Retail - Class B

Applicant: L Street Market, Inc.

Trade Name: 7th L Street Market

ANC: 6B04

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

700 L ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 7 pm	9 am - 7 pm
Monday:	7:30 am - 8 pm	9 am - 8 pm
Tuesday:	7:30 am - 8 pm	9 am - 8 pm
Wednesday:	7:30 am - 8 pm	9 am - 8 pm
Thursday:	7:30 am - 8 pm	9 am - 8 pm
Friday:	7:30 am - 8 pm	9 am - 8 pm
Saturday:	7:30 am - 8 pm	9 am - 8 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-090618

License Class/Type: B / Retail - Grocery

Applicant: Anseba GE, Inc

Trade Name: Bless 7 to 10 Market

ANC: 4C10

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

434 SHEPHERD ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

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12/21/2020

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

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Sunday:	7 am - 9 pm	9 am - 9 pm
Monday:	7 am - 9 pm	9 am - 9 pm
Tuesday:	7 am - 9 pm	9 am - 9 pm
Wednesday:	7 am - 9 pm	9 am - 9 pm
Thursday:	7 am - 9 pm	9 am - 9 pm
Friday:	7 am - 9 pm	9 am - 9 pm
Saturday:	7 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-092095

License Class/Type: B / Retail - Class B

Applicant: S & H, Inc,

Trade Name: Streets Market & Cafe

ANC: 1B05

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

2400 14th ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 11 pm	8 am - 11 pm
Saturday:	7 am - 11 pm	8 am - 11 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-092202 License Class/Type: B / Retail-Full Service Grocery

Applicant: Wal-Mart Stores East, LP

Trade Name: Wal-Mart

ANC: 6E07

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

99 H ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-092834

License Class/Type: B / Retail-Full Service Grocery

Applicant: Little Red Fox LLC

Trade Name: Little Red Fox

ANC: 3F05

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

5035 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7:30am - 11:30pm	9:00am - 11:30pm
Monday:	7:30am - 11:30pm	9:00am - 11:30pm
Tuesday:	7:30am - 11:30pm	9:00am - 11:30pm
Wednesday:	7:30am - 11:30pm	9:00am - 11:30pm
Thursday:	7:30am - 11:30pm	9:00am - 11:30pm
Friday:	7:30am - 11:30pm	9:00am - 11:30pm
Saturday:	7:30am - 11:30pm	9:00am - 11:30pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-093808

License Class/Type: B / Retail - Grocery

Applicant: BIN & AB LLC

Trade Name: Gray's Market

ANC: 1A09

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

3306 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

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12/21/2020

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

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Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097695 License Class/Type: B / Retail-Full Service Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 4C06

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

3830 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	7 am - 12 am
Monday:	5 am - 12 am	7 am - 12 am
Tuesday:	5 am - 12 am	7 am - 12 am
Wednesday:	5 am - 12 am	7 am - 12 am
Thursday:	5 am - 12 am	7 am - 12 am
Friday:	5 am - 12 am	7am - 12 am
Saturday:	5 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097697

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 6D05

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

1100 4TH ST SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

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12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	9 am - 10 pm
Monday:	5 am - 12 am	9 am - 12 am
Tuesday:	5 am - 12 am	9 am - 12 am
Wednesday:	5 am - 12 am	9 am - 12 am
Thursday:	5 am - 12 am	9 am - 12 am
Friday:	5 am - 12 am	9 am - 12 am
Saturday:	5 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097700

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 7F01

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

322 40TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 10 pm	9 am - 10 pm
Monday:	6 am - 11 pm	9 am - 10 pm
Tuesday:	6 am - 11 pm	9 am - 10 pm
Wednesday:	6 am - 11 pm	9 am - 10 pm
Thursday:	6 am - 11 pm	9 am - 10 pm
Friday:	6 am - 11 pm	9 am - 10 pm
Saturday:	6 am - 11 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097701

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 1C07

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

1747 COLUMBIA RD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - midnight	10 am - 10 pm
Monday:	5 am - midnight	9 am - 10 pm
Tuesday:	5 am - midnight	9 am - 10 pm
Wednesday:	5 am - midnight	9 am - 10 pm
Thursday:	5 am - midnight	9 am - 10 pm
Friday:	5 am - midnight	9 am - 10 pm
Saturday:	5 am - midnight	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097702

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 4B03

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

6500 PINEY BRANCH RD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	7 am - 12 am
Monday:	5 am - 12 am	7am - 12 am
Tuesday:	5 am - 12 am	7 am - 12 am
Wednesday:	5 am - 12 am	7 am - 12 am
Thursday:	5 am - 12 am	7 am - 12 am
Friday:	5 am - 12 am	7 am - 12 am
Saturday:	5 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097703

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 5D05

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

1601 MARYLAND AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 12 am	9 am - 9 pm
Monday:	6 am - 12 am	9 am - 9 pm
Tuesday:	6 am - 12 am	9 am - 9 pm
Wednesday:	6 am - 12 am	9 am - 9 pm
Thursday:	6 am - 12 am	9 am - 9 pm
Friday:	6 am - 12 am	9 am - 9 pm
Saturday:	6 am - 12 am	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097704

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN ESTERN LLC

Trade Name: Safeway

ANC: 7B05

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

2845 ALABAMA AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	10 am - 10 pm
Monday:	5 am - 12 am	9 am - 10 pm
Tuesday:	5 am - 12 am	9 am - 10 pm
Wednesday:	5 am - 12 am	9 am - 10 pm
Thursday:	5 am - 12 am	9 am - 10 pm
Friday:	5 am - 12 am	9 am - 10 pm
Saturday:	5 am - 12 am	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097705

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 2E07

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

1855 WISCONSIN AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 Hours -	7 am - 10 pm
Monday:	24 Hours -	7 am - 10 pm
Tuesday:	24 Hours -	7 am - 10 pm
Wednesday:	24 Hours -	7 am - 10 pm
Thursday:	24 Hours -	7 am - 10 pm
Friday:	24 Hours -	7 am - 10 pm
Saturday:	24 Hours -	7 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-097706

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 6E05

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

490 L ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 hrs - 24 hrs	7 am - 12 am
Monday:	24 hrs - 24 hrs	7 am - 12 am
Tuesday:	24 hrs - 24 hrs	7 am - 12 am
Wednesday:	24 hrs - 24 hrs	7 am - 12 am
Thursday:	24 hrs - 24 hrs	7 am - 12 am
Friday:	24 hrs - 24 hrs	7 am - 12 am
Saturday:	24 hrs - 24 hrs	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-098204 License Class/Type: B / Retail-Full Service Grocery

Applicant: Union Kitchen LLC

Trade Name: Union Kitchen

ANC: 6C04

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

538 3RD ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-098589

License Class/Type: B / Retail - Grocery

Applicant: ALFA LLC

Trade Name: Gold Coast Cafe & Mart

ANC: 4C01

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

5501 COLORADO AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-099565

License Class/Type: B / Retail - Grocery

Applicant: HSR INC.

Trade Name: New Dodge Market

ANC: 1A01

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

3620 14TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-101289

License Class/Type: B / Retail - Grocery

Applicant: JSSI-Pine LLC

Trade Name: Northeast Supermarket

ANC: 5D02

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

1201 MOUNT OLIVET RD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-103151

License Class/Type: B / Retail - Grocery

Applicant: Rehabot Services LLC

Trade Name: Thomas & Sons Market

ANC: 7D04

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

3425 BENNING RD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-103665

License Class/Type: B / Retail - Class B

Applicant: Neighbourhood of Smret Market LLC

Trade Name: Smert Sun Market

ANC: 5E02

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

415 RHODE ISLAND AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-104330

License Class/Type: B / Retail - Class B

Applicant: Omega Ventures, Inc.

Trade Name: Alabama Convenience

ANC: 8E03

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

2209 Alabama AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-104694 License Class/Type: B / Retail-Full Service Grocery

Applicant: Union Kitchen, LLC  
Trade Name: Union Kitchen Grocery  
ANC: 2F06

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

1251 9TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8:30 am - 11 pm	8:30 am - 11 pm
Monday:	7:30 am - 10 pm	8:30 am - 10 pm
Tuesday:	7:30 am - 10 pm	8:30 am - 10 pm
Wednesday:	7:30 am - 10 pm	8:30 am - 10 pm
Thursday:	7:30 am - 10 pm	8:30 am - 10 pm
Friday:	7:30 am - 10 pm	8:30 am - 10 pm
Saturday:	8:30 am - 11 pm	8:30 am - 11 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-104838

License Class/Type: B / Retail - Grocery

Applicant: Old City MAO, LLC

Trade Name: Old City Market and Oven

ANC: 6C06

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

522 K ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-105123

License Class/Type: B / Retail-Full Service Grocery

Applicant: S & H 4, Inc.

Trade Name: Streets Market

ANC: 2F08

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

1221 MASSACHUSETTS AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-105295 License Class/Type: B / Retail-Full Service Grocery

Applicant: NAI Saturn Eastern, LLC

Trade Name: Safeway

ANC: 2B03

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

1701 CORCORAN ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	9 am - 9 pm
Monday:	5 am - 12 am	9 am - 9 pm
Tuesday:	5 am - 12 am	9 am - 9 pm
Wednesday:	5 am - 12 am	9 am - 9 pm
Thursday:	5 am - 12 am	9 am - 9 pm
Friday:	5 am - 12 am	9 am - 9 pm
Saturday:	5 am - 12 am	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-108841 License Class/Type: B / Retail-Full Service Grocery

Applicant: S & H 6, Inc.

Trade Name: Streets Market

ANC: 6C06

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

51 M ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-109327 License Class/Type: B / Retail-Full Service Grocery

Applicant: S & H 5, Inc.

Trade Name: Streets Market

ANC: 3C04

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

3427 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 11 pm	8 am - 11 pm
Saturday:	7 am - 11 pm	8 am - 11 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-109874 License Class/Type: B / Retail-Full Service Grocery

Applicant: Wal-Mart Stores East, LP

Trade Name: Wal-Mart #3035

ANC: 4B09

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

310 RIGGS RD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-109902 License Class/Type: B / Retail-Full Service Grocery

Applicant: Wal-Mart Stores East, LP

Trade Name: Wal-Mart #5968

ANC: 4B04

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

5929 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-111172

License Class/Type: B / Retail - Grocery

Applicant: JOSI 2121, LLC

Trade Name: Brookland Supermarket & Deli

ANC: 5E01

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

2815 7TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-111692 License Class/Type: B / Retail-Full Service Grocery

Applicant: S & H 7, Inc.

Trade Name: Streets Market

ANC: 2B06

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

1255 22ND ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 11 pm	8 am - 11 pm
Saturday:	7 am - 11 pm	8 am - 11 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-111995

License Class/Type: B / Retail-Full Service Grocery

Applicant: Union Kitchen, LLC

Trade Name: Union Kitchen

ANC: 2F08

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

1301 K ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-111996

License Class/Type: B / Retail-Full Service Grocery

Applicant: Union Kitchen, LLC

Trade Name: Union Kitchen

ANC: 1B02

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

1924 8th ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-113244 License Class/Type: B / Retail-Full Service Grocery

Applicant: S&H 9, LLC

Trade Name: Streets Market

ANC: 1C03

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

1864 COLUMBIA RD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-113946

License Class/Type: B / Retail - Grocery

Applicant: YK Flagler, Inc.

Trade Name: Flagler Market

ANC: 5E08

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

2200 FLAGLER PL NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	9am - 6pm	9am - 6pm
Monday:	8:30am - 8:30pm	9am - 8:30pm
Tuesday:	8:30am - 8:30pm	9:00am - 8:30pm
Wednesday:	8:30am - 8:30pm	9am - 8:30pm
Thursday:	8:30am - 8:30pm	9am - 8:30pm
Friday:	8:30am - 8:30pm	9am - 8:30pm
Saturday:	8:30am - 8:30pm	9am - 8:30pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-114614

License Class/Type: B / Retail - Class B

Applicant: HSW 35, Inc.

Trade Name: Scheele's Market

ANC: 2E06

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

1331 29TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/2/2020

Notice is hereby given that:

License Number: ABRA-115171

License Class/Type: B / Retail - Grocery

Applicant: Kerr Unlimited, LLC

Trade Name: 24 Hour Night and Day Convenience Store

ANC: 7E01

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

5026 BENNING RD SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/7/2020

A HEARING WILL BE HELD ON:  
12/21/2020

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 hours -	9 am - 12 am
Monday:	24 hours -	9 am - 12 am
Tuesday:	24 hours -	9 am - 12 am
Wednesday:	24 hours -	9 am - 12 am
Thursday:	24 hours -	9 am - 12 am
Friday:	24 hours -	9 am - 12 am
Saturday:	24 hours -	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 2, 2020
Protest Petition Deadline: December 7, 2020
Roll Call Hearing Date: December 21, 2020

License No.: ABRA-106962
Licensee: DC Market, Inc.
Trade Name: DC Food Market
License Class: Retailer's Class "B"
Address: 2200 16th Street, S.E.
Contact: Chrissie Chang: (703) 992-3994

WARD 8 ANC 8A SMD 8A04

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 December 21, 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 Retailer's Class "B", to a Retailer's Class "A" Liquor Store.

CURRENT HOURS OF OPERATION

Sunday through Saturday 8am - 10pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 9am - 10pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: October 2, 2020  
Protest Petition Deadline: December 7, 2020  
Roll Call Hearing Date: December 21, 2020  
Protest Hearing Date: March 3, 2021

License No.: ABRA-117214  
Licensee: L'Enfant DC Hotel, LLC  
Trade Name: Hilton Washington DC/National Mall  
License Class: Retailer's Class "B" (25%)  
Address: 480 L'Enfant Plaza, S.W.  
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 6

ANC 6D

SMD 6D01

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 December 21, 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 **March 3, 2021 at 1:30 p.m.**

**NATURE OF OPERATION**

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

**HOURS OF OPERATION**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 7am – 12am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 2, 2020
Protest Petition Deadline: December 7, 2020
Roll Call Hearing Date: December 21, 2020

License No.: ABRA-009655
Licensee: New Japan Inc.
Trade Name: Sushi Taro
License Class: Retailer's Class "C" Restaurant
Address: 1503 17th Street, N.W.
Contact: Nobuhiro Yamazaki: (202) 462-8999

WARD 2 ANC 2B SMD 2B05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on December 21, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of operation.

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

Sunday Closed, Monday through Thursday 11:30am - 10pm, Friday 11:30am - 10:30pm, and Saturday 5:30pm - 10:30pm

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

Sunday 4pm - 8pm, Monday Closed, Tuesday through Thursday 12pm - 8:30pm, Friday 12pm - 9pm, and Saturday 4pm - 9pm

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, OCTOBER 21, 2020  
Virtual Hearing via WebEx**

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

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

**WARD FOUR**

20287  
ANC 4C                    **Application of 618 Randolph St NW LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the RF-use requirements of Subtitle U § 320.2, to permit the conversion of an existing attached principal dwelling unit into a three-unit apartment house in the RF-1 Zone at premises 618 Randolph Street, N.W. (Square 3233, Lot 99).

**WARD TWO**

20288  
ANC 2F                    **Application of Shannon Perry**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the maximum lot occupancy requirements of Subtitle F § 604.1, to construct a three-story rear addition to an existing attached principal dwelling unit and convert it into a three-unit apartment house in the RA-2 Zone at premises 1524 Kingman Place N.W. (Square 241, Lot 92).

**WARD SIX**

20289  
ANC 6B                    **Application of 400 Seward Square LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the lot area requirements of Subtitle E § 201.7, to permit an addition of 3 units to the existing 14-unit apartment building in the RF-3 Zone at premises 400 Seward Square S.E. (Square 819, Lot 28).

**WARD ONE**

20290  
ANC 1B                    **Application of Vitis Investments LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, and pursuant to Subtitle X, Chapter 10, for variances from the residential conversion requirements of Subtitle U § 320.2(d), and from the limit on number of stories under Subtitle E § 303.1, to convert an existing detached principal dwelling unit to an 11-unit apartment house in the RF-1 Zone at premises 421 T Street, N.W. (Square 3090, Lots 804, 805, and 807).

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**WARD FIVE**

20293            **Application of Andre Jean**, pursuant to 11 DCMR Subtitle X,  
ANC 5E           Chapter 9, for special exceptions under the requirements of Subtitle U  
                         § 320.2, to construct a third story addition and a three-story rear  
                         addition to convert an existing attached principal dwelling unit into a  
                         three-unit apartment house in the RF-1 zone at premises 2116 4th  
                         Street N.E. (Square 3562, Lot 53).

**WARD SIX**

20295            **Application of John Fisher**, pursuant to 11 DCMR Subtitle X,  
ANC 6A           Chapter 9, for special exceptions under Subtitle E § 5201, from the lot  
                         occupancy requirements of Subtitle E § 304.1, and from the rear yard  
                         requirements of Subtitle E § 306.1, to construct a second-story rear  
                         deck addition to an existing semi-detached principal dwelling unit in  
                         the RF-1 Zone at premises 722 19th Street, N.E. (Square 4513, Lot 39).

**PLEASE NOTE:**

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

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, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov). Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

**Do you need assistance to participate?**

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

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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። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

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

**FREDERICK L. HILL, CHAIRPERSON  
LORNA L. JOHN, VICE-CHAIRPERSON  
VACANT, MEMBER  
CHRISHAUN SMITH, MEMBER,  
NATIONAL CAPITAL PLANNING COMMISSION  
A PARTICIPATING MEMBER OF THE ZONING COMMISSION  
CLIFFORD W. MOY, SECRETARY TO THE BZA  
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

**TIME AND PLACE:** **Monday, November 16, 2020, @ 4:00 p.m.**  
**WebEx or Telephone – Instructions will be provided on  
the OZ website by Noon of the Hearing Date<sup>1</sup>**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 20-02 (Office of Planning - Text Amendments to Subtitles B, C, F, G, I, K, U, X, and Z for Inclusionary Zoning Plus)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

On September 4, 2020, the Office of Planning (“OP”) filed a petition to the Zoning Commission (the “Commission”) proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified).

The text amendment expands the Inclusionary Zoning (“IZ”) program to include map amendments that increase the permitted gross floor area (“GFA”) and floor area ratio (“FAR”), as follows:

- Subtitle B, Definitions, Rules of Measurement, and Use Categories - § 100.2
- Subtitle C, General Rules - §§ 1001 & 1003
- Subtitle F, Residential Apartment (RA) Zones – § 302
- Subtitle G, Mixed-Use (MU) Zones – §§ 104, 504, & 804
- Subtitle I, Downtown (D) Zones – §§ 502, 516, 531, 539, 547, 555, 562, & 569
- Subtitle K, Special Purpose Zones – §§ 500 & 1002
- Subtitle U, Use Permissions - § 320
- Subtitle X, General Procedures - §§ 500, 501, & 502
- Subtitle Z, Zoning Commission Rules of Practice and Procedure - §§ 400 & 500

At its September 14, 2020, public meeting, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

The complete record in the case, including the OP Setdown Report and transcript of the public hearing, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

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<sup>1</sup> Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record (see p. 13, *How to participate as a witness – written statements*).

**PROPOSED TEXT AMENDMENT**

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).

**I. Proposed Amendment to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES**

The definition of “Inclusionary Development” in § 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by revising the to read as follows:

...<sup>2</sup>

Inclusionary Development: A residential development that is subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning, as a Mandatory **Inclusionary Development (including an IZ Plus Inclusionary Development)** or Voluntary Inclusionary Development, or that is required to comply with the provisions therein by an order of the Zoning Commission or of the Board of Zoning Adjustment, as established by Subtitle C § 1001.2.

...

**II. Proposed Amendment to Subtitle C, GENERAL RULES**

Subsections 1001.2 through 1001.6 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:

- (a) A “Mandatory Inclusionary Development” – a development that meets one or more of the following ...
  - (1) Is proposing new gross floor area ...
  - (2) Will have ten (10) or more new dwelling units constructed concurrently ... for the first building permit; ~~or~~

<sup>2</sup> The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

- (3) Consists of a residential building that has penthouse habitable space pursuant to Subtitle C § 1500.11; or
  - (4) An “IZ Plus Inclusionary Development” – a development located on property that was the subject of a map amendment that increased the allowable FAR pursuant to Subtitle X § 502 and as indicated with an “IZ+” on the Zoning Map and that meets one of the categories of Subtitle C § 1001.2(a)(1) through (3); or**
- (b) A “Voluntary Inclusionary Development” – any single household ...
- (1) The square footage ...
  - ...
  - (3) Any use of the modifications of development standards ... and to Subtitle D § 5206, Subtitle E § 5206, or Subtitle F § 5206, as applicable.

**Section 1003, SET-ASIDE REQUIREMENTS, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

1003.1 An Inclusionary Development **other than an IZ Plus Inclusionary Development**, which does not employ Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling units and which is located in a zone with a by-right height limit, exclusive of any bonus height, of fifty feet (50 ft.) or less, shall set aside for Inclusionary Units the sum of the following:

- (a) The greater of ten percent (10%) of the **residential** gross floor area ~~dedicated to residential use as described in Subtitle C § 1003.5~~, excluding penthouse habitable space<sub>2</sub> or seventy-five (75%) of the bonus density utilized; and
- (b) An area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1500.11.<sup>3</sup>

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § ~~1003.4~~ **1003.6**.

1003.2 An Inclusionary Development **other than an IZ Plus Inclusionary Development**, which employs Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling

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<sup>3</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E.



units and which is located in a zone with a by-right height limit, exclusive of any bonus height, that is greater than fifty feet (50 ft.), shall set aside for Inclusionary Units the sum of the following:

- (a) The greater of eight percent (8%) of the **residential** gross floor area ~~dedicated to residential use as described in Subtitle C § 1003.5,~~ excluding penthouse habitable space,<sup>2</sup> or seventy-five (75%) of the bonus density utilized; and
- (b) An area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § 1500.11.<sup>4</sup>

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § ~~1003.4~~ **1003.6**.

**1003.3 An IZ Plus Inclusionary Development that does not employ Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling units, and which is located in a zone with a by-right height limit, exclusive of any bonus height, of eighty-five feet (85 ft.) or less, shall set aside for Inclusionary Units the sum of (a) and (b):**

- (a) The percent of the residential gross floor area as described in Subtitle C § 1003.5, excluding penthouse habitable space, set forth in the following table, based on the increase in FAR established in the Zoning Commission order approving the map amendment pursuant to Subtitle X §§ 502.3 and 502.4:**

**TABLE C § 1003.3 SET-ASIDE FOR INCLUSIONARY UNITS**

<b><u>Increase in FAR</u></b>	<b><u>0.25-0.50</u></b>	<b><u>0.51-1.00</u></b>	<b><u>1.01-1.50</u></b>	<b><u>1.51 or Above</u></b>
<b><u>Set-Aside Requirement</u></b>	<b><u>14%</u></b>	<b><u>16%</u></b>	<b><u>18%</u></b>	<b><u>20%</u></b>

- (b) An area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1500.11.<sup>5</sup>**

**This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § 1003.6.**

**1003.4 An IZ Plus Inclusionary Development that employs Type I construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling units, or which is located in a zone with a by-right height limit, exclusive of any bonus height, that is greater than**

<sup>4</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E.

<sup>5</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E.

eighty-five feet (85 ft.), shall set aside for Inclusionary Units the sum of (a) and (b):

(a) The percent of the residential gross floor area as described in Subtitle C § 1003.5, excluding penthouse habitable space, set forth in the following table, based on the increase in FAR established in the Zoning Commission order approving the map amendment pursuant to Subtitle X §§ 502.3 and 502.4:

TABLE C § 1003.4 SET-ASIDE FOR INCLUSIONARY UNITS

<u>Increase in FAR</u>	<u>0.25-0.50</u>	<u>0.51-1.00</u>	<u>1.01-1.50</u>	<u>1.51-2.00</u>	<u>2.01-2.50</u>	<u>2.51 or Above</u>
<u>Set-Aside Requirement</u>	<u>10%</u>	<u>12%</u>	<u>14%</u>	<u>16%</u>	<u>18%</u>	<u>20%</u>

(b) An area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § 1500.11.<sup>6</sup>

This set-aside requirement shall be converted to net square footage pursuant to Subtitle C § 1003.6.

~~1003.8~~ 1003.5 ~~An Inclusionary Development's~~ For the purposes of this section, "gross floor area dedicated to residential use" shall be the entire residential floor area including, but not limited to:

(a) Dwelling ~~dwelling~~ units located in cellar space; ~~or~~

(b) Enclosed ~~enclosed~~ building projections that extend into public space, ~~shall be included for purposes of calculating the minimum set-aside requirements of Subtitle C §§ 1003.1 and 1003.2.; and~~

~~1003.10~~ (c) Increases in FAR ~~as a result of~~ authorized by variances granted by the Board of Zoning Adjustment ~~shall be included within gross floor area for the purposes of calculating the maximum IZ requirement.~~

~~1003.4~~ 1003.6 The square footage required to be set-aside for Inclusionary Units pursuant to Subtitle C §§ 1003.1 ~~and 1003.2~~ through 1003.4 shall be converted to net square footage based on the ratio of net residential floor area ...

~~1003.3~~ 1003.7 Except as provided in Subtitle C §§ ~~1003.5 and 1003.6~~ 1003.8 through 1003.10, Inclusionary Zoning resulting from the set-asides required by Subtitle C §§ 1003.1 ~~and 1003.2~~ through 1003.4 shall be reserved for households earning equal to or less than:

<sup>6</sup> Subtitle C § 1500.11 is proposed to be amended by the proposed text amendment in ZC Case No. 14-13E.

- (a) Sixty percent (60%) of the MFI for rental units; and
- (b) Eighty percent (80%) of the MFI for ownership units.

~~1003.7~~ **1003.8** ~~Notwithstanding Subtitle C § 1003.3, one~~ **One** hundred percent (100%) of inclusionary units resulting from the set-aside required for penthouse habitable space shall be set aside for eligible households earning equal to or less than fifty percent (50%) of the MFI.

1003.9 The square footage set aside established by Subtitle C §§ 1003.1 through 1003.4 applicable to an ~~inclusionary development that is exclusively comprised of ownership units~~ **Inclusionary Development** may be reduced by twenty percent (20%) ~~provided if it complies with one (1) or more of the following:~~

- ~~(a) all the~~ **All** units are **ownership units and are** set aside to households earning equal to or less than sixty percent (60%) of the MFI;
- ~~(b) One hundred percent (100%) of Inclusionary Units in an IZ Plus Inclusionary Development are reserved for households earning equal to or less than fifty percent (50%) of the MFI; or~~
- ~~(c) Fifty percent (50%) of Inclusionary Units in an IZ Plus Inclusionary Development are three (3) bedroom or larger units.~~

~~1003.5~~ **1003.10** An Inclusionary Development that results from a conversion of a single dwelling unit or flat to a multiple dwelling unit development in an RF zone for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside every even numbered dwelling unit beginning at the fourth (4<sup>th</sup>) unit as an inclusionary unit. ~~1003.6 — An Inclusionary Development that results from a conversion of single dwelling unit or flat to a multiple dwelling unit in an RF zone for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside one hundred percent (100%) of inclusionary units reserved~~ for eligible households earning equal to or less than eighty percent (80%) of the MFI.

### III. Proposed Amendment to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

**Subsection 302.<sup>7</sup> of § 302 DEVELOPMENT STANDARDS, of Chapter 2, DEVELOPMENT STANDARDS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:**

<sup>7</sup> Subtitle F § 302.2 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27. Upon final action in that case, this proposed revision will be updated to reflect the new text.

302.2 ~~The Except for IZ Plus Inclusionary Developments, the Inclusionary Zoning (IZ) requirements, modifications, and bonus density of Subtitle C, Chapter 10, shall not apply to the RA-5 zone.~~

**IV. Proposed Amendment to Subtitle G, MIXED-USE (MU) ZONES**

**Subsection 104.1<sup>8</sup> of § 104, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO MIXED-USE (MU) ZONES, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended to read as follows:**

104.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all MU zones, except for the portion of the MU-13 zone in the Georgetown Historic District and the MU-27 zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that new penthouse habitable space, as described in Subtitle C § 1500.11, and IZ Plus Inclusionary Developments, that ~~is~~ are located in the portion of the MU-13 zone in the Georgetown Historic District or in the MU-27 zone shall be subject to the IZ requirements of Subtitle C, Chapter 10.

**Subsection 504.3<sup>9</sup> of § 504, LOT OCCUPANCY, of Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended to read as follows:**

504.3 Except for new penthouse habitable space, as described in Subtitle C § 1500.11, and IZ Plus Inclusionary Developments, the Inclusionary Zoning (IZ) requirements, and modifications of Subtitle C, Chapter 10, shall not apply to the portion of the MU-13 zone in the Georgetown Historic District.

**Subsection 804.3<sup>10</sup> of § 804, LOT OCCUPANCY, of Chapter 8, NAVAL OBSERVATORY MIXED-USE ZONE – MU-27, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended to read as follows:**

804.3 Except for new penthouse habitable space, as described in Subtitle C § 1500.11, and IZ Plus Inclusionary Developments, the Inclusionary Zoning (IZ) requirements, and modifications of Subtitle C, Chapter 10, shall not apply to the MU-27 zone.

<sup>8</sup> Subtitle G § 104.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>9</sup> Subtitle G § 504.3.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A. Upon final action in that case, this proposed revision will be updated to reflect the new text.

<sup>10</sup> Subtitle G § 804.3.1 is proposed to be amended by the proposed text amendment in ZC Case No. 19-27A. Upon final action in that case, this proposed revision will be updated to reflect the new text.

**V. Proposed Amendments to Subtitle I, DOWNTOWN (D) ZONES**

**Subsection 502.3 of § 502, DENSITY – FLOOR AREA RATIO (FAR) (D-1-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

502.3        ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-1-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter ~~9~~ **10**.

**Subsection 516.2 of § 516, DENSITY – FLOOR AREA RATIO (FAR) (D-3), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

516.2        ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density **in the D-3 zone** is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 531.4 of § 531, DENSITY – FLOOR AREA RATIO (FAR) (D-4-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

531.4        ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-4-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 539.2 of § 539, DENSITY – FLOOR AREA RATIO (FAR) (D-5), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

539.2        ~~Residential~~ **Except for IZ Plus Inclusionary Developments, residential** density in the D-5 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 547.3 of § 547, DENSITY – FLOOR AREA RATIO (FAR) (D-5-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

547.3        Except for Square 487 **and IZ Plus Inclusionary Developments**, residential density in the D-5-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 555.2 of § 555, DENSITY – FLOOR AREA RATIO (FAR) (D-6), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

555.2 ~~Residential~~ Except for IZ Plus Inclusionary Developments, residential density in the D-6 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 562.3 of § 562, DENSITY – FLOOR AREA RATIO (FAR) (D-6-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

562.3 ~~Residential~~ Except for IZ Plus Inclusionary Developments, residential density in the D-6-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**Subsection 569.2 of § 569, DENSITY – FLOOR AREA RATIO (FAR) (D-7), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended to read as follows:**

569.2 ~~Residential~~ Except for IZ Plus Inclusionary Developments, residential density in the D-5 zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.

**VI. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

**Subsections 500.4 and 500.6 of § 500, GENERAL PROVISIONS, of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended to read as follows:**

500.4 ~~The~~ Inclusionary Zoning (IZ) development standards for the CG zones are as established in this chapter and indicated by the abbreviation IZ, and all other Inclusionary Zoning requirements for the CG zones are as specified in Subtitle C, Chapter 10, including IZ Plus Inclusionary Developments.

...

500.6 ~~The~~ Except for IZ Plus Inclusionary Developments, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10, shall not apply to the CG-1 zone, provided that the IZ bonus density of Subtitle C § 1002.3 is available for Voluntary Inclusionary Developments in the CG-1 zone.

**Subsection 1002.1 of § 1002, INCLUSIONARY ZONING (NHR), of Chapter 10, NORTHERN HOWARD ZONE (NHR) ZONE, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended to read as follows:**

1002.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards, shall apply to the NHR zone as specified in Subtitle C, Chapter 10, and as modified by this chapter, which shall govern in any conflict with the provisions of Subtitle C, Chapter 10; provided that IZ Plus Inclusionary Developments, shall not be subject to the requirements of this section.

**VII. Proposed Amendment to Subtitle U, USE PERMISSIONS**

**Paragraph (b) of § 320.2 of § 320, SPECIAL EXCEPTION USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is amended to read as follows:**

- 320.2            The conversion of an existing residential building ... and subject to the following conditions:
  - (a)            The building to be converted or expanded ...
  - (b)            The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § ~~1003.6~~ 1003.10; and
  - (c)            There shall be a minimum ...

**VIII. Proposed Amendments to Subtitle X, GENERAL PROCEDURES**

**The title of § 500, MAP AMENDMENTS, of Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

**500            MAP AMENDMENTS AMENDMENT REVIEW STANDARDS**

**Subsection 500.1 of § 500, MAP AMENDMENT REVIEW STANDARDS, of Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

- 500.1            The Zoning Commission will evaluate and approve, disapprove, or modify a map amendment application or petition according to the standards of this ~~section~~ chapter.

**Section 501, APPLICATION OR PETITION REQUIREMENTS, of Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

- 501.1            An application ~~or~~ petition for a map amendment shall meet the requirements of Subtitle Z § 304.

**A new § 502, is proposed to be added to Chapter 5, MAP AMENDMENTS, of Subtitle X, GENERAL PROCEDURES, to read as follows:**

**502**      **APPLICABILITY OF INCLUSIONARY ZONING PLUS**

**502.1**      **Except as provided in Subtitle X § 502.2, the requirements of this section shall apply to:**

**(a)**      **A map amendment that rezones a property:**

**(1)**      **From a PDR zone to an R, RF, RA, MU, D, CG, NHR, or ARTS zone;**

**(2)**      **From any zone with a prescribed residential FAR to a D zone without a prescribed residential FAR; or**

**(3)**      **From unzoned to an R, RF, RA, MU, D, CG, NHR, or ARTS zone; or**

**(b)**      **A map amendment not described in Subtitle X § 502.1(a), which rezones a property from any zone to a zone that allows a higher maximum residential FAR, both inclusive of the twenty percent (20%) IZ bonus density, if applicable.**

**502.2**      **The requirements of this section shall not apply to a map amendment that:**

**(a)**      **Is related to a PUD application;**

**(b)**      **Is to an HE, SEFC, StE, USN, or WR zone; or**

**(c)**      **The Zoning Commission determines is not appropriate for IZ Plus due to the mitigating circumstances identified by the Office of Planning in its report recommending that the map amendment not be subject to IZ Plus.**

**502.3**      **In its order approving a map amendment subject to Subtitle § 502.1(a), the Zoning Commission shall establish the increase in permitted residential FAR as 2.51 FAR.**

**502.4**      **In its order approving a map amendment subject to Subtitle § 502.1(b), the Zoning Commission shall establish the increase in permitted residential FAR as follows:**

**(a)**      **The difference between the maximum permitted residential FAR of the new zone (inclusive of the twenty percent (20%) IZ bonus density, if applicable) and that of the existing zone (exclusive of the twenty percent (20%) IZ bonus density, if applicable); and**



- (b) For computation purposes of this subsection, the R-1 and R-2 zones shall have a FAR equivalent to 0.4, the R-3 zones shall have a FAR equivalent to 0.6, and the RF-1 zones shall have a FAR equivalent to 0.9.**

**502.5 Property subject to a map amendment subject to the requirements of this section shall be indicated with a “IZ+” symbol on the Zoning Map.**

**IX. Proposed Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE**

**Subsection 400.5 of § 400, SETDOWN PROCEDURES: SCHEDULING CONTESTED CASE APPLICATIONS FOR HEARING, of Chapter 4, PRE-HEARING AND HEARING PROCEDURES: CONTESTED CASES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:**

**400.5 For all other types of applications, the Commission, at a public meeting, shall determine if the application should be scheduled (setdown) for a hearing. The Office of Planning shall review each such application and submit a report ~~and recommend~~ **that recommends** whether the application should be set down for a hearing, **with the report on a map amendment application to include whether the application is:****

- (a) Not inconsistent with the Comprehensive Plan;**
- (b) Consistent with the purpose of the map amendment process;**
- (c) Appropriate for IZ Plus per Subtitle X § 502 including mitigating circumstances, if any; and**
- (d) Generally ready for a public hearing to be scheduled.**

**Subsection 500.5 of § 500, SETDOWN PROCEDURES: SCHEDULING RULEMAKING PETITIONS FOR HEARING, of Chapter 5, PRE-HEARING AND HEARING PROCEDURES: RULEMAKING CASES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:**

**500.5 For all petitions, the Commission, at a public meeting, shall determine if the petition should be scheduled (setdown) for a hearing. The Office of Planning shall review ~~and recommend~~ **the petition and submit a report that recommends** whether the petition should be set down for a hearing, **with the report on a map amendment petition to include whether the petition is:****

- (a) Not inconsistent with the Comprehensive Plan;**
- (b) Consistent with the purpose of the map amendment process;**

**(c) Appropriate for IZ Plus per Subtitle X § 502 including mitigating circumstances, if any; and**

**(d) Generally ready for a public hearing to be scheduled.**

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, et seq. (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on July 30, 2020, in Z.C. Case No. 20-11 as published in the Notice of (Second) Emergency and Proposed Rulemaking.

**How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing.** The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

**How to participate as a witness – written statements**

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

**“Great weight” to written report of ANC**

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

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

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

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

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

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## DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the adoption of final rulemaking amending Chapter 64 (Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 63 Certified Substance Use Disorder Providers) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking adopts the Medicaid rates published by the Department of Health Care Finance in the District of Columbia Medicaid fee schedule for services provided to Medicaid and non-Medicaid clients by Substance Use Disorder (SUD) providers certified by the Department under Chapter 63 of this Title. This rulemaking also adopts the Medicaid reimbursement rates for pregnancy, HIV, hepatitis, tuberculosis, presumptive drug testing and definitive drug testing provided by SUD providers for non-Medicaid clients. Finally, this rulemaking establishes additional reimbursement requirements for Chapter 63 services including rules for same-day billing and quantity and dosing limits.

A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 26, 2020 at 67 DCR 007935. The Department did not receive any comments in response to that rulemaking. The Department made technical changes to this rulemaking by removing the reimbursement rate for Medically Monitored Inpatient Withdraw Management (MMIWM) under § 6401.2. The Department will reimburse providers for MMIWM services provided to non-Medicaid clients at the rate established through the District of Columbia Medicaid fee schedule, and room and board at the applicable per diem rate. This rate is the same as that published for MMIMW in the Notice of Second Emergency and Proposed Rulemaking. These changes do not impact the per diem reimbursement rates for MMIWM paid for non-Medicaid clients. This rule was adopted as final on September 24, 2020, and will be effective on the publication of this notice in the *D.C. Register*.

**Chapter 64, REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE DEPARTMENT OF BEHAVIORAL HEALTH CHAPTER 63 CERTIFIED SUBSTANCE USE DISORDER PROVIDERS, of Title 22-A DCMR, MENTAL HEALTH, is amended to read as follows:**

**6401 REIMBURSEMENT RATE**

6401.1 The Department of Health Care Finance has published rates for Medicaid-funded services under Title 22-A District of Columbia Municipal Regulations (DCMR), Chapter 63. Those rates are contained in the District of Columbia Medicaid fee schedule available online at [www.dc-medicaid.com](http://www.dc-medicaid.com). The Department of Behavioral Health (“the Department”) shall reimburse providers for Chapter 63

services provided to non-Medicaid beneficiaries at the same rates as contained in the District of Columbia Medicaid fee schedule.

6401.2 Reimbursement for the local-only substance use services provided under Title 22-A DCMR Chapter 63, which include: (a) Multi-systemic Therapy for Transition Age Youth and (b) Environmental Stability, as well as Chapter 63-adjacent (c) Residential Room and Board, are set forth in the table below. The Department shall publish notice of all future updates to these codes and rates through a Public Notice in the *D.C. Register* and provide for meaningful comment before implementation. The Notice shall describe the type of change, the reason for the change, the effective date of the change, and the new local only reimbursement rate.

SERVICE	CODE	RATE per UNIT (\$)	UNIT
<b>Multi-Systemic Therapy for Transition Age Youth (TAY) (ACRA) (Ages 21-24)</b>	<b>H2033HF</b>	<b>63.11</b>	<b>15 min.</b>
<b>Residential Treatment, Room &amp; Board</b>	<b>H0043</b>	<b>101.14</b>	<b>Per diem</b>
<b>Residential Treatment, Room &amp; Board, Woman w/1 child</b>	<b>H0043UN</b>	<b>210.00</b>	<b>Per diem</b>
<b>Residential Treatment, Room &amp; Board, Woman w/2 children</b>	<b>H0043UP</b>	<b>215.00</b>	<b>Per diem</b>
<b>Residential Treatment, Room &amp; Board, Woman w/3 children</b>	<b>H0043UQ</b>	<b>220.00</b>	<b>Per diem</b>
<b>Residential Treatment, Room &amp; Board, Women w/4 or more children</b>	<b>H0043UR</b>	<b>225.00</b>	<b>Per diem</b>
<b>Environmental Stability, Supported Housing, Individual</b>	<b>H0044HF</b>	<b>849.00</b>	<b>Per month</b>
<b>Environmental Stability, Supported Housing, Woman w/children</b>	<b>H0044HFUN</b>	<b>1000.00</b>	<b>Per month</b>

6401.3 Reimbursement for the following tests provided to non-Medicaid clients shall be the rate contained in the District of Columbia Medicaid fee schedule available online at [www.dc-medicaid.com](http://www.dc-medicaid.com):

- (a) HIV-1 and HIV-2 Single Result Testing (86703);

- (b) Urine Pregnancy Test (81025);
- (c) Tuberculosis Test, Intradermal (86580);
- (d) Hepatitis C Test (86803);
- (e) Presumptive Drug Test, Optical Observation (80305);
- (f) Presumptive Drug Test, Assisted Direct Optical Observation (80306); and
- (g) Presumptive Test by Instrument Chemistry Analyzers (80307).

6401.4 Reimbursement for the following tests provided to non-Medicaid clients shall be the rate contained in the District of Columbia Medicaid fee schedule available online at [www.dc-medicaid.com](http://www.dc-medicaid.com):

- (a) Definitive Drug Testing 1-7 Drug Classes (G0480); and
- (b) Definitive Drug Testing 8-14 Drug Classes (G0481).

6401.5 All future updates to the service codes and rates will be included in the District of Columbia Medicaid fee schedule pursuant to the procedures established in Title 29 DCMR, Section 988, by providing notice and an opportunity for comment.

**6402 REIMBURSEMENT RATE FOR CLIENTS WHO ARE DEAF OR HARD-OF-HEARING**

6402.1 Reimbursement for the local-only substance use services provided under Title 22-A DCMR Chapter 63, which include: (a) Multi-systemic Therapy for Transition Age Youth and (b) Environmental Stability, as well as Chapter 63-adjacent (c) Residential Room and Board provided to clients who are deaf or hard-of-hearing are set forth in the table below. The Department shall publish all future updates to these codes and rates through a Public Notice in the *D.C. Register*, which provides an opportunity for meaningful comment. The Notice shall describe the type of change, the reason for the change, the effective date of the change, and the new local only reimbursement rate.

SERVICE	CODE	RATE per UNIT (\$)	UNIT
<b>Multi-systemic Therapy for Transition Age Youth (TAY) (ACRA) (ages 21 – 24)</b>	<b>H2033HFHK</b>	<b>77.52</b>	<b>15 min.</b>

SERVICE	CODE	RATE per UNIT (\$)	UNIT
Residential Treatment, Room & Board	H0043HK	98.42	Per diem
Residential Treatment, Room & Board, Woman w/1 child	H0043UNHK	283.50	Per diem
Residential Treatment, Room & Board, Woman w/2 children	H0043UPHK	290.25	Per diem
Residential Treatment, Room & Board, Woman w/3 children	H0043UQHK	297.00	Per diem
Residential Treatment, Room & Board - Women w/4 or more children	H0043URHK	303.75	Per diem
Environmental Stability, Supported Housing, Individual	H0044HFHK	849.00	Per month
Environmental Stability, Supported Housing, Woman w/children	H0044HFUNHK	1000.00	Per month

**6403 ADDITIONAL REIMBURSEMENT REQUIREMENTS**

- 6403.1 The following provisions apply to the reimbursement of substance user disorder (SUD) providers billing the Department or the Department of Health Care Finance pursuant to this chapter, except where otherwise noted.
- 6403.2 Reimbursement for Short-term MMIWM services shall not exceed five (5) days unless a longer stay is authorized by the Department.
- 6403.3 H0010 or H0010HK shall be billed for locally-funded clients in MMIWM. Residential treatment room and board (H0043 and H0043HK) is not a separate service for these clients and shall not be billed in addition to MMIWM.
- 6403.4 H0010U1 or H0010U1HK shall be billed for Medicaid clients in MMIWM. Residential treatment room and board (H0043 and H0043HK) shall be billed separately for these clients in order to be reimbursed.
- 6403.5 Reimbursement will not be provided for the following services for clients in MMIWM:
  - (a) Medication Management;

- (b) Clinical Care Coordination;
  - (c) Medication Assisted Treatment;
  - (d) Drug Screening; and
  - (e) Crisis Intervention.
- 6403.6 The Department shall reimburse an SUD provider for a maximum of one (1) Initial Diagnostic Assessment per client within a thirty (30)-day period.
- 6403.7 The Department shall reimburse an SUD provider for a maximum of one (1) Comprehensive Diagnostic Assessment per client per level of care (LOC).
- 6403.8 The Department shall reimburse an SUD provider for a maximum of two (2) Ongoing Diagnostic Assessments per client per sixty (60) days.
- 6403.9 Comprehensive Diagnostic Assessment and Ongoing Diagnostic Assessment shall not be billed on the same day.
- 6403.10 Clinical Care Coordination shall not be billed in conjunction with staff's clinical supervision or at the same time as any Diagnostic Assessment service.
- 6403.11 The following reimbursement limits shall apply, per LOC, to Crisis Intervention:
- (a) Level 1: Eighty (80) units;
  - (b) Level Opioid Treatment Program ("OTP"): One hundred and forty-four (144) units;
  - (c) Level 2: One hundred and twenty (120) units; and
  - (d) Level 3: One hundred and sixty (160) units.
- 6403.12 The following reimbursement limits shall apply, per LOC, to SUD Counseling/Therapy. The Department may approve additional units with justification.
- (a) Level 1: Thirty-two (32) units per week;
  - (b) Level 2: Eighty (80) units per week; and
  - (c) Level 3: One hundred (100) units per week.
- 6403.13 No more than ninety-six (96) units of Medication Management shall be billed per LOC. Medication Management shall not be billed for observing the self-administration of medication.



6403.14 The following provisions apply to reimbursement for all medications dispensed in OTPs:

- (a) Medication shall be billed on a per-dose basis; and
- (b) A single fifteen (15)-minute administration session may be billed when an individual is receiving take-home doses.

6403.15 The following provisions further apply to reimbursement of methadone administered in OTPs:

- (a) A client can be dispensed a maximum of one dose per day;
- (b) An initial and second authorization can be authorized for a maximum of ninety (90) days each; subsequent authorizations cannot exceed one hundred and eighty (180) days each; and
- (c) Prior authorization from the Department is required for reimbursement of more than two-hundred and fifty (250) units of medication in one calendar year. The maximum quantity of medication and administration services over a twelve (12)-month period is three hundred and sixty-five (365) units.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)) and Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption of an amendment to Chapter 8 (Free Standing Mental Health Clinics) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The original Free Standing Mental Health Clinic (FSMHC) rulemaking was published in 1982, thereafter the responsibility for development and promulgation of inspection, monitoring, and certification standards of all mental health treatment providers in the District was statutorily granted to the Department of Behavioral Health (DBH) pursuant to the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.06 (2018 Repl.)). These rules amend Chapter 8 to require FSMHCs to comply with certification requirements set forth by DBH. This rule also establishes that FSMHC providers are subject to Medicaid administrative requirements set forth under Chapter 13 of Title 29 DCMR, screening and enrollment requirements under Chapter 94 of Title 29 DCMR, and reimbursement and recordkeeping requirements under Chapter 30 of Title 22-A DCMR.

DHCF does not anticipate any change in aggregate Medicaid expenditures as a result of this change.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on July 3, 2020 at 67 DCR 8282. No comments were received and no changes have been made.

The Director adopted these rules on September 21, 2020 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 8, FREE STANDING MENTAL HEALTH CLINICS, of Title 29 DCMR, PUBLIC WELFARE, is deleted in its entirety, and a new Chapter 8 is added to read as follows:**

**CHAPTER 8 FREE STANDING MENTAL HEALTH CLINICS**

- 800 GENERAL PROVISIONS**
- 801 CERTIFICATION**
- 802 SCREENING AND ENROLLMENT**
- 803 ADMINISTRATIVE ACTIONS**
- 804 REIMBURSEMENT**
- 805 RECORDS**

**806 AUDITS AND REVIEWS**  
**899 DEFINITIONS**

**800 GENERAL PROVISIONS**

800.1 The purpose of this chapter is to establish requirements governing Medicaid reimbursement for Free Standing Mental Health Clinic (FSMHC) services.

800.2 In order to be eligible for Medicaid reimbursable FSMHC services, beneficiaries shall comply with the following:

- (a) The Medicaid eligibility requirements set forth in Chapter 95 of Title 29 of the District of Columbia Municipal Regulations (DCMR); and
- (b) The eligibility factors set forth in § 3001 of Chapter 30 of Title 22-A DCMR.

800.3 Pursuant to the requirements set forth in Chapter 30 of Title 22-A DCMR, the Department of Behavioral Health (DBH) shall be responsible for establishing the criteria for determining which Medicaid beneficiaries are eligible for FSMHC services.

800.4 An entity that is certified in accordance with the requirements set forth in Chapter 30 of Title 22-A DCMR is eligible to apply for certification as a Health Home in accordance with the requirements set forth in Chapter 25 of Title 22-A DCMR.

800.5 An FSMHC that is certified as a Health Home is eligible to receive reimbursement for the provision of Health Home services in accordance with the requirements set forth in Chapter 69 of Title 29 DCMR.

**801 CERTIFICATION**

801.1 Each FSMHC shall be certified and comply with the certification requirements set forth by DBH pursuant to Chapter 30 of Title 22-A DCMR.

**802 SCREENING AND ENROLLMENT**

802.1 Each FSMHC shall be certified by DBH in accordance with § 801.1 of this chapter before enrolling in Medicaid. After receiving certification, each FSMHC shall:

- (a) Be screened and enrolled in Medicaid pursuant to Chapter 94 of Title 29 DCMR in order to be eligible for reimbursement under the Medicaid program; and
- (b) Include proof of certification by DBH in the application for enrollment in Medicaid.

**803 ADMINISTRATIVE ACTIONS**

803.1 Each Medicaid-enrolled FSMHC shall be subject to the administrative actions set forth under Chapter 13 of Title 29 DCMR.

**804 REIMBURSEMENT**

804.1 FSMHC services shall be reimbursed according to a fee schedule rate for FSMHC services included in an approved treatment plan, as described in Chapter 30 of Title 22-A DCMR. The Medicaid fee schedule shall be published on the Department of Health Care Finance's (DHCF) provider website at [www.dc-medicaid.com](http://www.dc-medicaid.com).

804.2 Updates to the reimbursement rates for FSMHC services shall comply with the public notice and comment requirements set forth under § 988 of Chapter 9 of Title 29 DCMR.

804.3 A public notice of rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the change and shall include a link to the Medicaid fee schedule.

**805 RECORDS**

805.1 Each Medicaid-enrolled FSMHC shall maintain beneficiary records and individual treatment plans in a manner that will render them amenable to audit and review by the U.S. Department of Health and Human Services, DHCF, DBH, and their authorized designees or agents.

805.2 Each Medicaid-enrolled FSMHC shall maintain, and make available complete financial records covering its operations upon request by the U.S. Department of Health and Human Services, DHCF, DBH and their authorized designees or agents.

805.3 All required financial and treatment records and information shall be maintained in accordance with requirements set forth under Chapter 30 of Title 22-A DCMR.

**806 AUDITS AND REVIEWS**

806.1 This section sets forth the requirements for audits and reviews of FSMHC services. DHCF, or its designee, shall perform regular audits of FSMHCs to ensure that Medicaid payments are consistent with efficiency, economy and quality of care, and made in accordance with federal and District conditions of payment. The audits shall be conducted periodically and at least annually and to investigate and maintain program integrity.

- 806.2 DHCF, or its designee, shall perform routine audits of claims, by statistically valid scientific sampling, to determine the appropriateness of FSMHC services rendered and billed to Medicaid to ensure that Medicaid payments can be substantiated by documentation that meets the requirements set forth in this rule, and made in accordance with federal and District rules governing Medicaid.
- 806.3 The audit process shall utilize statistically valid sampling methods to ensure that a statistically valid sample is drawn when the audit is based on claims sampling. The audit process may review all claims based on factors established by DHCF or other entities, which may include but not be limited to claim type and time-period. Statistically valid and commonly accepted standards methods for calculating overpayments will be followed.
- 806.4 If DHCF denies a claim during an audit, DHCF shall recoup those monies erroneously paid to the FSMHC for denied claims, following the process for administrative review as outlined below:
- (a) DHCF shall issue a Notice of Proposed Medicaid Overpayment Recovery (NPMOR), which sets forth the reasons for the recoupment, including the specific reference to the particular sections of the statute, rules, or provider agreement, the amount to be recouped, and the procedures for requesting an administrative review;
  - (b) The FSMHC shall have thirty (30) days from the date of the NPMOR to submit documentary evidence and written argument to DHCF against the proposed action;
  - (c) The documentary evidence and written argument shall include a specific description of the item to be reviewed, the reason for the request for review, the relief requested, and documentation in support of the relief requested;
  - (d) Based on review of the documentary evidence and written argument, DHCF shall issue a Final Notice of Medicaid Overpayment Recovery (FNMOR);
  - (e) Within fifteen (15) days of receipt of the FNMOR, the FSMHC may appeal the written determination by filing a written notice of appeal with the Office of Administrative Hearings (OAH), 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001; and
  - (f) Filing an appeal with the OAH shall not stay any action to recover any overpayment.
- 806.5 All participant, personnel, and program administrative and fiscal records shall be maintained so that they are accessible and readily retrievable for inspection and

review by authorized government officials or their agents, as requested. DHCF shall retain the right to conduct audits or reviews at any time and audits or reviews may be announced or unannounced.

806.6 All records and documents required to be kept under this chapter and other applicable laws and regulations which are not maintained or accessible in the operating office visited during an audit shall be produced for inspection within twenty-four (24) hours, or within a shorter, reasonable time, if specified, upon the request of the auditing official.

806.7 The failure of a FSMHC to release or to grant access to program documents and records to the DHCF auditors in a timely manner, after reasonable notice by DHCF to the FSMHC to produce the same, shall constitute grounds to terminate the Medicaid Provider Agreement. This provision does not limit DHCF's ability to terminate any Medicaid Provider Agreement for any other reason.

806.8 As part of the audit process, documents FSMHCs shall grant access to include, but are not limited to the following:

- (a) Relevant financial records;
- (b) Statistical data to verify costs previously reported;
- (c) Program documentation;
- (d) A record of all service authorization and prior authorizations for services;
- (e) A record for all request for change in services;
- (f) Any records listed in § 3008 and § 3009 in addition to any other records relating to the adjudication of claims, including, the number of units of the delivered service, the period during which the service was delivered and dates of service, and the name, signature, and credentials of the service provider(s); and
- (g) Any record necessary to demonstrate compliance with rules, requirements, guidelines, and standards for implementation and administration of FSMHC services.

806.9 Nothing in this rule affects a FSMHC's independent legal obligation under this Chapter and federal and District law to self-identify overpayments and repay them within sixty (60) days of discovery.

## **899 DEFINITIONS**

899.1 When used in this chapter, the following terms and phrases shall have the

meanings ascribed:

**Free Standing Mental Health Clinic** - a formally organized psychiatric clinic furnishing psychiatric services, under the direction of a physician (psychiatrist), in a facility not administered by a hospital, but organized and operated to provide mental health services on an outpatient basis, and which is certified as such by the Department of Behavioral Health in accordance with existing laws and regulations.

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption of amendments to Chapter 41 (Medicaid Reimbursement for Intermediate Care Facilities for Individuals with Intellectual Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this final rulemaking is to update Medicaid reimbursement requirements for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID).

Previously, the rules governing reimbursement to ICFs/IID had specific rules in place governing what ICF/IID facilities would be paid if documentation of recertification was submitted after the requested deadline. Specifically, the rules required that: (1) late submission of documentation required for recertifications would result in payments at the rates that correspond to the lowest acuity level, Acuity Level 1 (Base), beginning on the first day following the expiration of the acuity level certification; and (2) DHCF would not make retroactive adjustments to the reimbursement rates for late submissions of recertification documentation. Providers have requested that DHCF ensure reasonable and fair payments to ICF/IIDs, claiming that application of the rules have been more restrictive than intended, and has complicated the cost reporting process for providers. DHCF is proposing to revise the rules to ensure that ICF/IID providers can be paid at a fair and reasonable rate based on the actual acuity level of the beneficiary. DHCF will also publish clarifying guidance on the recertification process on its website at [dhcf.dc.gov](http://dhcf.dc.gov).

These amended rules change existing reimbursement policy to enable DHCF to reimburse providers for care delivered at the appropriate reimbursement rate, even if recertifications are submitted late. DHCF believes this change will ensure fair and adequate reimbursement for ICF/IID providers that must recertify the acuity level assignments of beneficiaries in order to continue providing services.

Additionally, these amended rules remove the outdated reimbursement rate chart, replace it with language providing the location of current ICF/IID rates on the DHCF website, and add a brief description of the public notice process that DHCF must follow prior to making any updates to reimbursement rates. The prior rules contained a chart of the reimbursement rates for ICF/IID services, which could not realistically be updated with sufficient regularity to accurately display the current rates on a continuous basis. By striking the chart and instead directing providers to the updated Medicaid ICF/IID rates published online, DHCF can reduce confusion by ensuring continuous provider access to accurate ICF/IID reimbursement information published in a single location. This change also provides more flexibility and administrative simplicity to DHCF's rate change process and ensures the agency can make more timely updates as needed. This approach is consistent with the current notice requirements for most other Medicaid providers.



The changes associated with this rulemaking will have no corresponding fiscal impact.

A Notice of Emergency and Proposed Rulemaking was published in the *DC Register* on June 12, 2020 at 67 DCR 7536. No comments were received and no changes have been made.

The Director adopted these rules on September 21, 2020 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 41, MEDICAID REIMBURSEMENT FOR INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Subsection 4101.15 of Section 4101, ACUITY LEVEL ASSIGNMENTS, is amended to read as follows:**

4101.15 In the event of delay in the submission or processing of documentation required for recertifications, as described in § 4101.14, DHCF shall continue to reimburse the ICF/IDD provider at the rate that corresponds to the expired acuity level assignment until the date that the recertification is processed and the final acuity level determination is made. DHCF shall publish guidance on the recertification process on its website [dhcf.dc.gov](http://dhcf.dc.gov).

**Subsection 4102.16 of Section 4102, REIMBURSEMENT METHODOLOGY, is amended to read as follows:**

4102.16 Reimbursement for ICF/IDD services shall be made in accordance with rates published to the DHCF website at [dhcf.dc.gov](http://dhcf.dc.gov).

**A new Subsection 4102.17 of Section 4102, REIMBURSEMENT METHODOLOGY, is added to read as follows:**

4102.17 A public notice of ICF/IDD services reimbursement rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the change. The notice shall include a link to the DHCF website and provide an opportunity for meaningful comment.

**Subsection 4105.2 of Section 4105, REBASING, is amended to read as follows:**

4105.2 Reimbursement rates shall be updated any time that the reimbursement rates are updated based on a rebasing, as described in § 4105.1. In accordance with the requirements set forth in §§ 4102.16 and 4102.17, public notice of ICF/IDD services reimbursement rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the change and shall include a link to the DHCF website.

**OFFICE OF TAX AND REVENUE****NOTICE OF FINAL RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code §§ 47-874 and 47-1335 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2019 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the adoption of the following amendments to Chapter 3 (Real Property Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking concerning Section 370 provides authority to the Office of Tax and Revenue to require solely electronic filing of various forms and attachments thereto. Paper filing will no longer be accepted for those forms on or after December 7, 2020. This rulemaking concerning the remaining amendments to Sections 316, 322, 324, 327, 328 and 329 makes conforming amendments in furtherance of the electronic filing requirement under Section 370.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 7, 2020 (67 DCR 009527). No public comments were received, and no changes have been made to the text of the rules as proposed. This rule was adopted as final on September 22, 2020, and will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:**

**Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Subsection 316.6(a), is amended to read as follows:**

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

316.6

- (a) The tax sale purchaser shall electronically submit a request to pay subsequent real property taxes on MyTax.DC.gov. The tax sale purchaser may then pay the Tax Sale Purchaser's Bill at the Cashier's Office of the DC Treasurer. Once payment has been remitted, the tax sale purchaser shall immediately provide OTR with a copy of the paid receipt issued by the Cashier's Office of the DC Treasurer and retain a copy of the receipt for the tax sale purchaser's record.

**Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Subsection 316.7(e), is amended to read as follows:**

**The existing Subsection (e) is designated as Subsection (e)(1).**

**A new Subsection (e)(2) is added to read as follows:**

316.7

...

(e)

...

(2) Notwithstanding paragraph (1) of this subsection, and pursuant to Section 370, the tax sale purchaser shall electronically notify OTR and the Real Property Tax Ombudsman of a filing of the Complaint to Foreclose the Right of Redemption within thirty (30) days of the filing as instructed on MyTax.DC.gov. The electronic submission shall contain as attachments copies of the complaint and certificate of sale.

**Section 322, EXEMPTION FROM REAL PROPERTY TAXATION, Section 322.4 is amended to read as follows:**

322.4 Except as provided in § 322.5, each application for an exemption from real property taxation under this section shall be completed on the FP-300 form, and such form shall be filed with the Office of Tax and Revenue, Real Property Tax Administration, Standards and Exemption Unit, provided that, the form and attachments shall be filed electronically as prescribed by Section 370.

**Section 324, ANNUAL REPORT ON EXEMPT REAL PROPERTY OR EXEMPT INTEREST IN OR USE OF REAL PROPERTY, is amended to read as follows:**

**In Subsection 324.1, a new sentence is added at the end thereof to read as follows:**

The form shall be filed electronically as prescribed by Section 370.

**Section 324.2 is amended to read as follows:**

324.2 Annually, on or before March 1st, a notice of the reporting requirement shall be sent to an owner of exempt property either by mail or electronically, at the discretion of the Deputy Chief Financial Officer.

**Section 327, TAXATION OF MIXED USE PROPERTY, Subsection 327.3, is amended to read as follows:**

327.3 If any mixed use form is not submitted to the Deputy Chief Financial Officer on or before September 1st of the year in which such forms are mailed or provided electronically, in the discretion of the Deputy Chief Financial Officer, to affected taxpayers, or within the time extended by the Deputy Chief Financial Officer, or any mixed use form is timely submitted on or before September 1st, but is either inaccurate or incomplete and, after written or electronic notice from the Deputy Chief Financial Officer and, in the opinion of the Deputy Chief Financial Officer, remains inaccurate or incomplete, the Deputy Chief Financial Officer shall classify the affected taxpayer’s real property as Class 2 Property for the next

taxable year (October 1st-September 30th), subject to the property being classified as Class 3 or Class 4.

**Section 328, APPLICATION FOR MIXED USE CLASSIFICATION, is amended to read as follows:**

**Subsection 328.1 is amended to read as follows:**

328.1 The mixed-use form shall be mailed or provided electronically, in the discretion of the Deputy Chief Financial Officer, by the Deputy Chief Financial Officer to all owners of income producing properties in the District. The form shall also be available, upon request, electronically from the Real Property Tax Administration.

**Subsection 328.4 is amended to read as follows:**

328.4 In addition to the information required in § 328.3, the Deputy Chief Financial Officer may, in his or her discretion, by written or electronic notice to the affected taxpayer, require the taxpayer to provide those records and documents that will assist in determining or substantiating the mixed use classes within the property.

**Subsection 328.5 is amended to read as follows:**

328.5 In the absence of any extension of time for good cause as determined and granted by the Deputy Chief Financial Officer, all records and documents requested under § 328.4 shall be filed with the Office within thirty (30) days from the transmission date of the written or electronic notice to the affected taxpayer, or as otherwise specified.

**Section 329, TIME LIMITATIONS AND EXTENSIONS OF TIME, is amended in its entirety to read as follows:**

329.1 As prescribed by Section 370, the information required to be accurately completed on the mixed use form must be electronically submitted to the Deputy Chief Financial Officer not later than September 1st of the year in which the forms are mailed or made available electronically, in the discretion of the Deputy Chief Financial Officer, to affected taxpayers.

329.2 Mixed use forms will be mailed or made available electronically, in the discretion of the Deputy Chief Financial Officer, to affected taxpayers approximately thirty (30) days prior to the due date provided for in § 329.1.

329.3 In computing any period of time prescribed or allowed, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday

or a legal holiday, in which case the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

- 329.4 An extension of time to submit the forms may be granted, in the discretion of the Deputy Chief Financial Officer, for good cause.
- 329.5 A request for an extension of time to file shall be submitted electronically to the Deputy Chief Financial Officer not later than August 20th of the year in which the forms are mailed or made available electronically, in the discretion of the Deputy Chief Financial Officer, to affected taxpayers. Requests for extensions delivered after that date will not be granted.
- 329.6 If, in the opinion of the Deputy Chief Financial Officer, a mixed use form submitted prior to the deadline set forth in this section has not been accurately completed (that is, it is either inaccurate or incomplete), the Deputy Chief Financial Officer may so inform the affected taxpayer (or the taxpayer's agent), and request that the form be accurately completed. In no instance shall the Deputy Chief Financial Officer be accountable for the accuracy or correctness of the mixed-use form supplied and certified to by the affected taxpayer or agent of the taxpayer.
- 329.7 The mixed-use form shall be filed annually on or before the date provided for in § 329.1, as prescribed in Section 370.
- 329.8 Failure of the Deputy Chief Financial Officer to mail or make available electronically, in the discretion of the Deputy Chief Financial Officer, a mixed use form to an affected taxpayer shall in no manner diminish the obligation of the taxpayer to secure and file in a timely manner a mixed use form.

**A new Section 370, ELECTRONIC FORMS, is added to read as follows:**

- 370.1 Effective December 7, 2020, any requests, information, applications, forms or documents required by this section to be received by OTR shall be electronically submitted as instructed on or before 11:59 PM of the due date, if applicable. This effective date may be extended by Emergency Rulemaking or by Notice by the Deputy Chief Financial Officer.
- 370.2 The requirement to submit requests, information, application, form or documents electronically shall apply to:
- (a) BID Billing Adjustment;
  - (b) BID Billing File Submission;
  - (c) BID Certification of Tax Lien Debt;
  - (d) BID Account Maintenance Requests;
  - (e) BID Tax Adjustment and Penalty and Interest Waiver;
  - (f) Combination of A&T Lots;

- (g) Combination of Condominium Lots;
- (h) Cooperative Unit Homestead Application & Reconfirmation;
- (i) Cooperative Unit Senior/Disabled Application & Reconfirmation;
- (j) Division of A&T Lots;
- (k) Division of Condominium Lots;
- (l) Exempt Property Use Report;
- (m) Exemption from Real Property Tax Application;
- (n) Homeowner's Association (HOA) Trash Credit Benefit;
- (o) Limited Equity Cooperative Tax Fairness Application;
- (p) Mixed Use Application Form;
- (q) PACE Account Closure Request;
- (r) PACE Adjustment Request;
- (s) PACE Property Add;
- (t) PACE Property Remove;
- (u) Payment Plan Request;
- (v) Possessory Interest Account Closure Request;
- (w) Property Key Payer Maintenance;
- (x) Property Key Payer Payment Distribution;
- (y) Property Key Payer Registration;
- (z) Property Mailing Address Change;
- (aa) Real Property Tax Penalty and Interest Waiver;
- (bb) Real Property Tax Rebate Public Charter Schools/Lessee's Other Than Public Schools;
- (cc) Real Property Tax Refund Requests;
- (dd) Restricted Resale Assessment;
- (ee) Requests for Certificate of Taxes;
- (ff) Requests for Cancellation of Certificate of Taxes;
- (gg) Requests for Tax Deed Bills;
- (hh) Tax Map Requests;
- (ii) Tax Sale Assignees Compliance Certification;
- (jj) Requests for Tax Sale Certificates of Redemption;
- (kk) Tax Sale Foreclosure Complaint Notification;
- (ll) Tax Sale Purchaser Change of Address;
- (mm) Tax Sale Purchaser Registration;
- (nn) Tax Sale Seminar Registration;
- (oo) Tax Sale Subsequent Assignment; or
- (pp) Tax Sale Subsequent Payment Request.

**OFFICE OF THE CITY ADMINISTRATOR**  
**CONCEALED PISTOL LICENSING REVIEW BOARD**  
**SECOND NOTICE OF EMERGENCY RULEMAKING**

The City Administrator, on behalf of the Mayor, and pursuant to the authority under Section 908(d) of the Firearms Regulations Control Act of 1975 (Act), effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08(d) (2018 Repl.)), Mayor's Order 2015-036, dated January 9, 2015, the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235 (August 28, 2020)), and Mayor's Order 2020-052, dated March 23, 2020, hereby gives notice of the adoption of emergency amendments to Chapter 12 (Concealed Pistol Licensing Review Board) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking modifies the Concealed Pistol Licensing Review Board (Board) deadlines for receiving and deciding appeals, and holding summary suspension hearings during and after the public emergency and public health emergency declared by the Mayor in Mayor's Order 2020-045, dated March 11, 2020, and Mayor's Order 2020-046, dated March 11, 2020, and any extensions thereof. This emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it responds to the effects of COVID-19 by amending Board appeals deadlines to ensure appellants' procedural due process rights.

An initial emergency rulemaking was adopted on April 23, 2020, and was published in the *D.C. Register* on May 8, 2020 at 67 DCR 4915. It became effective on April 23, 2020, and expired one hundred twenty (120) days thereafter. This second emergency rulemaking was adopted on September 24, 2020, and became effective immediately. This second emergency rulemaking shall remain in effect for one hundred twenty (120) days after the date of its adoption (until January 22, 2021), pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2019 Repl.)), unless superseded by a further emergency or final rulemaking.

**Chapter 12, CONCEALED PISTOL LICENSING REVIEW BOARD, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended as follows:**

**Section 1202, APPEALS, is amended as follows:**

**A new Subsection 1202.8 is added to read as follows:**

1202.8

- (a) Notwithstanding Subsection 1202.2 and Sections 902(g) and 903(c) of the Act (D.C. Official Code §§ 7-2509.02(g) and 7-2509.03(c)) (as authorized by Section 312 of the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235 (August 28, 2020))), Mayor's Order 2020-052,

dated March 23, 2020, and any subsequent emergency, temporary, or permanent legislation or Mayor's Order providing similar authority), the deadline for filing an appeal of the denial of an initial application shall be tolled during the public emergency and public health emergency declared pursuant to Mayor's Order 2020-045, dated March 11, 2020, and Mayor's Order 2020-046, dated March 11, 2020, and any extensions thereof (collectively, the "emergency"), and during the ninety (90) days after the end of the emergency. The deadline for filing an appeal of the denial of a renewal application or an appeal of a limitation or revocation of a license shall not be tolled during the emergency.

- (b) The Board may, as practicable, proceed with appeals during the emergency.
- (c) During the emergency, appellants of the denial of an initial application are strongly encouraged to submit any filings to the Board via email at [cplrb@dc.gov](mailto:cplrb@dc.gov) and to consent to service by email. Filings mailed to the Board's street address will not be considered filed until the day after the end of the emergency and will not be reviewed by the Board until after the end of the emergency; provided, that the Board may, in its sole discretion, review the filing before the day after the end of the emergency if the Board is in actual receipt of the filing (and such a filing may, in the Board's sole discretion, be considered filed on the date the Board is in actual receipt).
- (d) During the emergency, appellants of the denial of a renewal application or a limitation or revocation of a license must submit their filings to the Board via email at [cplrb@dc.gov](mailto:cplrb@dc.gov) and consent to service by email in order for the filings to be eligible for review by the Board during the emergency. An appeal of the denial of a renewal application or a limitation or revocation of a license that is submitted by postal mail during the emergency shall not be considered filed with the Board until the day after the end of the emergency and will not be reviewed by the Board until after the end of the emergency; provided, that the Board may, in its sole discretion, review the filing before the day after the end of the emergency if the Board is in actual receipt of the filing (and such a filing may, in the Board's sole discretion, be considered filed on the date the Board is in actual receipt).
- (e) Each appeal filed with the Board during the emergency, or thereafter, must include the information described in §§ 1202.3(a)-(f).



**Section 1226, SUMMARY SUSPENSION HEARINGS, is amended as follows:**

**Subsections 1226.1 and 1226.2 are amended to read as follows:**

- 1226.1 A person subject to a summary suspension or summary limitation of a license issued pursuant to the Act shall have the right to request a hearing to the Board, in the manner described in § 1202.3(a)-(f), within seventy-two (72) hours after service of notice of the summary suspension or limitation of the license on the Board. The request for a hearing must be submitted to the Board via email at [cplrb@dc.gov](mailto:cplrb@dc.gov).
- 1226.2 (a) The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request for hearing; provided, that if the request is filed during the emergency, as defined in § 1202.8(a), the Board may, notwithstanding Section 905(b) of the Act (D.C. Official Code § 7-2509.05(b)) (as authorized by Section 312 of the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235 (August 28, 2020)), Mayor's Order 2020-052, dated March 23, 2020, and any subsequent emergency, temporary, or permanent legislation or Mayor's Order providing similar authority), hold the hearing up to twenty-one (21) days after the request is filed.
- (b) The Board shall issue a written decision within seventy-two (72) hours after the conclusion of the hearing; provided, that if the hearing is held during the emergency, as defined in § 1202.8(a), the Board may, notwithstanding Section 905(b) of the Act (D.C. Official Code § 7-2509.05(b)) (as authorized by Section 312 of the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235 (August 28, 2020)), Mayor's Order 2020-052, dated March 23, 2020, and any subsequent emergency, temporary, or permanent legislation or Mayor's Order providing similar authority), issue the written decision up to seven (7) days after the conclusion of the hearing.

**Subsection 1226.6 is amended by striking the phrase “thirty (30) days” and inserting the phrase “sixty (60) days” in its place.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2020-098  
September 23, 2020

**SUBJECT:** Appointment — Director, Mayor’s Office of Legal Counsel

**ORIGINATING AGENCY:** Office of the Mayor

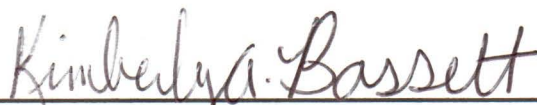
By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Rep1.), and in accordance with section 101(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013, D.C. Law 20-60, D.C. Official Code § 1-608.51a (2016 Rep1.), it is hereby **ORDERED** that:

1. **EUGENE ADAMS**, is appointed as Director, Mayor’s Office of Legal Counsel, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2020-056, dated April 2, 2020.
3. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to September 8, 2020.


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 MURIEL BOWSER  
 MAYOR

**ATTEST:**   


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**KIMBERLY A. BASSETT**  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

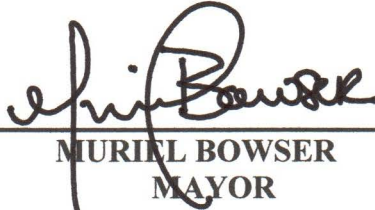
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## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-099  
September 30, 2020**SUBJECT:** Delegation of Authority to the Alcoholic Beverage Control Board — Medical Marijuana Program**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code §§ 1-204.22(6) and (11) (2016 Repl.), and in accordance with the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010, D.C. Law 13-315, D.C. Official Code § 7-1671.01 *et seq.* ("Act"), it is hereby **ORDERED** that:

1. The Alcoholic Beverage Control Board ("Board") is delegated the authority vested in the Mayor by sections 11 and 14 of the Act, D.C. Official Code §§ 7-1671.10 and 7-1671.13.
2. The Board may further delegate the authority delegated to it in paragraph 1 of this Order to the Director of the Alcoholic Beverage Regulation Administration.
3. Mayor's Order 2011-71, dated April 13, 2011, is rescinded.
4. **EFFECTIVE DATE:** This Order shall become effective October 1, 2020.



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MURIEL BOWSER  
MAYOR

ATTEST:



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KIMBERLY A. BASSETT

SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

**DC COMMISSION ON THE ARTS AND HUMANITIES  
NOTICE OF FUNDING AVAILABILITY  
FY 2021 Facilities and Buildings Grant**

The DC Commission on the Arts and Humanities (CAH) announces the availability of its fiscal year 2021 Facilities and Buildings (FAB) grant program. Grants supporting capital improvements and acquisitions for organizations will be available during this cycle.

CAH's mission is to provide grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Organizational applicants must have a principal business office located in the District of Columbia and have nonprofit status for at least one year prior to the application deadline in addition to other eligibility criteria detailed in the program's guidelines. All applicants must meet with individual and business regulatory compliance.

All eligible applications are reviewed through a competitive process. Evaluation of applications is based on the following criteria: 1) Project Content and Execution; 2) District Engagement, Impact, and Responsibility to Community; 3) Organizational Management, Capacity and Sustainability; and 4) CAH Priority Areas e.g. projects that increase access along the lines of geography, ethnicity, ability and/or discipline.

**The Request for Applications (RFA) will be available electronically beginning Friday, October 9, 2020 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for receipt of completed applications is Friday, November 6, 2020. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline.**

Technical assistance workshops will be offered throughout the application period to provide service to applicants.

For more information, please contact one of the following grant managers:

Benjamen Douglas ([Benjamen.douglas@dc.gov](mailto:Benjamen.douglas@dc.gov))

Kevin Hasser ([Kevin.hasser@dc.gov](mailto:Kevin.hasser@dc.gov))

DC Commission on the Arts and Humanities

200 I (Eye) St. SE

Washington, DC 20003

**DC COMMISSION ON THE ARTS AND HUMANITIES  
NOTICE OF FUNDING AVAILABILITY  
FY 2021 UPSTART Grant**

The DC Commission on the Arts and Humanities (CAH) announces the availability of its fiscal year 2021 capacity-building (UPSTART) grant program. Grants providing capacity-building support to established DC-based arts and humanities nonprofit organizations that face operational and infrastructural challenges, will be available during this cycle.

CAH's mission is to provide grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Organizational applicants must have a principal business office located in the District of Columbia and have nonprofit status for at least one year prior to the application deadline in addition to other eligibility criteria detailed in the program's guidelines. All applicants must meet with individual and business regulatory compliance.

All eligible applications are reviewed through a competitive process. Evaluation of applications is based on the following criteria: 1) Technical Assistance Concerns; 2) Strength of Arts / Humanities Content and District Engagement; and 3) Organizational Readiness.

**The Request for Applications (RFA) will be available electronically beginning Friday, October 9, 2020 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for receipt of completed applications is Friday, November 6, 2020. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline.**

Technical assistance workshops will be offered throughout the application period to provide support to applicants.

For more information, please contact the following grant manager:

Benjamin Douglas ([Benjamin.douglas@dc.gov](mailto:Benjamin.douglas@dc.gov))  
DC Commission on the Arts and Humanities  
200 I (Eye) St. SE  
Washington, DC 20003

**CENTER CITY PUBLIC CHARTER SCHOOLS  
NOTICE OF INTENT TO AWARD SOLE SOURCE CONTRACT**

Center City Public Charter Schools intends to award a Sole Source Contract to Invisiclean for the following:

Claro 4 in 1 air purifiers & HEPA/carbon filters

To obtain copies of full NOIs, please visit our website: <https://centercitypcs.org/contact/requests-for-proposal/>. The full NOIs contain justification for the award.

Contact Person

Natasha Harrison  
[nharrison@centercitypcs.org](mailto:nharrison@centercitypcs.org)



**DEPARTMENT OF ENERGY AND ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**GreenWrench Technical Assistance**

The Department of Energy and Environment (the Department) seeks eligible entities to provide technical assistance for the Department of Energy and Environment's (DOEE) GreenWrench Technical Assistance Program ("GW Tech"). GW Tech connects shops with subject matter experts, who provide knowledge, resources, and motivation to shift the culture at District auto shops to one that embraces sustainability.

GW Tech encourages and tracks the adoption of pollution prevention (P2) measures at automotive repair businesses ("shops") through providing technical assistance. This grant will fund the continuation of technical assistance at participating shops, including providing shops with less-toxic products to try out. The amount available for the project is approximately \$94,366.

Beginning October 2, 2020 the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [2021GWTechRFA.grants@dc.gov](mailto:2021GWTechRFA.grants@dc.gov) with "Request copy of RFA 2021-2029-WPD" in the subject line.

**The deadline for application submissions is November 2, 2020, at 4:30 p.m.** A complete electronic copy must be e-mailed to [2021GWTechRFA.grants@dc.gov](mailto:2021GWTechRFA.grants@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: [2021GWTechRFA.grants@dc.gov](mailto:2021GWTechRFA.grants@dc.gov).

## DEPARTMENT OF HEALTH CARE FINANCE

## PUBLIC NOTICE

**MEDICAID FEE SCHEDULE FOR  
HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUAL AND  
FAMILY SUPPORT (IFS)**

The Department of Health Care Finance (DHCF), in accordance with the requirements in 29 DCMR § 988.4, announces publication of the Medicaid Fee Schedule setting forth the reimbursement rates, effective November 1, 2020, subject to the approval of the application to provide the new IFS Waiver by U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for services available to participants under the Home and Community Based Services Waiver for IFS.

The Department on Disability Services (DDS), Developmental Disabilities Administration (DDA), operates the IFS Waiver under the supervision of DHCF. The IFS Waiver is a new waiver currently submitted to CMS, for approval. Once approved, it will become effective for a five-year period beginning November 1, 2020.

DHCF is providing this notice of the reimbursement rates for IFS Waiver services rendered on or after November 1, 2020. The services are set forth in the IFS Waiver application, are fully described in a new 29 DCMR Chapter 90 (Home and Community-Based Services Waiver for Individual and Family Support), and will be listed in the new 29 DCMR § 9001, upon publication of the new regulations in the *D.C. Register*. The new rates align with ID/DD waiver service rates and follow the same rate methodology, except for Education Support Services, which is a unique service added to this waiver. Education Support Services will be reimbursed at a not-to-exceed rate of \$35,000 toward tuition for classes in the participant's lifetime and \$5,000 per semester. The rates include the 2020 D.C. Living Wage of \$15.00 and, where required, are expressly subject to the service and other limitations described in the IFS Waiver and applicable rules.

DHCF is publishing reimbursement rates for sixteen (16) IFS Waiver services as follows: (1) Assistive Technology Services (new 29 DCMR § 9015; *cf.* 29 DCMR § 1941); (2) Behavioral Support Services (new 29 DCMR § 9016; *cf.* 29 DCMR § 1919); (3) Companion Services (new 29 DCMR § 9017; *cf.* 29 DCMR § 1939); (4) Creative Arts Therapies Services (new 29 DCMR § 9018; *cf.* 29 DCMR § 1918); (5) Day Habilitation Services (new 29 DCMR § 9019; *cf.* 29 DCMR § 1920); (6) Employment Readiness Services (new 29 DCMR § 9022, *cf.* 29 DCMR § 1922); (7) Family Training Services (new 29 DCMR § 9023; *cf.* 29 DCMR § 1924); (8) Individualized Day Supports Services (new 29 DCMR § 9024; *cf.* 29 DCMR § 1925); (9) In-Home Supports Services (new 29 DCMR § 9025; *cf.* 29 DCMR § 1916); (10) Occupational Therapy Services (new 29 DCMR § 9026; *cf.* 29 DCMR § 1926); (11) Parenting Supports Services (new 29 DCMR § 9027; *cf.* 29 DCMR § 1942); (12) Physical Therapy Services (new 29 DCMR § 9029; *cf.* 29 DCMR § 1928); (13) Respite Services (new 29 DCMR § 9030; *cf.* 29 DCMR § 1930); (14) Speech, Hearing and Language Services (new 29 DCMR § 9032; *cf.* 29 DCMR § 1932); (15) Supported Employment Services – Individual and Small Group Services



(new 29 DCMR § 9033; *cf.* 29 DCMR § 1933); and (16) Wellness Services (new 29 DCMR § 9034; *cf.* 29 DCMR § 1936).

For Personal Care Services (new 29 DCMR § 9028; *cf.* 29 DCMR § 1910) and Skilled Nursing Services (new 29 DCMR § 9031; *cf.* 29 DCMR § 1931), DHCF will reimburse providers at the rates set forth in the Medicaid Fee Schedule for the Medicaid State Plan.

These reimbursement rates for each service will be included on the Medicaid Fee Schedule for the ID/DD Waiver/IFS Waiver and will become effective thirty (30) calendar days after publication of this notice in the *D.C. Register*. The Medicaid Fee Schedule for the ID/DD Waiver/IFS Waiver is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>. For further information or questions regarding this fee schedule update, please contact Samuel Woldeghiorgis, Reimbursement Analyst, DHCF, at [samuel.woldeghiorgis@dc.gov](mailto:samuel.woldeghiorgis@dc.gov) or via telephone at (202) 442 9240.

**DEPARTMENT OF HEALTH CARE FINANCE****PUBLIC NOTICE****MEDICAID FEE SCHEDULE FOR  
HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS  
WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES**

The Department of Health Care Finance (DHCF), in accordance with the requirements in 29 DCMR §§ 988.4 and 1901.2, announces publication of the Medicaid Fee Schedule setting forth the reimbursement rates, effective November 1, 2020, subject to the approval of the amended waiver by Centers for Medicare and Medicaid Services (CMS), for services available to participants under the Medicaid Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The Department on Disability Services (DDS), Developmental Disabilities Administration (DDA), operates the ID/DD Waiver under the supervision of DHCF. The ID/DD Waiver was renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five-year period beginning November 20, 2017, and recently amended to be effective November 1, 2020.

As required under 29 DCMR § 1901.2, DHCF is identifying through this Public Notice the changes in the reimbursement rates for services rendered on or after November 1, 2020, for certain ID/DD Waiver services listed in 29 DCMR § 1901.1. The new rates align with ID/DD Renewal Waiver Year 4 rate methodology, include the 2020 D.C. Living Wage of \$15.00 where required, and are expressly subject to the service and other limitations described in the ID/DD Waiver and applicable rules.

DHCF is increasing the reimbursement rates for thirteen (13) ID/DD Waiver services as follows: (1) Behavioral Support Services, 29 DCMR § 1919; (2) Creative Art Therapies, 29 DCMR § 1918; (3) Day Habilitation Services, 29 DCMR § 1920; (4) Individualized Day Supports Services, 29 DCMR § 1925; (5) Occupational Therapy Services, 29 DCMR § 1926; (6) Professional Support Services, Family Training Services, 29 DCMR § 1924; (7) Physical Therapy Services, 29 DCMR § 1928; (8) Assistive Technology Services, Personal Emergency Response System Services, 29 DCMR § 1941; (9) Residential Habilitation Services, 29 DCMR § 1929; (10) Speech, Hearing, and Language Services, 29 DCMR § 1932 (11) Supported Employment Services – Individual and Small Group Services, 29 DCMR § 1933; (12) Supported Living Services, 29 DCMR § 1934; and (13) Wellness Services, 29 DCMR § 1936.

For Personal Care Services, 29 DCMR § 1910 and Skilled Nursing Services, 29 DCMR § 1931, DHCF will reimburse providers at the rate set forth in the Medicaid Fee Schedule for the Medicaid State Plan, and for Dental Services, 29 DCMR § 1921, DHCF will continue to reimburse providers at the rate set forth in the Medicaid Fee Schedule for the Medicaid State Plan increased by twenty (20) percent.

These reimbursement rates for each service will be included on the Medicaid Fee Schedule for the ID/DD Waiver and will become effective thirty (30) calendar days after publication of this notice in the *D.C. Register*. These new rates do not replace the rates established in response to the District of Columbia Public Health Emergency. The Medicaid Fee Schedule for the ID/DD Waiver is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>. For further information or questions regarding this fee schedule update, please contact Samuel Woldeghiorgis, Reimbursement Analyst, DHCF, at [samuel.woldeghiorgis@dc.gov](mailto:samuel.woldeghiorgis@dc.gov) or via telephone at (202) 442 9240.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Dentistry (“Board”) hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the following meeting dates and public hearings:

**Wednesday, November 4, 2020**, the Board will conduct a disciplinary action hearing in the matter of Samira Shenasi, DDS, at 8:30 a.m. In accordance with 17 DCMR § 4109.1, the hearing is open to the public. Following the open (public) session, the Board will meet in executive (closed/non-public) session to deliberate upon the case.

**Wednesday, November 18, 2020**, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

**Wednesday, December 16, 2020**, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session by videoconference or by phone.

The agendas for all open (public) session meetings and videoconference and telephone sign-on information will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at [www.doh.dc.gov](http://www.doh.dc.gov).

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Nursing (“Board”) hereby gives notice of its upcoming meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

The Board meets monthly on the first Wednesday of each month from 9:00 AM to 12:00 PM. The next meeting of the Board will be held on Wednesday, October 7, 2020. The meeting will be open to the public from 9:00 AM until 10:00 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 10:00 AM to 12:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session in the following ways:

By videoconference:

Meeting number: 172 969 3891

Password: HBwPs3Cfw57

<https://dcnet.webex.com/dcnet/j.php?MTID=mc6734897c0edfe6f8e75edfcef175f34>

By phone:

202-860-2110 or 1-650-479-3208 Call-in toll number (US/Canada)

Access code: 172 969 3891

The agenda is available at <https://dchealth.dc.gov/event/board-nursing-monthly-meeting-agenda>. For additional information, contact Concheeta Wright at [concheeta.wright@dc.gov](mailto:concheeta.wright@dc.gov).

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Professional Counseling (“Board”) hereby gives notice of its upcoming meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

The Board meets monthly on the second Friday of each month from 10:00 AM to 1:00 PM. The next meeting will be held on Friday, October 9, 2020. The meeting will be open to the public from 10:00 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 10:30 AM to 1:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session in the following ways:

By videoconference:

Meeting number: 475 199 633

Password: b5aXwWhTi49

<https://dcnet.webex.com/dcnet/j.php?MTID=m0d5d7c16ea055f3350294ef4e11c3f95>

By phone:

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 475 199 633

The agenda is available at <https://dchealth.dc.gov/page/board-professional-counseling-open-session-agendas>. For additional information, contact the Health Licensing Specialist at [david.walker2@dc.gov](mailto:david.walker2@dc.gov) or (202) 727-1611.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Audiology and Speech-Language Pathology (“Board”) hereby gives notice of its upcoming meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b) (2016 Repl.)).

The Board holds its meetings on a quarterly basis and the next meeting will be held on Tuesday, October 6, 2020 from 3:30 PM – 6:30 PM. The meeting will be open to the public from 3:30 PM until 4:30 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b) (2016 Repl.)), the meeting will be closed from 4:30 PM to 6:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session in the following ways:

Hosted by HRLA BOARDS

Tuesday, Oct 6, 2020 3:30 pm | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 172 667 5151

Password: QxpHCu8f2r4

<https://dcnet.webex.com/dcnet/j.php?MTID=m82246360c870d091d76cb8066a060e5b>

Join by video system

Dial 1726675151@dcnet.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

For additional information, contact the Health Licensing Specialist at [ashley.balma@dc.gov](mailto:ashley.balma@dc.gov) or (202)724-8819.

**DEPARTMENT OF HEALTH (DC HEALTH)  
 NOTICE OF FUNDING AVAILABILITY (NOFA)  
 COMMUNITY HEALTH ADMINISTRATION (CHA)  
 RFA# CHA\_CCCP.10.16.20  
 Colorectal Cancer Control Program**

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

**General Information:**

Funding Opportunity Title	Improving Colorectal Cancer Screening Rates in the District
Funding Opportunity #	FO-CHA-PG-00178-002
Program RFA ID#	CHA_CCCP.10.16.20
Opportunity Category	Competitive
DC Health Administrative Unit	Community Health Administration
DC Health Program Bureau	Cancer and Chronic Disease Prevention Bureau
Program Contact	Senkuta Riverson at 202-442-5901 or <a href="mailto:senkuta.riverson@dc.gov">senkuta.riverson@dc.gov</a>
Program Description	Funding under this RFA will support the implementation of evidence-based interventions (EBIs) that increase colorectal cancer screening (based on The Community Guide recommendations <a href="https://www.thecommunityguide.org/">https://www.thecommunityguide.org/</a> ) among primary care clinics, health systems, and federally qualified health centers (FQHCs). The program will include implementing electronic health record (EHR) data quality improvement strategies; continuous quality improvement (CQI) processes; systematically integrating recommended EBIs into clinical workflows; and sustaining the interventions long-term. The target populations are primary care patients age 50-75 years, eligible for colorectal cancer screening, racial and ethnic minorities, low income and residents of Wards 5,6,7 and 8.



Eligible Applicants	Organizations authorized and licensed to do business in the District of Columbia and meeting the following criteria: 1) A large health system not previously funded by DC Health to implement evidence-based intervention to increase colorectal cancer screening at primary care clinics; 2) Health system with primary care clinic(s)/ practice(s) that seek(s) to expand existing evidence-based interventions to increase colorectal cancer screening; 3) A colorectal cancer screening eligible population of at least 3,500; 4) Health system with the capacity to access cancer screening data from an Electronic Health Record (EHR).
Anticipated # of Awards	One (1)
Amount Available	\$75,000
Floor Award Amount	\$ 50,000
Ceiling Award Amount	\$ 75,000

**Funding Authorization:**

Legislative Authorization	301(a) of the Public Health Service Act, [42 U.S.C. Section 241(a)1. as amended
Associated CFDA#	93.800-Organized Approaches to Increase Colorectal Cancer Screening
Associated Federal Award	NU58DP006771
Cost Sharing / Match	No
RFA Release Date:	<b>October 16, 2020</b>
Pre-Application Meeting	<b>November 4, 2020 2:00pm-4:00pm</b>
Pre-Application Meeting Location Conference Call Access	<b>WebEx Virtual Meeting</b> Meeting number: 172 678 5570 Password: sHiVc3JB3z5 <a href="https://dcnet.webex.com/dcnet/j.php?MTID=m8c7232b74bac50fa6b686e5d78d3992d">https://dcnet.webex.com/dcnet/j.php?MTID=m8c7232b74bac50fa6b686e5d78d3992d</a> <b>Join by phone</b> +1-202-860-2110 United States Toll (Washington D.C.) 1-650-479-3208 Call-in toll number (US/Canada) Access code: 172 678 5570
Letter of Intent Due date	Not applicable
Application Deadline Date	<b>November 17, 2020</b>
Application Deadline Time	6:00 pm
Links to Additional Information about this funding Opportunity	DC Grants Clearinghouse <a href="https://communityaffairs.dc.gov/content/community-grant-program">https://communityaffairs.dc.gov/content/community-grant-program</a> DC Health EGMS <a href="https://dcdoh.force.com/GO_ApplicantLogin2">https://dcdoh.force.com/GO_ApplicantLogin2</a>

**DEPARTMENT OF HEALTH**  
**NOTICE OF PUBLIC MEETING**

**Scientific Advisory Committee**  
**Thursday, October 8, 2020**  
**4:30 p.m.**  
**Draft Agenda**

On Thursday, October 8, 2020, the Department of Health will be hosting the initial meeting of the Scientific Advisory Committee via Web-Based Conferencing (WebEx). The meeting will commence at 4:30 p.m. Any questions should be directed to Tanya Bethel at (202) 442-9398. Ms. Bethel can also be reached at [Tanya.Bethel@dc.gov](mailto:Tanya.Bethel@dc.gov).

Welcome from Director

Member Introductions

Scientific Advisory Committee Overview

Emergency Operations Center's COVID-19 Vaccine Group Update

Member Discussion

Closing and Adjournment

**INGENUITY PREP PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS**

**Ingenuity Prep PCS** solicits proposals for the following:

- **Legal Support Services**
- **Development and Grant Consultant Services**

Full RFP(s) by request. Proposals shall be submitted as PDF documents no later than 5:00 PM on Tuesday, October, 13, 2020. Contact: [bids@ingenuityprep.org](mailto:bids@ingenuityprep.org)

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD  
NOTIFICATION OF CHARTER AMENDMENT**

**SUMMARY:** The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comments on the DC public charter schools listed below, which are up for a charter review on November 16, 2020. Pending DC PCSB staff’s analysis, the Board may elect to do one of the following for each school: 1) continue the school’s charter without conditions, 2) conditionally continue the school’s charter by imposing annual or interim targets or requirements it must meet, *or* 3) commence charter revocation proceedings.

1. Goodwill Excel Center Public Charter School (PCS):

Goodwill Excel Center PCS is up for its five-year charter review. The school currently operates a single campus in Ward 2 where it serves adult students. Its mission is to “transform adult lives through the power of achieving a high school diploma and accessing post-secondary education and careers in growing, sustainable local industries.”

2. Richard Wright Public Charter School:

Richard Wright PCS is up for its 10-year charter review. The school currently operates a single campus in Ward 6 where it serves students in grade 8 – 12. Its mission is to “transform students in grades 8 – 12 into well-versed media contributors by providing a student-centered environment that connects them to the classics and modern languages and a curriculum focused on strong writing skills and vocabulary.”

3. Rocketship Education DC Public Charter School:

Rocketship Education DC PCS is up for its five-year charter review. The school currently operates three campuses in Wards 5, 7, and 8. It serves students in grades PK3 – 5. Its mission is to “eliminate the achievement gap by graduating our students at or above grade level in Language Arts and Math.”

4. Shining Stars Montessori Public Charter School:

Shining Stars Montessori PCS is up for its 10-year charter review. The school currently operates a single campus in Ward 5 where it serves students in grades PK3 – 6. Its mission is to “offer a quality Montessori education infused with culturally inclusive principles to guide children to develop to their fullest potential.”

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., the DC Public Charter School Board (DC PCSB) is required to review each DC charter school’s performance at least once every five years.

**DATES:**

- Comments must be submitted on or before November 13, 2020.
- Vote will be held on November 13, 2020 at 6:30pm For location, please check [www.dcpsb.org](http://www.dcpsb.org).

**ADDRESSES:** You may submit comments, identified by “School Name - Notice of Petition for Charter Review,” by any one of the methods listed below.

1. Submit a written comment via:
  - (a) Email: [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org)
  - (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> Street NW, Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier\*: Same as postal address above
2. Sign up to testify in-person at the board meeting on November 16, 2020 by emailing a request to [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) by no later than 4:00 pm on November 13, 2020.

**FOR FURTHER INFORMATION CONTACT:** Melodi Sampson, Senior Manager—School Quality and Accountability, at (202) 330-4046; email: [msampson@dcpsb.org](mailto:msampson@dcpsb.org).

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD**

_____	)	
In the Matter of:	)	
	)	
The District of Columbia Metropolitan	)	
Police Department,	)	
	)	PERB Case No. 20-A-07
Petitioner,	)	
	)	Opinion No. 1756
v.	)	
	)	
Fraternal Order of Police/Metropolitan	)	
Police Department Labor Committee,	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

**I. Statement of Case**

On July 15, 2020, the District of Columbia Metropolitan Police Department (MPD) filed this Arbitration Review Request (Request) pursuant to the Comprehensive Merit Personnel Act (CMPA), D.C. Official Code § 1-605.02(6). MPD seeks review of an Arbitration Award (Award) issued on June 15, 2020, which granted, in part, the grievance filed by the Fraternal Order of Police/Metropolitan Police Department Labor Committee (FOP). MPD seeks review of the Award, asserting that the Award is contrary to law and public policy. On July 28, 2020, the FOP filed an Opposition to the Request and sought dismissal of the case.

Upon consideration of the record and the parties’ filings, MPD’s Request is dismissed for the reasons stated herein.

**II. Discussion**

Under the CMPA, the Board is permitted to modify, set aside, or remand a grievance arbitration award if: (1) the arbitrator was without or exceeded his or her jurisdiction; (2) the award on its face is contrary to law and public policy; or (3) the award was procured by fraud, collusion, or other similar unlawful means.<sup>1</sup> In its Request, MPD argues that the Award is contrary to law

<sup>1</sup> D.C. Official Code § 1-605.02(6).

Decision and Order  
PERB Case 20-A-07  
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and public policy.<sup>2</sup> MPD preemptively asserts that its Request should not be dismissed on timeliness grounds for two reasons: (1) MPD argues that the Board's filing deadline is a claim-processing rule and, therefore, a *de minimis* delay is not prejudicial to the FOP,<sup>3</sup> and (2) MPD argues that the arbitrator has jurisdiction over the remedial portion of the Award<sup>4</sup> and, therefore, a review of the Award's merits is not ripe for appeal.<sup>5</sup> FOP opposes MPD's Request on substantive and procedural grounds. In particular, FOP argues that PERB's filing deadline is jurisdictional and asserts the defense of untimeliness in arguing that MPD's filing should be dismissed.<sup>6</sup>

Board Rule 538.1 states that an Arbitration Review Request must be filed no later than twenty-one (21) days after service of the award. MPD does not dispute that its Request was filed two days beyond the Board's 21-day filing deadline.<sup>7</sup>

Jurisdictional rules limit the cases properly before the Board, regardless of whether the parties invoke the rule.<sup>8</sup> The Board discussed the difference between claim-processing rules and jurisdictional rules in *Jenkins v. Department of Corrections*.<sup>9</sup> There the Board found that "a deadline is not jurisdictional . . . unless it is found in a statute, and the legislature has clearly stated that the deadline is to have jurisdictional consequences."<sup>10</sup> The Board held that its filing deadlines are waivable claim-processing rules.<sup>11</sup>

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<sup>2</sup> Request at 3.

<sup>3</sup> Request at n.1.

<sup>4</sup> On June 15, 2020, the Arbitrator issued the Award and served it upon the parties via first-class mail. In the Award, the Arbitrator retained jurisdiction for sixty (60) days for the purpose of determining whether additional remedies of interest and attorney fees were warranted. The Arbitrator requested briefs from the parties on the remedial issues. On June 23, 2020, FOP submitted its brief and petition for attorney fees. On July 7, 2020, MPD submitted its brief in opposition to the petition. As of the date of the filing of the Request, the Arbitrator has not issued an award on the issues of interest and attorney fees.

<sup>5</sup> MPD's argument that the Award is not ripe for appeal is unpersuasive. The Board has previously held that, when arbitration proceedings result in two awards addressing distinct issues, timeliness of an appeal is measured from the service of the award containing the issue appealed. *UDC v. AFSCME, Local 2087*, 46 D.C. Reg. 4833, Slip Op. No. 473 at 2, PERB Case No. 96-A-06 (1999) (holding that each award is final when rendered with respect to the issues therein).

<sup>6</sup> Opposition at 8-9.

<sup>7</sup> Board Rule 538.1 allows a party to request review of an arbitration award no later than twenty-one (21) days after the service of the award. Furthermore, Board Rule 538.1 augments the time to request review no later than five (5) days when service is made by U.S. mail. The twenty-first day after June 15, 2020 was Monday, July 6, 2020. After applying an additional five days under Board Rule 538.1, the Request was due on Saturday, July 11, 2020. Board Rule 501.5 moves the filing deadline to the next business day when a filing is due on a Saturday, Sunday, or District of Columbia Holiday. Here, the Request was due on Monday, July 13, 2020. MPD filed its Request on Wednesday, July 15, 2020.

<sup>8</sup> See *Smith v. United States*, 984 A.2d 196, 199 (D.C.2009).

<sup>9</sup> *Jenkins et al. v. DOC*, 65 D.C. Reg. 4046, Slip Op. No. 1652, PERB Case No. 15-U-31 (2018)..

<sup>10</sup> <sup>10</sup> *Id.* at 11. (citing *Mathis v. District of Columbia Housing Authority* 124 A.3d 1089, 1102 (2015) (quoting *Henderson ex rel. Henderson v. Shinseki*, 562 U.S. 428, 435 (2011)).

<sup>11</sup> *Jenkins et al. v. DOC*, 65 D.C. Reg. 4046, Slip Op. No. 1652 at 10, PERB Case No. 15-U-31 (2018)..

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Rule 538.1 is a claim-processing rule.<sup>12</sup> In a recent D.C. Court of Appeals case,<sup>13</sup> the court determined that a claim-processing rule is subject to forfeiture or waiver and equitable tolling.<sup>14</sup> However the court held, “In general, where a [] claim-processing rule is “properly invoked [by a party] . . . [it] must be enforced[.]”<sup>15</sup> “[C]laim-processing rules . . . assure relief to a party properly raising them, but do not compel the same result if the party forfeits them.”<sup>16</sup>

In this case, through a footnote, MPD asserts that the Board should excuse it from the filing deadline because its two-day delay for filing its Request does not prejudice FOP.<sup>17</sup> MPD does not provide any further explanation for its delay or request equitable tolling. As noted above, FOP properly raised timeliness in its Opposition and there is no factual basis for a claim of waiver.<sup>18</sup> In light of the Court of Appeals’ decision,<sup>19</sup> the Board finds that MPD’s Request must be dismissed for untimeliness.

### III. Conclusion

The Board finds the Arbitration Review Request untimely. Accordingly, MPD’s Request is denied and the matter is dismissed in its entirety.

## ORDER

### IT IS HEREBY ORDERED THAT:

1. MPD’s Arbitration Review Request is hereby denied; and,
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

### BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

August 20, 2020

Washington, D.C.

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<sup>12</sup> See *Jenkins et al. v. DOC*, 65 D.C. Reg. 4046, Slip Op. No. 1652 at 10, PERB Case No. 15-U-31 (2018).

<sup>13</sup> *Neill v. D.C. Pub. Employee Relations Bd.*, No. 18-CV-1253 (D.C. Aug. 6, 2020).

<sup>14</sup> *Neill v. D.C. Pub. Employee Relations Bd.*, No. 18-CV-1253, Slip Op. at 17 (D.C. Aug. 6, 2020) (The court did not determine whether the 120-day period under Rule 544.4 is jurisdictional. The court noted that PERB did not decide whether Rule 544.4 was jurisdictional in the decision being appealed and suggested that PERB should revisit and decide whether Rule 544.4 is jurisdictional in the first instance. Since the Board issued the decision at issue in *Neill* the Board has held that its filing deadlines are waivable claim-processing rules).

<sup>15</sup> *Neill v. D.C. Pub. Employee Relations Bd.*, No. 18-CV-1253, Slip Op. at 17-18 (D.C. Aug. 6, 2020) (citing *Hamer v. Neighborhood Hous. Servs. of Chicago*, 138 S. Ct. 13, 17 (2017); *In re Na.H.*, 65 A.3d 111, 116 (D.C. 2013)).

<sup>16</sup> *Neill v. D.C. Pub. Employee Relations Bd.*, 93 A.3d 229, n. 5 (D.C. 2014) (citing *Smith v. United States*, 984 A.2d 196, 199 (D.C. 2009); *Eberhart v. United States*, 546 U.S. 12, 19, 126 S.Ct. 403, 163 L.Ed.2d 14 (2005)).

<sup>17</sup> Request at n.1.

<sup>18</sup> Opposition at 8.

<sup>19</sup> *Neill v. D.C. Pub. Employee Relations Bd.*, No. 18-CV-1253 (D.C. Aug. 6, 2020).



**CERTIFICATE OF SERVICE**

I hereby certify that the attached Decision and Order, Slip Op. 1756, in PERB Case No. 20-A-07 served electronically via File & ServeXpress to the following parties on this the day of August 31, 2020:

Milena Mikailova  
Office of the Attorney General  
441 4th Street NW, Suite 1145 South  
Washington, D.C. 20001

Daniel J. McCartin  
Conti Fenn LLC  
36 South Charles Street, Suite 2501  
Baltimore, MD 21201

/s/ Royale Simms  
Royale Simms  
Attorney Advisor  
Public Employee Relations Board

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

_____	)	
In the Matter of:	)	
	)	
Metropolitan Police Department	)	
	)	PERB Case No. 20-A-08
Petitioner	)	
	)	Opinion No. 1759
v.	)	
	)	
Fraternal Order of Police/	)	
Metropolitan Police Department	)	
Labor Committee	)	
	)	
Respondent	)	
_____	)	

**DECISION AND ORDER**

**I. Statement of the Case**

On August 24, 2020, the Metropolitan Police Department (MPD) filed this Arbitration Review Request (Request) pursuant to the Comprehensive Merit Personnel Act (CMPA), D.C. Official Code § 1-605.02(6).<sup>1</sup> MPD seeks review of a supplemental award (“Award”) granting the Fraternal Order of Police/ Metropolitan Police Department Labor Committee’s (FOP) request for attorney fees and ordering the payment of pre-judgment and post-judgment interest on back pay on behalf of the Grievant. MPD seeks review of the Award arguing that the Arbitrator exceeded his jurisdiction and that the Award is contrary to law and public policy.

Upon consideration of the record and the parties’ filings, the Request is denied for the reasons stated herein and in PERB Case. No 1625.

<sup>1</sup> MPD filed a document styled *Supplementary Memorandum in Support of the Petitioner’s Arbitration Review Request* in PERB Case No. 20-A-07. The Memorandum sought review of the Arbitrator’s award of remedies (“Award”) rather than an award on the merits of the grievance (“Merits Award”) at issue in PERB Case No. 20-A-07. The Memorandum was accepted as an Arbitration Review Request and assigned PERB Case No. 20-A-08 because the Memorandum satisfied the Board’s rules for an Arbitration Review Request.

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## II. Background and Supplemental Award

On June 15, 2020, the Arbitrator issued an award on the merits of the grievance (“Merits Award”).<sup>2</sup> In the Merits Award, the Arbitrator reversed the Grievant’s termination, reduced a 30-day suspension to a 15-day suspension, and ordered back pay. The Arbitrator retained jurisdiction for sixty (60) days for the purpose of determining whether additional remedies of interest on back pay and attorney fees were warranted.<sup>3</sup> The Arbitrator requested briefs from the parties on the remedial issues.<sup>4</sup> On June 23, 2020, FOP submitted its brief and petition for attorney fees.<sup>5</sup> On July 7, 2020, MPD submitted its brief in opposition to the petition.<sup>6</sup>

Before the Arbitrator, FOP argued that it was entitled to an award of interest on the back pay and attorney fees under the Federal Back Pay Act<sup>7</sup> (BPA) and CMPA.<sup>8</sup> FOP argued that the Arbitrator derived the authority to award attorney fees and interest under Article 19, Paragraph E, Section 5.4 of the Collective Bargaining Agreement (CBA).<sup>9</sup> FOP also argued that PERB precedent permitted such an award.<sup>10</sup>

MPD argued that there was no express provision in the CMPA, DPM, or the CBA that authorized an award of attorney fees.<sup>11</sup> MPD argued that the BPA did not apply to police officers, because MPD adopted a new compensation system for its employees.<sup>12</sup> Further, MPD argued that FOP failed to meet its burden to show that the Arbitrator was authorized to award interest.<sup>13</sup> MPD argued that the Arbitrator did not have the authority under Article 19, Paragraph E, Section 5.4 to award pre-judgment and post-judgment interest. MPD asserted that an award of interest would be contrary to Article 46 of the CBA.<sup>14</sup>

The Arbitrator found that MPD failed to cite any provision of the CBA that restricted the Arbitrator’s authority to award back pay or interest.<sup>15</sup> Further, the Arbitrator relied on PERB precedent<sup>16</sup> to confirm that arbitrators have the authority to apply the BPA.<sup>17</sup> The Arbitrator found that an award of reasonable attorney fees was in the interest of justice and that FOP’s request for

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<sup>2</sup> MPD filed an Arbitration Review Request of the Merits Award. In PERB Case No. 20-A-07, the Board held that the Arbitration Review Request was untimely filed and dismissed the case. *MPD v. FOP/MPD Labor Comm.*, Slip Op. No. 1756, PERB Case No. 20-A-07 (2020).

<sup>3</sup> Award at 1.

<sup>4</sup> Award at 2.

<sup>5</sup> Request at 1.

<sup>6</sup> Request at 1.

<sup>7</sup> 5 U.S.C. § 5596.

<sup>8</sup> Award at 2.

<sup>9</sup> Award at 3.

<sup>10</sup> Award at 4 (citing *MPD v. FOP/MPD Labor Comm.*, 64 D.C. Reg. 13394, Slip Op. No. 1643 at 4, PERB Case No. 17-A-07 (2017)(affirming a supplemental award of attorney fees under the BPA and an award of interest on back pay)).

<sup>11</sup> Award at 8.

<sup>12</sup> Award at 9.

<sup>13</sup> Award at 10.

<sup>14</sup> Award at 8.

<sup>15</sup> Award at 13.

<sup>16</sup> *MPD v. FOP/MPD Labor Comm.*, 64 D.C. Reg. 13394, Slip Op. No. 1643 at 4, PERB Case No. 17-A-07 (2017).

<sup>17</sup> Award at 13.

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attorney fees was reasonable.<sup>18</sup> The Arbitrator granted the request for attorney fees and ordered interest on the Grievant's back pay award.<sup>19</sup>

### III. Discussion

Section 1-605.02(6) of the D.C. Official Code permits the Board to modify, set aside, or remand a grievance arbitration award in only three narrow circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.

In its Request, MPD argues that (1) the CBA does not authorize the Arbitrator to award attorney fees and/or interest,<sup>20</sup> and (2) the BPA does not authorize the award of attorney fees and/or interest.<sup>21</sup> FOP argues that MPD merely disagrees with the Award and asserts that the Request should be denied.

MPD asserts that the CBA does not expressly grant the Arbitrator the authority to award attorney fees.<sup>22</sup> MPD argues that Article 46 provides for the award of interest in limited circumstances and, therefore, the Arbitrator does not have authority in this case to award interest on back pay.<sup>23</sup> FOP argues that the Board should deny MPD's Request because the Award is well supported by prior arbitration awards between the parties, PERB precedent upholding these awards, Superior Court precedent, and the BPA.<sup>24</sup>

The Board has previously held that an arbitrator's authority under the contract provides wide latitude and flexibility in crafting remedies for CBA violations, so long as the remedy is not expressly limited by the CBA.<sup>25</sup> In a similar case involving MPD and FOP, the Board held that an arbitrator has authority to award pre-judgment and post-judgment interest.<sup>26</sup> MPD has not raised any new arguments beyond those noted in Board Opinion 1625. Therefore, the Board denies MPD's Request because the Arbitrator did not exceed his authority by awarding pre-judgment and post-judgment interest and attorney fees.

Furthermore, MPD has the burden to demonstrate that the Award itself violates established law or compels an explicit violation of "well defined public policy grounded in law and or legal precedent."<sup>27</sup> Here, MPD has not presented any authority that would prevent the Arbitrator from

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<sup>18</sup> Award at 14-15.

<sup>19</sup> Award at 15.

<sup>20</sup> Request at 4.

<sup>21</sup> Request at 6.

<sup>22</sup> Request at 5.

<sup>23</sup> Request at 6.

<sup>24</sup> Opposition at 11.

<sup>25</sup> *MPD v. FOP/MPD Labor Comm. ex rel. Gutterman*, 39 D.C. Reg. 6232, Slip Op. 282 at 3-4, PERB Case No. 87-A-04 (1991). *UDC v. AFSCME, Council 20, Local 2087*, 59 D.C. Reg. 15167, Slip Op. 1333 at 6, PERB Case No. 12-A-01 (2012).

<sup>26</sup> *MPD v. FOP/MPD Labor Comm.*, 64 D.C. Reg. 7604, Slip Op. 1625, PERB Case No. 16-A-11 (2017).

<sup>27</sup> *American Postal Workers Union, AFL-CIO v. United States Postal Service*, 789 F.2d 1, 8 (D.C. Cir. 1986). *Accord MPD v. FOP/MPD Labor Comm. ex rel. Pair*, 61 D.C. Reg. 11609, Slip Op. 1487 at 8, PERB Case No. 09-A-05 (2014); *MPD v. FOP/MPD Labor Comm. ex rel. Johnson*, 59 D.C. Reg. 3959, Slip Op. 925 at 11-12, PERB Case No. 08-A-01 (2012).

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applying the BPA.<sup>28</sup> Therefore, the Board finds that the Award is not contrary to law or public policy.

#### **IV. Conclusion**

The Board rejects the MPD's arguments and finds no cause to set aside, modify, or remand the Arbitrator's Award. Accordingly, MPD's request is denied and the award is enforceable as written.

#### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. MPD's Arbitration Review Request is hereby denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

#### **BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

September 17, 2020

Washington, D.C.

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<sup>28</sup> The Court of Appeals has upheld the Board in finding that an award of attorney fees under the BPA is not contrary to law and public policy. *See, AFSCME District 20, Local 2087 v. UDC*, 166 A. 3d 967, 973 (D.C. 2017) ("Absent direct legal authority prohibiting [the Arbitrator's] interpretation of the applicability of the B[ack] P[ay] A[ct] in this case, his decision in this matter cannot be considered contrary to law. There is also no law or policy that prohibits an arbitrator from awarding attorney's fees to the employee's union.").

**CERTIFICATE OF SERVICE**

I hereby certify that the attached Decision and Order, Slip Op. 1759, in PERB Case No. 20-A-08 served electronically via File & ServeXpress to the following parties on this the day of September 23, 2020:

Milena Mikailova  
Office of the Attorney General  
441 4th Street NW, Suite 1145 South  
Washington, D.C. 20001

Daniel J. McCartin  
Conti Fenn LLC  
36 South Charles Street, Suite 2501  
Baltimore, MD 21201

/s/ Royale Simms  
Royale Simms  
Attorney Advisor  
Public Employee Relations Board

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after November 1, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on October 2, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public

Effective: November 1, 2020

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Alfaro	Tina M.	Alfaro Reporting Service, LLC 1111 M Street, NW, Apartment 908	20037
Allen	Lorez B.	District Contracting Group 1100 Vermont Avenue, NW, Suite 400	20005
Asamere	Meron Girma	TD BANK 2000 K Street, NW	20006
Barron	Bonita	American Educational Research Association 1430 K Street, NW, Suite 1200	20005
Carty	Elizabeth H.	Washington REIT 1775 I Street Street, NW, Suite 1000	20006
Coates	Kimberly	Self (Dual) 819 8th Street, NE	20002
Davis	Erika Jacqueline	Cleary Gottlieb Steen & Hamilton, LLP 2112 Pennsylvania Avenue, NW, Suite 1000	20037
Dorow	Brett Alan	Environmental Working Group (EWG) 1436 U Street, NW, Suite 100	20009
Flowers	Larry Edward	Ace-Federal Reporters Inc., 555 12th Street, NW, Suite 630-A	20004
Hammett	Melissa	Eagle Academy Public Charter School 400 Virginia Avenue, SW, Suite 710	20024
John	Riley E.	Steptoe & Johnson, LLP 1330 Connecticut Avenue, NW	20036
Jones	Corey G.	ULI - The Urban Land Institute 2001 L Street, NW, Suite 200	20036
Juricic	Hannah	Self (Dual) 1407 T Street, NW, Suite 201	20009



D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public

Effective: November 1, 2020

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McCullough-Hilaris	Robin	Self (Dual) 78 T Street, NW 20001
Milan	Isabel M.	DIA 21 Dupont Circle, NW, Suite 300 20036
Morgan	Megan Lincoln	Allen & Overy LLP 1101 New York Avenue, NW, 11th Floor 20005
Nibley	Deborah	IRS Chief Counsel, Financial Institutions and Products 1111 Constitution Avenue, NW, Room 3547 20224
Phetteplace	Janet M	United Food and Commercial Workers International Union 1775 K Street, NW 20006
Praszczalek	Arletta Adriana	PCORI 1828 L Street, NW, Suite 900 20036
Raffel	Benjamin D.	Federal Title & Escrow Company 5335 Wisconsin Avenue, NW, Suite 700 20015
Rice	Racheal Briana	TEFCU 2440 Market Street, NE, #901 20018
Spriggs	Jada	CloudHQ, LLC 1212 New York Avenue, NW, Suite 1000 20005
Toney	Patricia A.	Self 709 Florida Avenue, NE 20002
Turner	Alicia Huggins	Corporation for Public Broadcasting 401 Ninth Street, NW 20004
Tyler	Cheryl I.	Self (Dual) 410 O Street, SW, #107 20024

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF PUBLIC MEETING

## Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, October 15, 2020 at 9:30 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.dcwater.com](http://www.dcwater.com). Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

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

## DRAFT AGENDA

- |     |  |  |
|-----|--|--|
| 1.  | Call to Order                                  | Committee Chairperson  |
| 2.  | AWTP Status Updates<br>1. BPAWTP Performance   | Vice-President, Wastewater Ops   |
| 3.  | Status Updates                                 | Senior VP, CIP Project Delivery  |
| 4.  | Project Status Updates                         | Director, Engineering & Technical Services   |
| 5.  | Action Items<br>- Joint Use<br>- Non-Joint Use | Senior VP, CIP Project Delivery  |
| 6.  | Water Quality Monitoring                       | Senior Director, Water Ops   |
| 7.  | Action Items                                   | Senior VP, CIP Project Delivery<br>Senior Director, Water Ops<br>Director, Customer Care |
| 8.  | Emerging Items/Other Business                  |  |
| 9.  | Executive Session                              |  |
| 10. | Adjournment                                    | Committee Chairperson  |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Retail Water and Sewer Rates Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, October 20, 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 the Board of Directors Calendar on DC Water’s website at [www.dewater.com](http://www.dewater.com). Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

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       | Committee Chairperson                  |
| 2. | Monthly Updates     | Executive VP,<br>Finance & Procurement |
| 3. | Committee Work Plan | Executive VP,<br>Finance & Procurement |
| 4. | Other Business      | Executive VP,<br>Finance & Procurement |
| 5. | Adjournment         | Committee Chairperson                  |

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

**Application No. 20014-A of Addisleigh Park Washington Properties, LLC**, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved by BZA Order No. 20014, to allow a redesign and a change in uses in the approved building at premises in the MU-4 Zone at 1803 Rhode Island Avenue, N.E. (Square 4209, Lot 5).

<b>HEARING DATES</b> (20014):	May 15, 2019 and June 12, 2019
<b>DECISION DATES</b> (20014):	June 12, 2019
<b>ORDER ISSUANCE DATE</b> (20014):	June 19, 2019
<b>MODIFICATION OF CONSEQUENCE</b>	
<b>DECISION DATE</b> (20014-A):	September 16, 2020

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE**

Original Application. In Application No. 20014, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Addisleigh Park Washington Properties, LLC (the “Applicant”) for special exceptions under Subtitle U § 513.1(n) from the prepared food shop requirements of Subtitle U § 512.1(d)(3); under Subtitle C § 1500.3 from the penthouse regulations of Subtitle C § 1500; under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5; under Subtitle C § 909.2 from the loading requirements of Subtitle C § 901.1, under Subtitle G § 1201 from the rear yard requirements Subtitle G § 405.2, and pursuant to Subtitle X, Chapter 10, for an area variance from the floor area ratio requirements of Subtitle G § 402.1. The Board issued Order No. 20014 on June 19, 2020. (Exhibit 48 of the record for Case No. 20014.) The approval was subject to two conditions:

1. The Applicant shall implement the following Transportation Demand Management (“TDM”) plan:
  - a. Identify Transportation Coordinator(s) for the planning, construction, and operations phases of development. The Transportation Coordinator(s) will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and develop, distribute, and market various transportation alternatives and options to the tenants and/or employees;
  - b. Post all TDM commitments on website (if provided by Applicant), publicize availability, and allow the public to see what commitments have been promised;
  - c. Provide bicycle parking beyond what is required by the Zoning Regulations: four additional short-term and three long-term bicycle parking spaces; and
  - d. For the first five years that the building is open, the Applicant shall offer the choice of either an annual Capital Bikeshare or an annual carshare membership to employees.

2. The Applicant shall implement the Applicant's proposed Loading Management Plan ("LMP"):
  - a. All delivery vehicles will access the Site via Rhode Island Avenue. In accordance with DDOT's "Truck and Bus Through Routes and Restrictions" map, trucks will not be permitted to use 20th Street, N.E.;
  - b. Delivery trucks unload/load from Rhode Island Avenue, N.E. between 7:00 a.m. and 4:00 p.m. and between 6:30 p.m. and 7:00 p.m. on weekdays. Deliveries will not be permitted between 4:00 p.m. and 6:30 p.m. when rush hour restrictions are in place on weekdays;
  - c. On weekends, deliveries may occur between 7:00 a.m. and 7:00 p.m.;
  - d. Commercial deliveries will typically be made by trucks that are 20 to 30 feet;
  - e. Deliveries made from vehicles larger than 30 feet will need to be scheduled in advance;
  - f. Deliveries are anticipated between the hours of 7:00 a.m. to 4:00 p.m.;
  - g. Trucks will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (engine idling);
  - h. A trash room with dumpsters is located on the Hamlin Street side of the building;
  - i. All trash removal will occur on Hamlin Street;
  - j. It shall be the responsibility of building management to inform all building tenants of this LMP and its conditions;
  - k. The building manager will coordinate delivery schedules with tenants such that more than two deliveries do not occur at a time;
  - l. The LMP may be updated by the property manager once the project is complete, as needed.

Proposed Modification. On June 24, 2020, the Applicant submitted a request for modification of consequence to Order No. 20014. (Exhibit 5.) The Applicant requested to modify the plans to eliminate the first and second floor mezzanines and penthouse and eliminate the bar and introduce two residential uses. The proposal would not result in any additional relief being requested. The Applicant submitted revised plans reflecting these modifications. (Exhibit 17.) The Applicant did not propose any modifications to the Conditions of the Original Order.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the "Zoning Regulations" to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 12.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on August 12, 2020, at which a quorum was present, the ANC voted 6-0-0 to support the request. (Exhibit 23.)

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 21.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of consequence. (Exhibit 20.)

### **Request for Modification of Consequence**

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to the plans of BZA Order No. 20014, to allow a redesign and a change in uses in the approved building at premises in the MU-4 Zone.

The Board determines that the Applicant's request complies with Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under Subtitle Y § 703.4.

#### "Great Weight" to the Recommendations of OP

The Board is required to give "great weight" to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP's recommendation that the Board approve the application persuasive and concurs in that judgment.

#### "Great Weight" to the Written Report of the ANC

The Board must give "great weight" to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) The Board finds the ANC's recommendation that the Board approve the application persuasive and concurs in that judgment.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of consequence of BZA Order No. 20014 is hereby **GRANTED**. The conditions of BZA Order No. 20014, including the approved

**BZA APPLICATION NO. 20014-A  
PAGE NO. 3**

Transportation Demand Management and Loading Management Plans, remain unchanged and in effect.

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrihaun Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** September 23, 2020

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

**BZA APPLICATION NO. 20014-A  
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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 04-24C**

**Z.C. Case No. 04-24C**

**RI Station, LLC**

**(Minor Modification to Approved Second-Stage Planned Unit Development**

**@ Square 3848, Lot 59)**

**May 23, 2016**

Pursuant to notice, at its May 23, 2016, public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of RI Station, LLC (the “Applicant”) for a minor modification to Z.C. Order No. 04-24A (the “Second-Stage Order”), which approved a second-stage planned unit development (“PUD”) for Lot 59 in Square 3848 the “Property”). The Commission considered the Application pursuant to § 3030 of the Zoning Regulations of 1958, to which all subsequent citations refer unless otherwise specified. For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**I. BACKGROUND**

**PRIOR APPROVALS**

1. Pursuant to Z.C. Order No. 04-24 (the “First-Stage PUD”), effective October 7, 2005, the Commission approved a First-Stage PUD with a Zoning Map amendment from the M Zone District to the C-2-B Zone District for the Property<sup>1</sup> to facilitate a mixed-use town center development (the “Project”) adjacent to the Rhode Island Avenue-Brentwood Metro Station organized around a “Main Street” running perpendicular to the Metrorail station, with three stories of residential apartments above ground-floor retail uses on both sides of the Main Street, including:
  - Approximately 271 rental apartments totaling approximately 354,860 square feet of gross floor area (“GFA”);
  - Approximately 70,000 square feet of retail uses, of which 7,000 square feet were set aside for non-credit, community businesses; and
  - Approximately 451 parking spaces.
  
2. Pursuant to the Second-Stage Order, effective September 28, 2007, the Commission approved a second-stage PUD for the Property<sup>2</sup> that modified the parameters of the first-stage order as follows:
  - Approximately 271 rental apartments totaling approximately 322,000 square feet of GFA;
  - Approximately 70,000 square feet of retail uses, of which 7,000 square feet were set aside for non-credit, community businesses; and
  - Approximately 531 garage and on-street parking spaces.

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<sup>1</sup> The first-stage order applied to Lot 233 and portions of Lots 234 and 235 of Parcel 131.

<sup>2</sup> Although the Second-Stage Order applied to Lots 220 and 221 in Parcel 130, this appears to be a mistake as the Application referred to Lots 220 and 221 in Parcel 131, which lots were subsequently divided into Lots 233-235 cited by the first-stage order. Lot 235 and part of Lot 233 of Parcel 131 were consolidated, together with Lot 61 of Lot 130, into Square 3848, Lot 59 (the Property) by the plat recorded in Subdivision Book 202 at page 32 of the Surveyor of the District of Columbia.



3. Pursuant to Z.C. Order No. 04-24B, effective May 7, 2011, the Commission approved a minor modification to Condition No. 3 of the Second-Stage Order to allow office uses for up to 14,000 square feet of the 70,000 square feet of retail uses required by the Second-Stage Order, to allow for potential lease by the District of Columbia government for a community-service oriented use, such as a Department of Motor Vehicles or Tax Payer Services office.

#### **PARTIES AND NOTICE**

4. Other than the Applicant, the only party to the Second-Stage Order was Advisory Neighborhood Commission (“ANC”) 5B, the affected ANC at the time of the Second-Stage Order. At the time of the Application, however, the ANC boundaries changed so that the Property was in ANC 5C’s district.
5. The Commission received no requests for party status.
6. The Applicant served the Application on ANCs 5B and 5C on May 5, 2016, as indicated by the Certificate of Service submitted with the Application. (Exhibit [Ex.] 1.)

#### **II. THE APPLICATION**

7. The Application, filed on May 5, 2016, proposed to modify Condition No. 3 of the Second-Stage Order, as modified by Z.C. Order No. 04-24B, to:
  - Increase to 21,000 square feet the 14,000 square feet authorized for office uses in the 70,000 square feet set aside for retail uses; and
  - Refine the type of office uses allowed in these 21,000 square feet from general office to customer service-oriented office uses such as a tax professional, a medical or dental office, an insurance provider, a local real estate office, or similar uses.
8. The Application stated that the proposed office space will:
  - Have active storefront windows that would contribute to the lively pedestrian environment envisioned for the development;
  - Not alter the approved site plan and/or approved traffic circulation patterns;
  - Be consistent with Class A office uses elsewhere in the District;
  - Offer more patrons for the existing retail uses on the Property;
  - Increase the daytime population around the Project and bring vitality and diversity to the “Main Street” by reducing the amount of vacant ground-floor store frontage; and
  - Be consistent with the overall vision of the Second-Stage Order that described the Project as a vibrant, Class A, mixed-use town center offering new community-serving commercial uses and high-quality mixed-income apartments.

#### **III. RESPONSES TO THE APPLICATION**

##### **OP REPORT**

9. The Office of Planning (“OP”) submitted a May 13, 2016, report (the “OP Report”) that recommended approval of the Application. (Ex. 5.)

**ANC REPORT**

10. Neither ANC 5B nor 5C submitted a written response to the Application.

**CONCLUSIONS OF LAW**

1. Section 3030.1 authorizes the Commission, in the interest of efficiency, to make minor modifications to final orders without a public hearing.
2. Section 3030.2 defines a minor modification as a modification “of little or no important or consequence.”
3. The Commission concludes that the Applicant satisfied the requirement of § 3030.6 to serve the Application on all parties to the original proceeding, in this case ANC 5B, as well as to ANC 5C, the current affected ANC.
4. The Commission concludes that because ANCs 5B and 5C failed to file responses to the Application within the seven days following service of the Application provided by § 3030.8, the Commission could consider the merits of the Application at its May 23, 2016, public meeting.
5. The Commission concludes that the Application qualifies as a minor modification within the meaning of § 3030.2 as it does not consequentially change the Second-Stage Order because the proposed increase of the portion of retail use for customer service-oriented uses is consistent with the intent of the Commission in approving the Second-Stage Order to authorize the Project as a mixed-use town center and would not substantially impair the Zoning Regulations and the Zoning Map. The Commission therefore concludes that the Application meets the requirement of § 3030.13.

**“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP**

6. The Commission must give “great weight” to the recommendations of OP pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001); *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
7. The Commission found OP’s recommendations to approve the Application persuasive and concurred in that judgment.

**“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC**

8. The Commission must give “great weight” to the issues and concerns raised in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)). 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).)

9. Since neither ANC 5B nor 5C submitted a response to the Application, there is nothing to which the Commission can give “great weight.”

### DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a minor modification of Z.C. Order No. 04-24A, as modified by Z.C. Order No. 04-24B, by revising Condition No. 3, to read as follows (additions in **bold and underlined** text; deletions in ~~**bold and strikethrough**~~ text):

3. The Project shall be a mixed-use town center developed as depicted in the final plans approved in the second-stage application. The project will consist of approximately 370 rental apartments totaling approximately 322,000 square feet of gross floor area; 70,000 gross square feet of retail uses; additional ground floor uses for community businesses; and approximately 531 garage and on-street parking space. Up to ~~14,000~~ **21,000** gross square feet of the gross floor area reserved for retail uses may be used for **customer service oriented office use such as a tax professional, a medical or dental office, an insurance provider, a local real estate office, or other similar use.**

All other conditions of Z.C. Order No. 04-24A, as modified by Z.C. Order No. 04-24B, remain in effect and unchanged.

**VOTE (May 23, 2016):**    **5-0-0**    (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to **APPROVE**; Michael G. Turnbull to **APPROVE** by absentee ballot)

In accordance with the provisions of § 3028.9, this Order No. 04-24C shall become final and effective upon publication in the *D.C. Register*; that is, on October 2, 2020.

### **BY ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 13-14C**  
**Z.C. Case No. 13-14C**

**JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the  
Office of the Deputy Mayor for Planning and Economic Development  
(Two-Year PUD Time Extension @ Lot 800, Square 3128)  
April 29, 2019**

Pursuant to notice, at its public meeting of April 29, 2019, the Zoning Commission for the District of Columbia (“Commission”) considered the application (the “Application”) from JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the Office of the Deputy Mayor for Planning and Economic Development (the “Applicant”) for a two-year extension of the validity of Z.C. Order No. 13-14A (the “Second-Stage Order”), that approved a second-stage planned unit development (“PUD”) for a portion of Lot 800 in Square 3128, with a waiver of the prohibition on filing an application for a time extension of an order more than six months prior to the expiration of the order established by Subtitle Z § 705.6 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

The Commission considered the Application pursuant to Subtitle Z, Chapter 7. For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**I. BACKGROUND**

**PRIOR APPROVALS**

1. Pursuant to Z.C. Order No. 13-14(1), effective on April 17, 2015 (the “Original First-Stage Order”), the Commission approved a first-stage PUD and a consolidated PUD, with a related Zoning Map amendment, for Square 3128, Lot 800 (the “Overall PUD Site”) to redevelop the McMillan Reservoir Slow Sand Filtration site at 2501 First Street, N.W., with the first-stage PUD approving the master plan for the Overall PUD Site and for Parcels 2 and 3 and the consolidated PUD included Parcel 1 and Parcels 4-7.
2. On May 6, 2015, the Original First-Stage Order was appealed to the District of Columbia Court of Appeals (the “Court”) by the Friends of McMillan Park (“FOMP”), party in opposition to the Overall PUD, the McMillan Coalition for Sustainable Agriculture, and DC for Reasonable Development (“DC4RD”).<sup>1</sup>
3. Pursuant to the Second-Stage Order, effective on April 22, 2016, the Commission, relying on the first-stage PUD approved by the Original First-Stage Order, approved a second-stage PUD to develop Parcel 2 of the Overall PUD Site with a building of approximately 235,513 square feet of gross floor area of mixed retail and residential uses.

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<sup>1</sup> 15-AA-0493, 15-AA-0536, and 15-AA-0572.

4. On May 23, 2016, the Second-Stage Order was appealed to the Court by DC4RD and the McMillan Coalition (formerly the McMillan Coalition for Sustainable Agriculture).<sup>2</sup>
5. On December 30, 2016, the Court vacated and remanded the Original First Stage Order for further proceedings on specific issues identified by the Court. (*Friends of McMillan Park v. District of Columbia Zoning Comm'n*, 149 A.3d 1027 (D.C. 2016).)
6. On May 9, 2017, the Court, based on its decision to vacate the Original First-Stage Order, *sua sponte* remanded the Second Stage-Order to the Commission for further proceedings, if necessary, based on the Commission's determination on remand of the vacated Original First-Stage Order.
7. Pursuant to Z.C. Order No. 13-14(6), effective June 8, 2018 (the "New First-Stage Order"), the Commission, having addressed the issues raised by the Court's remand of the Original First-Stage Order, approved the first-stage and consolidated PUDs for the Overall PUD Site that it had previously approved in the Original First-Stage Order.
8. On June 27, 2018, FOMP and DC4RD appealed the New First-Stage Order.<sup>3</sup>
9. Pursuant to Z.C. Order No. 13-14A(1), effective September 28, 2018 (the "Confirmatory Second-Stage Order"), the Commission determined that its issuance of the New First-Stage Order meant that the Second-Stage Order remained in effect and unchanged.
10. On October 24, 2018, the Confirmatory Second-Stage Order was appealed to the Court by five individuals.<sup>4</sup>

#### PARTIES AND NOTICE

11. The only party in the Second-Stage Order other than the Applicant was Advisory Neighborhood Commission ("ANC") 5E, in which district the Property is located and therefore an "affected ANC" pursuant to Subtitle Z § 101.8. ANCs 1B and 5A are also "affected ANCs" as they are located directly across streets from the Property.
12. The Applicant served the Application on ANCs 5E, 1B, and 5A on March 11, 2019, as indicated by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 1.)

## II. THE APPLICATION

13. The Application, filed on March 11, 2019, cited the ongoing litigation of the Original First-Stage, New First-Stage, and Second-Stage Orders as the reason for its request for a two-year extension of the Applicant's estimated expiration date of March 17, 2019, of the validity of the Second-Stage Order to March 21, 2021 (Ex. 1-1H, 4.)

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<sup>2</sup> 16-AA-0515.

<sup>3</sup> 18-AA-0698 and 18-AA-0706.

<sup>4</sup> 18-AA-1146.

### III. RESPONSES TO THE APPLICATION

#### OP REPORT

14. The Office of Planning (“OP”) submitted an April 19, 2019, report (the “OP Report”) recommending that the Commission approve the Application because it demonstrated good cause for the extension because the New First-Stage and Second-Stage Orders are pending appeal before the Court. (Ex. 5.)
15. The OP Report noted the ambiguous status of the Second-Stage Order upon the Court’s vacation of the Original First-Stage PUD on which the Second-Stage Order relied, which the Court did not clarify in its remand of the Second-Stage Order, so that OP believed, unlike the Applicant, the Second-Stage Order’s validity was suspended during the remand of the Second-Stage Order. The OP Hearing Report therefore recommended that the Commission start the validity period of the two-year extension from the Court’s final decision on the pending appeal, instead of from the effective date of the order granting an extension.

#### ANC REPORT

16. ANC 5E did not submit any written response to the Application.

#### CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.
2. The Commission concludes that the Applicant timely filed the Application on March 11, 2019, prior to the March 17, 2019, expiration date of the Second Stage Order that the time extension seeks to extend, as required by Subtitle Z § 705.2.
3. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(a) by demonstrating that it had served all parties to the Second-Stage Order – ANC 5E – and that the ANC was given 30 days to respond from the March 11, 2019, date of service.
4. The Commission concludes that no substantial change had occurred to the material facts upon which the Commission had relied in issuing the New First-Stage and Second-Stage Orders, based on the Application and the OP Report, and therefore granting the extension would not undermine the Commission’s justification for approving the PUDs approved by the New First-Stage and Second-Stage Orders, so that the Application satisfied the requirement of Subtitle Z § 705.2(b).
5. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:

- (1) *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;*
  - (2) *An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
  - (3) *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.*
6. The Commission concludes that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by Subtitle Z § 705.2(c)(3). Specifically, the Applicant provided substantial evidence that it is unable to comply with the time limits on the validity of the Second-Stage Order due to the currently pending appeals of the New First-Stage and Second-Stage Orders that are beyond the Applicant's control.
  7. The Commission concurs with OP that the start of the two-year extension of the Second-Stage Order should start from the Court's final decision on appeals affecting the Second-Stage Order – specifically the New First-Stage, Second-Stage, and Confirmatory Second-Stage Orders. The Commission notes that this is consistent with the intent of Subtitle Z § 705.8 that time limits of an order shall run from the final decision of a court on an appeal of the order.
  8. In light of the ambiguous status of the Second-Stage Order, the Commission *sua sponte* waives Subtitle Z § 705.6's prohibition on filing an application to extend an approval may not be filed more than six months prior to the expiration of an order.
  9. Subtitle Z § 705.6 prohibits an application for a time extension from being filed more than six months prior to the expiration of the order that is sought to be extended.

**“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP**

10. The Commission must give “great weight” to the recommendations of OP pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
11. The Commission found OP's recommendations to approve the Application, with the start of the extension to begin upon the final decision of the Court on appeals of the New First-Stage and Second-Stage Orders, persuasive and concurred in that judgment.

**“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC**

12. The Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
13. Since ANC 5E did not file a response to the Application, there is nothing to which the Commission can give “great weight”.

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a two-year extension of the validity of Z.C. Order No. 13-14A, with a waiver of Subtitle Z § 705.6 to permit an application more than six months prior to the expiration of the order to be extended, with the two-year extension to commence on the day the D.C. Court of Appeals issues its final decisions on appeals of Z.C. Order Nos. 13-14A, 13-14A(1), and 13-14(6).

**VOTE (April 29, 2019):**     **5-0-0**     (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 13-14C shall become final and effective upon publication in the *D.C. Register*; that is, on October 2, 2020.

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.



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 17-19A**  
**Z.C. Case No. 17-19A**  
**The Warrenton Group**  
**(Two-Year PUD Time Extension @ Square 5197)**  
**September 14, 2020**

Pursuant to notice, at its public meeting of September 14, 2020, the Zoning Commission for the District of Columbia (“Commission”) considered the application (the “Application”) from The Warrenton Group (the “Applicant”) for: a two-year extension of the validity of Z.C. Order No. 17-19 (the “Original Order”) that approved a second-stage planned unit development (“PUD”) and a related map amendment for Lots 1, 64, 65, and 73 in Square 5197, pursuant to Subtitle Z § 705 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified). The Commission considered the Application pursuant to Subtitle Z, Chapter 7. For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**I. BACKGROUND**

**PRIOR APPROVALS**

1. Pursuant to the Original Order, effective July 6, 2018 (the “Effective Date”), the Commission approved a PUD and related map amendment which consisted of the construction of two mixed-use, mixed-income buildings on two parcels (collectively, the “Project”), as follows:
  - Parcel 1 – A 65-foot tall building, with a floor area ratio (“FAR”) of 3.56, including 9,900 square feet of ground-floor retail uses and 151 residential units; and
  - Parcel 2 – A 63-foot tall building with a FAR of 3.35 FAR, including 6,000 square feet of ground-floor retail uses, and 32 residential units. (Exhibit [“Ex.”] 2, 2A.)
2. Condition E.3 of the Original Order limited the validity of the order to two years from the Effective Date, with the Applicant required to:
  - File for a building permit within this two-year validity period - by July 6, 2020<sup>1</sup>; and
  - Start construction of the Project within three years of the Effective Date - by July 6, 2021.

**PARTIES AND NOTICE**

3. The only party to the Original Order, other than the Applicant, was Advisory Neighborhood Commission (“ANC”) 7C., the “affected” ANC as defined by Subtitle Z § 101.8.

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<sup>1</sup> In response to the COVID-19 pandemic, Z.C. Order No. 20-07 automatically extended the Original Order’s validity period by six months - to January 6, 2021 – but required subsequent extensions to start from the Effective Date.

4. The Applicant served the Application on ANC 7C and the Office of Planning (“OP”) on July 17, 2020; and the ANC Single Member District Commissioner on July 23, 2020 (Ex. 3, 3A.)

## **II. THE APPLICATION**

5. The Application asserted that it satisfied Subtitle Z § 705’s requirement for a two-year time extension of both the two-year period to file a building permit application for the Project and the three-year period to start construction of the Project because:
  - No substantial change had occurred to any of the material facts upon which the Commission based its original approval; and (Subtitle Z § 705.2(b))
  - Good cause exists to justify the Commission’s approval of the Application because the Applicant has been unable to obtain all of the financing required for the Project of its reliance on multiple public funding sources including: (Subtitle Z § 705.2 (c).)
    - The East End Grocery Incentive Act and related East End Grocery Construction Incentive Program (the “Grocery Act”);
    - The Deputy Mayor for Planning and Economic Development’s New Communities Initiative (the “DMPED New Communities Program”);
    - Low-Income Housing Tax Credits (“LIHTC”);
    - New Markets Tax Credit (“NMTC”); and
    - Opportunity Zone Funds.

## **III. RESPONSES TO THE APPLICATION**

### **OP**

6. OP submitted an August 8, 2020, report that recommended approval of the Application because: (Ex. 6.)
  - No substantial change had occurred to the material facts on which the Commission had based its original approval; and
  - The Applicant had provided sufficient evidence of an inability to obtain sufficient financing for the Project due its reliance on public financing sources, and therefore satisfied Subtitle Z § 705.2(c).

### **ANC**

7. ANC 7C did not submit a report to the record.

## **CONCLUSIONS OF LAW**

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.

2. The Commission concludes that the Applicant timely filed the Application on July 17, 2020, prior to the January 6, 2021, expiration of the validity period of the Original Order that the Application seeks to extend, as required by Subtitle Z § 705.2.
3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.
4. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(a) by demonstrating that it had served the only party to the Original Order - ANC 7C - and that the ANC was given 30 days to respond from the July 17, 2020 date of service.
5. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the PUD.
6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and the OP Report, which stated that no substantial change had occurred to the material facts upon which the Commission had relied in issuing the Original Order.
7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
  - (1) *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;*
  - (2) *An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
  - (3) *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.*
8. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(c) by demonstrating that the Project met Subtitle Z § 705.2(c)(1) because the Applicant had been unable to secure sufficient financing to proceed to the next stage of development and obtain building permits since:
  - The Project is dependent on several forms of public financing including the Grocery Act, the DMPED New Communities Program, LITHTC, NMTC, and Opportunity Zone Credits; and
  - The allocation and distribution of funds under these programs, particularly the Grocery Act and New Communities program, are beyond the Applicant's control.

**GREAT WEIGHT TO RECOMMENDATIONS OF OP**

9. The Commission must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
10. The Commission finds OP’s analysis of the Application’s compliance with the requirements for a time extension and OP’s recommendation to approve the Application persuasive and concurs in that judgement.

**GREAT WEIGHT TO WRITTEN REPORT OF THE ANC**

11. The Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
12. Since ANC 7C did not submit a written report to the record, the Commission has nothing to which it can give great weight.

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for:

- A two-year time extension of the deadline to file for building permits for the approved PUD from July 6, 2020 to July 6, 2022; and
- A two-year time extension of the deadline to begin construction of the approved PUD from July 6, 2021, to July 6, 2023.

The conditions in Z.C. Order No. 17-19 remain unchanged and in effect.

**VOTE (Sept. 14, 2020):**     **5-0-0** (Anthony J. Hood, Michael G. Turnbull, Robert E. Miller, Peter A. Shapiro, and Peter G. May to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 17-19A shall become final and effective upon publication in the *D.C. Register*; that is, on October 2, 2020.

**BY THE ORDER OF THE D.C. ZONING COMMISSION****A majority of the Commission members approved the issuance of this Order.**

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 80-11A**  
**Z.C. Case No. 80-11A**  
**91 TTPA LESSEE, LLC**  
**(Modification of Consequence @ Square 101)**  
**April 29, 2019**

Pursuant to public notice, at its March 25, 2019 and April 29, 2019, public meetings, the Zoning Commission for the District of Columbia (the “Commission”) considered the application of 91 TTPA LESSEE, LLC (the “Applicant”) for a modification of consequence (the “Application”) to Condition Nos. 1, 9, 10, 12, and 14, and the approved plans, of Z.C. Order No. 339, as modified by Z.C. Order No. 348 (collectively, the “Original Order”<sup>1</sup>), that approved a consolidated planned unit development (“PUD”) for 2000 Pennsylvania Avenue, N.W. (Lot 58 in Square 101) (the “PUD Site”).

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**I. BACKGROUND**

**PRIOR APPROVALS**

1. Pursuant to Z.C. Order No. 339, effective May 1, 1981, the Commission approved a PUD (the “Approved PUD”), with a related Zoning Map amendment to rezone most of the PUD Site<sup>2</sup> to the C-3-C Zone District (now the MU-9 zone), with a maximum building height of 124.75 feet totaling 419,730 square feet of gross floor area or 7.0 floor area ratio.
2. Pursuant to Z.C. Order No. 348, effective August 21, 1981, the Commission approved a modification to the plans of the Approved PUD to reduce the maximum building height and make certain design changes that resulted from the subsequent historic preservation review process.
3. The PUD Site is located within the boundaries of the George Washington University Campus Plan and First-Stage PUD approved in Z.C. Order No. 06-11/06-12 (the “Campus Plan/PUD”).

**THE PROPERTY**

4. The PUD Site has a land area of approximately 59,988 square feet on the north side of Square 101 with frontage on 20<sup>th</sup>, 21<sup>st</sup>, and I Streets and Pennsylvania Avenue, N.W.

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<sup>1</sup> Z.C. Order Nos. 339 and 348 were the results of the proceeding in Z.C. Case No. 80-11 (initially numbered 80-11C).

<sup>2</sup> Approximately 6,280 square feet of the PUD Site known as the “common service area” was not rezoned to the C-3-C zone.

5. The PUD Site is improved with a mixed-use building consisting of several three-story row dwellings along I Street, N.W., and a 10-story tower south of the row houses. Retail and service uses are located on the lower levels of the existing building, with office use on the upper stories.
6. The PUD Site located in the George Washington University/Old West End Historic District. Certain portions of the building façades along I and 20<sup>th</sup> Streets, N.W., comprise a Historic Landmark known as the “Red Lion Row” and are subject to the protections of the District Historic Preservation Law. The façades of 2010-2016, 2020, and 2036-2038 I Street, N.W., are not part of the Historic Landmark and are non-contributing buildings to the historic district.

### PARTIES AND NOTICE

7. Other than the Applicant, the only parties in the Original Order were:
  - Advisory Neighborhood Commission (“ANC”) 2A, the “affected ANC” per Subtitle Z §101.8;
  - The Foggy Bottom Association (“FBA”);
  - Don’t Tear It Down, Inc. (“DTID”); and
  - Mr. Theodore Scheve.
8. As indicated by the Certificate of Service submitted with the Application (Exhibit [“Ex.”] 1), the Applicant served the Application on:
  - ANC 2A;
  - FBA;
  - The D.C. Preservation League (“DCPL”, DTID’s successor); and
  - The Office of Planning (“OP”).The Application stated that it had not served Mr. Theodore Scheve, as it determined that he was no longer alive.

## II. THE APPLICATION

9. The Application, filed on February 22, 2019, requested the Commission revise Condition Nos. 1, 9, 10, 12, and 14 of the Original Order, and the architectural plans it approved, to authorize the following changes:

### Exterior façade:

- Replacing windows and lighting, repainting façade materials and window frames, removing and replacing retail canopies, installing new retail storefronts and signage, upgrading existing storefront entries, providing a new storefront entrance on I and 21<sup>st</sup> Streets, N.W., and installing a folding door system and pergola on the existing 10<sup>th</sup> floor roof terrace of the office building facing 20<sup>th</sup> Street, N.W.; and
- Removing existing planter boxes and replacing with new landscaping, paving, and integrated bench seating on the ground floor.

Interior layout:

- Installing new infill slab at the Galleria level and replacing the existing flooring in the Galleria with new stone, tile, and concrete materials;
  - Remove one 10-foot by 20-foot service/delivery space, which would be provided instead in an existing commercial loading zone across I Street, just outside of the PUD boundary; and
  - Adding additional retail and restrooms in place of the reduced loading area.
10. The Application's proposed changes would:
- Remain consistent with the permitted height, GFA, and uses authorized by the Original Order or the Campus Plan/PUD;
  - Maintain the 33,000 square feet of retail and/or service uses required by Condition No. 5 of the Original Order; (Ex. 8A2, p. A28.)
  - Comply with the rooftop setback requirements; and
  - Comply with the current zoning loading requirements by retaining the three existing 12-foot by 30-foot loading berths and the existing 100-square-foot loading platform.
11. On April 15, 2019, the Applicant submitted a letter responding to the Commission's concern that the Historic Preservation Review Board ("HPRB") had reviewed the changes proposed by the Application and to the requests in the OP and DDOT Reports (as defined below) by submitting: (Ex. 7.)
- Confirmation that HPRB's delegated staff at the Historic Preservation Office had reviewed the Application and support the proposed changes; (Ex. 4, p. 2.)
  - Revised drawings in response to OP's request; and (Ex. 8.)
  - Accepting DDOT's two conditions.

### III. RESPONSES TO THE APPLICATION

OP REPORT

12. OP submitted a March 18, 2019, report (the "OP Report") recommending that the Commission approve the Application and requested updated plans. (Ex. 4.)

DDOT REPORT

13. DDOT submitted a March 22, 2019, report (the "DDOT Report") stating no objection to the Application, including the removal of the one service/delivery space, provided that the Applicant: (Ex. 5.)
- Remove the planting on 21<sup>st</sup> Street, N.W. closest to the existing curb cut should be replaced with a different form of planting to be agreed upon during public space permitting; and
  - Pursue a public space permit and continue to work with DDOT on the final design of the public realm.

ANC REPORT

14. ANC 2A submitted a March 25, 2019, letter (the "ANC Report") stating that at its regularly-scheduled and duly-noticed January 16, 2019, meeting, with a quorum of



commissioners and the public present, ANC 2A voted to support the Application, with no issues or concerns. (Ex. 6.)

#### OTHER PARTIES

15. Neither FBA nor DCPL filed any response to the Application.

#### CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications of consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of modifications of consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all surviving parties to the original proceeding, in this case ANC 2A, FBA, and DCPL.
5. The Commission concludes that the Application qualifies as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify conditions of, and plans approved by, the Original Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission concludes that because ANC 2A filed a response to the Application, and all other parties failed to do so by the deadline set by the Commission, the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties had been met, and therefore the Commission could consider the merits of the Application at its April 29, 2019, public meeting.
7. The Commission concludes that the request to remove one of the service/delivery spaces required by the Original Order is appropriate as a modification of consequence since DDOT had no objection and since the service/delivery space would not be required under the current Zoning Regulations.
8. The Commission concludes that the Application is consistent with the Original Order because the proposed modifications are:
  - Not substantial;
  - Do not include changes to the height of the buildings, the proposed uses of the PUD Site, or the changes to PUD public benefits; and
  - Would also allow for appropriate upgrades and modernizations to the existing building.

**“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP**

9. The Commission must give “great weight” to the recommendations of OP pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
10. The Commission found OP’s recommendations to approve the Application persuasive and concurred in that judgment.

**“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC**

11. The Commission must give “great weight” to the issues and concerns raised in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); and Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
12. Although the ANC Report did not raise any issues or concerns with the Application to which the Commission can give “great weight,” the Commission notes the ANC Report’s support for the Application and concurs in that judgement.

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a modification of consequence of Z.C. Order No. 339, as modified by Z.C. Order No. 348, by revising Condition Nos. 1, 9, 10, 12, and 14; and adding new Condition Nos. 17 and 18 to read as follows (additions in **bold and underlined** text deletions in ~~**bold and strikethrough**~~ text):

1. The Planned Unit Development shall be developed in accordance with:
  - **The** plans dated June 24, 1981, prepared by Hellmuth, Obata and Kassabaum/John Carl Warnecke, Joint Venture Architects, and marked as Exhibit No. 127 of the record. ~~Such plans may be (the “Original Plans”);~~
  - **As modified by the plans dated April 15, 2019, prepared by Gensler and marked as Exhibit Nos. 8A1-8A3 in Z.C. Case No. 80-11A (collectively with the Original Plans, the “Approved Plans”), provided that the Applicant shall have minor flexibility from the Approved Plans to modify the design and signage, as necessary to respond to comments by HPO staff; and**
  - **As** modified to conform to the guidelines, standards and conditions of this Order.

...

9. The location of all entrances, parking areas, and loading areas shall be as shown on the plans ~~submitted to the record~~, dated ~~January 26, 1981~~ April 15, 2019, and marked as Exhibit ~~Nos. 66 of the record~~ 8A1-8A3 in Z.C. Case No. 80-11A, including locating service/delivery space on I Street, N.W., in the existing commercial loading zone adjacent to the Site as shown on Sheet A26.

10. Landscaping of the public and private spaces shall be as shown on ~~Drawings 1-2 and 203 of Exhibit No. 66 of the record~~ the plans dated April 15, 2019, and marked as Exhibit Nos. 8A1-8A3 in Z.C. Case No. 80-11A.

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12. ~~The new Eye Street office entrance designated as 2000 Pennsylvania Avenue, the proposed University Gateway, and the proposed infill buildings designated as 2036 and 2038 Eye Street shall be constructed as shown on Drawing 3-1 of Exhibit No. 66 of the record. The design of these buildings and structure shall be modified to conform to any requirements imposed by the Mayor’s Agent for D.C. Law 2-144. The building entrances shall be constructed as shown on Sheets A8, A11, A14, A17, and A20 of Exhibit Nos. 8A1-8A3 in Z.C. Case No. 80-11A.~~

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14. The design of the “Galleria” and internal pedestrian circulation space shall be as shown on Exhibit Nos. ~~66 of the record~~ 8A1-8A3 in Z.C. Case No. 80-11A.

...

17. The Applicant shall pursue a public space permit for any work proposed in public space adjacent the PUD Site and shall continue to work with DDOT on the final design of the public realm surrounding the PUD Site.

18. The Applicant shall remove the planting adjacent to the PUD Site along 21<sup>st</sup> Street, N.W. closest to the existing curb cut, which shall be replaced with a different form of planting to be agreed upon during the public space permitting process.

All other conditions in Z.C. Order No. 339, as modified by Z.C. Order No. 348, remain in effect and unchanged.

**VOTE (April 29, 2019): 5-0-0** (Michael G. Turnbull, Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order No. 80-11A shall become final and effective upon publication in the *D.C. Register*; that is, on October 2, 2020.

**BY ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

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

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