

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 23-0569, District of Columbia Public Schools Family and School Community Fundraising Equity Act of 2019
- D.C. Council schedules a public hearing on Bill 23-0365, Critical Risk Rate School Funding Designation Act of 2019, which proposes additional funding to schools that have an at-risk student population of 70 percent and above
- Board of Elections schedules a public hearing to consider the proposed initiative measure “Entheogenic Plant and Fungus Policy Act of 2020”
- Department of Energy and Environment solicits partners to provide education, training, and hands-on activities for the Green Zone Environmental Program
- Department of Health Care Finance announces funding for facilitating community-based initiatives that address social determinants of health for Medicaid beneficiaries in Ward 7 and 8
- Department of Health solicits partners to implement well-child visits and consultations for the HealthySteps Program
- D.C. Public Charter School Board schedules a public hearing on four new charter school applications

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-41

**"Criminal Justice Coordinating Council Information Sharing Temporary
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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 23-389 on first and second readings July 9, 2019, and September 17, 2019, respectively. Following the signature of the Mayor on October 7, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-119 and was published in the October 11, 2019 edition of the D.C. Register (Vol. 66, page 13139). Act 23-119 was transmitted to Congress on October 11, 2019 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 23-119 is now D.C. Law 23-41, effective January 10, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

| | |
|----------|--|
| October | 11, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31 |
| November | 1, 4, 5, 6, 7, 8, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 29 |
| December | 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, 31 |
| January | 2, 3, 6, 7, 8, 9 |

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 23-42

"Attorney General Grant-Making Authority Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-447 on first and second readings October 8, 2019, and October 22, 2019, respectively. Following the signature of the Mayor on November 18, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-158 and was published in the November 22, 2019 edition of the D.C. Register (Vol. 66, page 15334). Act 23-158 was transmitted to Congress on November 26, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-158 is now D.C. Law 23-42, effective January 10, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

| | |
|----------|--|
| November | 26, 27, 29 |
| December | 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, 31 |
| January | 2, 3, 6, 7, 8, 9 |

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-43

"Investigating Maternal Mortalities Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-469 on first and second readings October 8, 2019, and October 22, 2019, respectively. Following the signature of the Mayor on November 18, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-159 and was published in the November 22, 2019 edition of the D.C. Register (Vol. 66, page 15336). Act 23-159 was transmitted to Congress on November 26, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-159 is now D.C. Law 23-43, effective January 10, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

| | |
|----------|--|
| November | 26, 27, 29 |
| December | 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, 31 |
| January | 2, 3, 6, 7, 8, 9 |

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-44

"Student Activity Fund Theatrical and Music Performance Expenditures
Temporary Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-478 on first and second readings October 8, 2019, and October 22, 2019, respectively. Following the signature of the Mayor on November 18, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-160 and was published in the November 22, 2019 edition of the D.C. Register (Vol. 66, page 15339). Act 23-160 was transmitted to Congress on November 26, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-160 is now D.C. Law 23-44, effective January 10, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

| | |
|----------|--|
| November | 26, 27, 29 |
| December | 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, 31 |
| January | 2, 3, 6, 7, 8, 9 |

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 23-45

"Indigenous Peoples' Day Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-484 on first and second readings October 8, 2019, and October 22, 2019, respectively. Following the signature of the Mayor on November 18, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-161 and was published in the November 22, 2019 edition of the D.C. Register (Vol. 66, page 15341). Act 23-161 was transmitted to Congress on November 26, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-161 is now D.C. Law 23-45, effective January 10, 2020.


Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

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

COUNCIL OF THE DISTRICT OF COLUMBIA

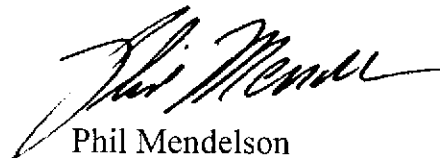
NOTICE

D.C. LAW 23-46

"MLK Gateway Real Property Tax Abatement Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-403 on first and second readings October 8, 2019, and October 22, 2019, respectively. Following the signature of the Mayor on November 18, 2019, pursuant to Section 404(e) of the Charter, the bill became Act 23-163 and was published in the November 22, 2019 edition of the D.C. Register (Vol. 66, page 15345). Act 23-163 was transmitted to Congress on November 26, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-163 is now D.C. Law 23-46, effective January 10, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

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

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 23-47

"Intra-District Transfer Limitation Temporary Amendment Act of 2019"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-476 on first and second readings October 8, 2019, and October 22, 2019, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 23-164 and was published in the November 22, 2019 edition of the D.C. Register (Vol. 66, page 15349). Act 23-164 was transmitted to Congress on November 26, 2019 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 23-164 is now D.C. Law 23-47, effective January 10, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

| | |
|----------|--|
| November | 26, 27, 29 |
| December | 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, 31 |
| January | 2, 3, 6, 7, 8, 9 |

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-190

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To amend, on a temporary basis, the Anacostia River Toxics Remediation Act of 2014 to extend the deadline, from December 31, 2019, to September 30, 2020, by which the Department of Energy and Environment must adopt and publish a record of decision in the District of Columbia Register choosing the remedy for remediation of contaminated sediment in the Anacostia River.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Anacostia River Toxics Remediation Temporary Amendment Act of 2019”.

Sec. 2. Section 6092 of the Anacostia River Toxics Remediation Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 8-104.31), is amended by striking the phrase “December 31, 2019” and inserting the phrase “September 30, 2020” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

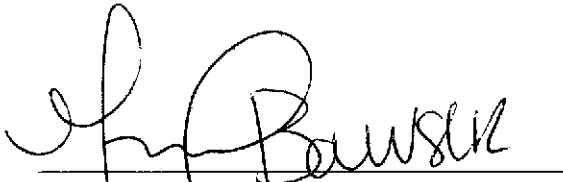
ENROLLED ORIGINAL

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-191

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To amend, on a temporary basis, section 3902 of Title 24 of the District of Columbia Municipal Regulations to provide access to body-worn camera footage to certain parties connected to a deceased subject depicted in the footage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Body-Worn Camera Footage Temporary Regulation Amendment Act of 2019".

Sec. 2. Section 24-3902.5(a) of the District of Columbia Municipal Regulations is amended to read as follows:

"(a)(1) Pursuant to policy directives adopted under the authority of § 3900.3, the Department shall schedule a time for the following individuals to view a BWC recording at a police station in the police district in which the incident occurred:

- "(A) Any subject of the BWC recording;
- "(B) The subject's legal representative;
- "(C) If the subject is a minor, the subject's parent or legal guardian; or
- "(D) If the subject is deceased, the subject's parent, legal guardian, next of

kin, and their respective legal representatives.

"(2) Notwithstanding subparagraph (1) of paragraph (a):

"(A) None of the individuals listed in subparagraph (1) of paragraph (a) may make a copy of the BWC recording; and

"(B) The Department may not schedule a time to view the BWC recording if access to the unredacted BWC recording would violate the individual privacy rights of any other subject."

Sec. 3. Fiscal impact statement.

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

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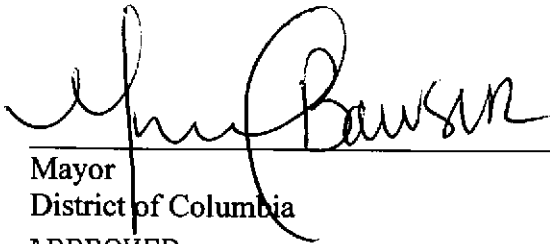
Sec. 4. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-192

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To exempt from certificate of need review a nonprofit that specializes in vision screening and provides free diagnostic services and eyewear to District of Columbia school children and youth, and to reduce the certificate of need application fees paid by Iona Senior Services and Community of Hope.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Certificate of Need Fee Reduction Amendment Act of 2019".

Sec. 2. The Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-401) is amended as follows:

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

“(3)(A) “Capital expenditure” means:

“(i) Any expenditure by or on behalf of a hospital, including a private general, rehabilitation, or psychiatric or other specialty hospital that is, under generally accepted accounting principles, not properly chargeable as an expense of operation or maintenance and exceeds \$6 million; except, that the SHPDA may, by rule, adjust this threshold annually to reflect the change in the Hospital Construction Cost Index issued by the U.S. Department of Commerce;

“(ii) For all health care facilities not specified in sub-subparagraph (i) of this subparagraph, any expenditure by or on behalf of a health care facility, or by or on behalf of a person that is, under generally accepted accounting principles, not properly chargeable as an expense of operation or maintenance and exceeds \$3.5 million; except, that the SHPDA may, by rule, adjust this threshold annually to reflect the change in the Hospital Construction Cost Index issued by the U.S. Department of Commerce;

“(iii) Any expenditure for the acquisition of major medical equipment;

“(iv) Any expenditure for any acquisition under a lease or comparable arrangement, or through any other type of transfer that would have constituted a capital expenditure under this paragraph if the acquisition had been made at fair market value;

ENROLLED ORIGINAL

“(v) Any expenditure for any acquisition under a lease, comparable arrangement, through donation, or through any other type of transfer by 2 or more persons acting in concert, where the aggregate cost of the acquisition would have constituted a capital expenditure under this paragraph if the acquisition had been by purchase at fair market value, notwithstanding that the cost or value to each participating person of the acquisition would not, alone, constitute a capital expenditure under this paragraph; and

“(vi) Any expenditure for any action or combination of related actions by a person or by 2 or more persons acting in concert that results in acquiring effective control of a health care facility or any other corporation, partnership, limited liability company, or other entity that holds a certificate of need and which would have constituted a capital expenditure under this paragraph if the acquisition or intended acquisition had been by purchase at a fair market value.

“(B) For purposes of this paragraph, the cost of studies, appraisals, charitable donations, title searches, in-kind contributions, Internal Revenue Service 1031 exchanges, acquisition of contracts, supplies and equipment, surveys, designs, plans, working drawings, specifications, site preparation, construction, related equipment, legal fees, and other activities essential to or related to the capital expenditure shall be included in determining the total costs of the expenditure.”.

(2) Existing paragraph (3A) is redesignated at paragraph (3B).

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

“(3A) “Certificate of need” means a document obtained from the SHPDA that demonstrates a public need for the new service or expenditure, as described in section 7(a).”.

(4) Paragraph 14 is amended to read as follows:

“(14)(A) “Major medical equipment” means:

“(i) For private general, rehabilitation, or psychiatric or other specialty hospitals, equipment used for the provision of medical or other health services that is acquired by lease, purchase, donation, or other comparable arrangement by or on behalf of such hospitals, and has a fair market value in excess of \$3.5 million; except, that the SHPDA may, by rule, adjust this threshold annually to reflect the change in the Consumer Price Index issued by the Bureau of Labor Statistics, United States Department of Labor;

“(ii) For all health care facilities not specified in sub-subparagraph (i) of this subparagraph, equipment used for the provision of medical or other health services that is acquired by lease, purchase, donation, or other comparable arrangement by or on behalf of a health care facility, or by or on behalf of any private group practice of diagnostic radiology or radiation therapy and has a fair market value in excess of \$2 million; or

“(iii) A single piece of diagnostic or therapeutic equipment that is acquired by lease, purchase, donation, or other comparable arrangement by or on behalf of a physician or group of physicians (excluding those referenced in sub-subparagraph (i) of this

ENROLLED ORIGINAL

subparagraph), or an independent owner or operator of the equipment, and has a fair market value is in excess of \$350,000.

“(B) In determining whether medical equipment has a fair market value in excess of the amount specified in subparagraph (A)(i) of this paragraph, the cost of studies, surveys, designs, plans, working drawings, specifications, site preparation, construction, related equipment, and other activities essential to the acquisition of the equipment shall be included.

“(C) The term “major medical equipment” does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician’s office or a hospital and meets the requirements of section 1861(s)(10) and (11) of the Social Security Act, approved August 14, 1935 (49 Stat. 420; 42 U.S.C. 1395x(s)).”.

(b) The lead-in language for Section 7(b) (D.C. Official Code § 44-406(b)) is amended by striking the phrase “expenditure to acquire,” and inserting the phrase “expenditure in any amount to acquire,” in its place.

(c) Section 8(b) (D.C. Official Code § 44-407(b)) is amended as follows:

(1) Paragraph (19) is amended by striking the phrase “by December 31, 2021.” and inserting the phrase “by December 31, 2021; and” in its place.

(2) A new paragraph (20) is added to read as follows:

“(20) The operation of a nonprofit specializing in vision screening and providing free diagnostic services and eyewear to school children and youth in the District of Columbia (“nonprofit”); provided, that the nonprofit has entered into a memorandum of understanding with the local education agency that will be served by the nonprofit.”.

(d) Section 21 (D.C. Official Code § 44-420) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “admission,” and inserting the phrase “admission and increase to \$4.50 per inpatient admission beginning in the 2021 fiscal year,” in its place.

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

“(d) Notwithstanding the provisions of subsection (a) of this section, the \$52,050 application fee paid by Iona Senior Services for a project located at 3303 Stanton Road, S.E., Washington, D.C., 20020, shall be waived and refunded.

“(e) Notwithstanding the provisions of subsection (a) of this section, the maximum application fee that may be collected from Community of Hope for a project located at 2120 Bladensburg Road, N.E., Washington, D.C., 20018, shall be \$5,000, and any application fees paid prior to the effective date of this act shall be refunded.”.

Sec. 3. Applicability.

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

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in

ENROLLED ORIGINAL

an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

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

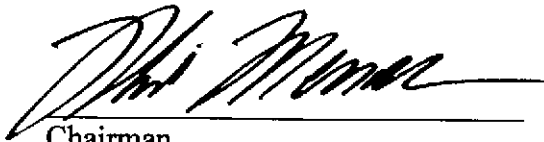
(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

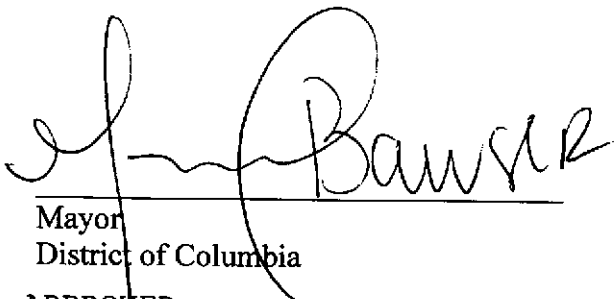
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-193

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To amend Part C of the Department of Health Functions Clarification Act of 2001 to remove the annual revenue cap on cottage food businesses, to revise preoperational inspection requirements, and to allow all direct sales of cottage food products.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Cottage Food Expansion Amendment Act of 2019”.

Sec. 2. Part C of the Department of Health Functions Clarification Act of 2001, effective January 25, 2014 (D.C. Law 20-63; D.C. Official Code § 7-742.01 *et seq.*), is amended as follows:

(a) Section 4931 (D.C. Official Code § 7-742.01) is amended as follows:

(1) Paragraph (2) is amended as follows:

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

(B) Subparagraph (C) is repealed.

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

“(2A) “Cottage food business identification number and certificate” means the unique identifier for tracking cottage food businesses and the certificate evidencing status as a cottage food business.”.

(3) Paragraph (3) is amended by striking the phrase “at a farmer’s market or public event” and inserting the phrase “direct to consumers within the District of Columbia” in its place.

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

“(5)(A) “Food establishment” shall have the same meaning as provided in section 2(5) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246, D.C. Official Code § 48-102(5)).”.

(b) Section 4932(b) (D.C. Official Code § 7-742.02(b)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “shall perform” and inserting the phrase “may perform” in its place.

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

“(3) The Department shall issue a cottage food business identification number and certificate to each registered cottage food business. Upon receipt of a cottage food business

ENROLLED ORIGINAL

identification number and certificate, the cottage food business shall be authorized to produce, package, and sell the temperature control for safety food products on the approved food products list issued by the Department, set forth in section 103.5 of Title 25-K of the District of Columbia Municipal Regulations (25-K DCMR 103.5). The cottage food business shall not produce, package, or sell any food products that are not allowed by the Department nor use any processes and activities that are not allowed by the Department.”

(c) A new section 4933 is added to read as follows:

“Sec. 4933. Cottage food prepared or stored in a private home.

“(a) Food prepared or stored in a private home shall not be used or offered for human consumption in a food establishment, except as provided in section 3806 of Title 25-A of the District of Columbia Municipal Regulations (25-A DCMR 3806) or when prepared by a cottage food business in accordance with section 4932(a).

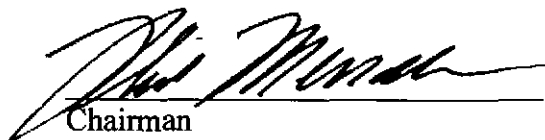
“(b) A food establishment shall not include a cottage food business operating in accordance with section 4932(a).”.

Sec. 4. Fiscal impact statement.

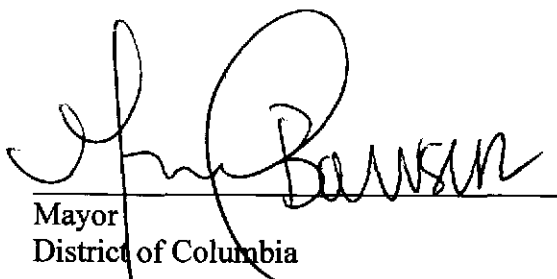
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-194

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To amend Subchapter II of Chapter 22 of Title 21 of the District of Columbia Code to require the Department of Health to establish an electronic Medical Order for Scope of Treatment registry.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Electronic Medical Order for Scope of Treatment Registry Amendment Act of 2019”.

Sec. 2. Subchapter II of Chapter 22 of Title 21 is amended as follows:

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

(1) The section designation for § 21-2221.14 is amended to read as follows:
“§ 21-2221.14. Repealed.”.

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

“§ 21-2221.14a. Establishment of an electronic medical orders for scope of treatment registry.”.

(a) Section 21-2221.03(b) is amended as follows:

(1) Paragraph (2) is amended by striking the word “and”.

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(4) Develop an electronic MOST Form pursuant to § 21-2221.14a.”.

(b) Section 21-2221.14 is repealed.

(c) A new section 21-2221.14a is added to read as follows:

“§ 21-2221.14a. Establishment of an electronic medical orders for scope of treatment registry.

“(a) To facilitate the use of cloud-based technology for electronic Medical Orders for Scope of Treatment (“MOST”) Forms, the DOH shall issue a request for proposals from and contract with an electronic MOST service or multiple electronic MOST services to connect with health care providers at the point of care through the State-designated health information exchange.

ENROLLED ORIGINAL

“(b) A MOST registry shall:

“(1) Be approved by the MOST Advisory Committee established pursuant to § 21-2221.03;

“(2) Meet the technology, security, and privacy standards set by the MOST Advisory Committee; and

“(3) Allow for the authentication of a declarant’s identify for a MOST form that is not witnessed.

“(c) DOH shall carry out appropriate education and outreach efforts to increase public awareness of an electronic MOST service.”.

Sec. 3. Applicability.

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

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

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

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

Sec. 4. Fiscal impact statement

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

Sec. 5. Effective date.

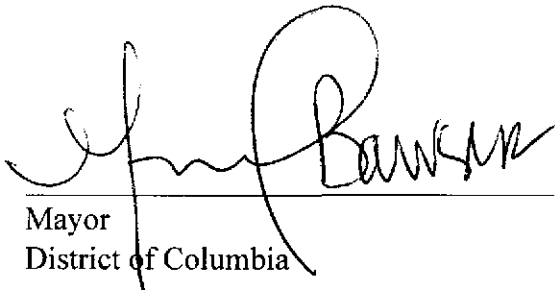
The act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-195

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To order the closing of a portion of the public alley system in Square 1445, between Lots 47 and 847, bounded by the properties at 5529 and 5531 Sherier Place, N.W., in Ward 3.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019".

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that a portion of the public alley system in Square 1445, between Lots 47 and 847, as shown on the Surveyor's plat filed in S.O. 11-01980, is unnecessary for street or alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-196

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To order the closing of a portion of the public alley system in Square 5017, bounded by Benning Road, N.E., 36th Street, N.E., Eads Street, N.E., and 34th Street, N.E., in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 5017, S.O. 16-24507, Act of 2019".

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that a portion of the public alley system in Square 5017, as shown on the Surveyor's plat filed in S.O. 16-24507, is unnecessary for street or alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-197

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To order the closing of a portion of the public alley system in Square 369, in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Closing of a Public Alley in Square 369, S.O. 18003, Act of 2019”.

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that a portion of the public alley system in Square 369, as shown on the Surveyor’s plat filed in S.O. 18003, is unnecessary for street or alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat filed in S.O. 18003.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

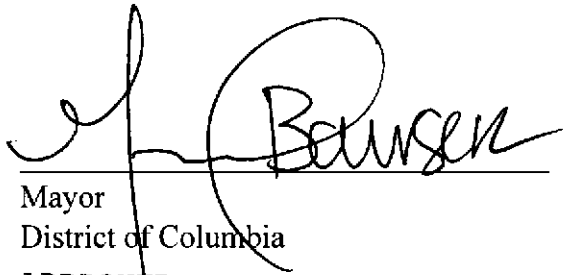
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-198

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to allow candidates to be listed on the ballot for presidential primary elections who have complied with the candidate qualification rules of a political party.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Primary Election Filing Requirement Emergency Amendment Act of 2019".

Sec. 2. Section 5(b)(2) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.05(b)(2)), is amended to read as follows:

“(2) No person shall be listed on the ballot as a candidate for nomination for President in such presidential primary election unless:

“(A) No later than 90 days before the date of such presidential primary election, there shall have been filed with the Board a petition on behalf of the person signed by at least 1,000, or 1%, whichever is fewer, of the qualified electors of the District who are registered under section 7, and are of the same political party as the nominee; or

“(B) The person has complied with the rules of the political party to be listed on the ballot, and if the party rules provide for candidate qualification by means other than gathering petition signatures as described in subparagraph (A) of this paragraph, the political party shall certify to the Board no later than 24 hours after the date that is 90 days before the date of such presidential primary election the names of candidates for nomination who have qualified by such means.”.

Sec. 3. Fiscal impact statement.

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

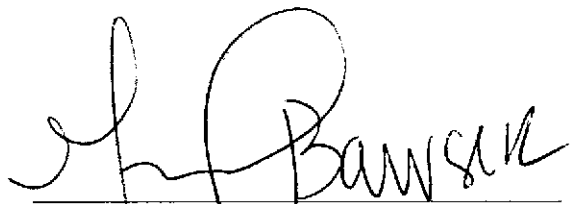
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Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-199

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to permit the administration of medical marijuana in a non-smokable form to a qualifying patient at the patient’s school of enrollment; and to amend the Student Access to Treatment Act of 2007 to require District schools to allow a student who is a qualifying patient to administer medical marijuana at school in certain cases..

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Student Medical Marijuana Patient Fairness Congressional Review Emergency Amendment Act of 2019”.

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

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

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

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

Sec. 3. Section 4 of the Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.03), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) If a student is a qualifying patient, as that term is defined in section 2(19) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.02), and failure to administer medical marijuana during the school day would disrupt the student’s ability to participate in school instruction, a medication action plan may include administration of medical marijuana, in a non-smokable form, to the student.

ENROLLED ORIGINAL

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

“(3) A school shall adopt policies that permit a student who is a qualifying patient under the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.02), to administer medical marijuana on campus during the school day as necessary based on the terms of the student’s medical authorization.”

“(4) A school may discontinue compliance with paragraphs (1) through (3) of this subsection if, after the effective date of the Student Medical Marijuana Patient Fairness Emergency Amendment Act of 2019, effective October 7, 2019 (D.C. Act 23-126; 66 DCR 13161), the federal government issues a communication indicating that federal funding will be withheld from the District or a school within the District if the school continues to authorize administration of medical marijuana on its campus.”

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

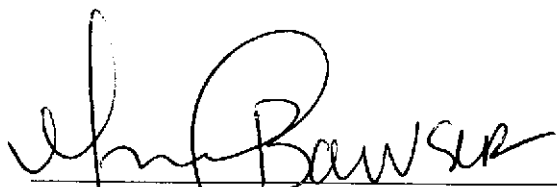
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 16, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-200

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2020

To amend, on an emergency basis, section 47-4658 of the District of Columbia Official Code to authorize the abatement of real property taxes on the real property described as Lot 72 in Square 5041 and Lot 811 in Square 5056, known as the Parkside Parcel E and J Mixed-Income Apartments, so long as a certificate of occupancy has been issued by September 20, 2022.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Emergency Amendment Act of 2019".

Sec. 2. Section 47-4658 of the District of Columbia Official Code is amended by striking the number "2020" both times it appears and inserting the number "2022" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

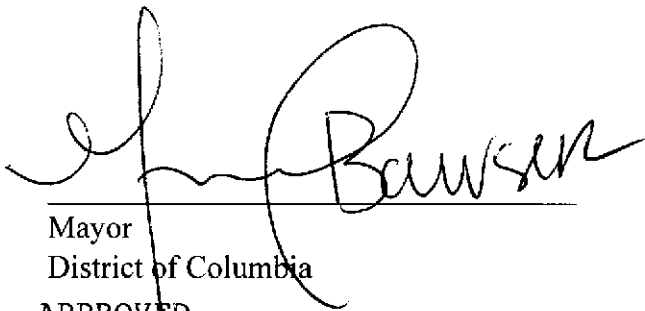
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council for the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 16, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2019

To confirm the appointment of Mr. Brian Kenner as a member of the Washington Convention and Sports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Convention and Sports Authority Board of Directors Brian Kenner Confirmation Resolution of 2019”.

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

Mr. Brian Kenner
Beekman Place, N.W.
Washington, D.C. 20009
(Ward 1)

as a public member of the Washington Convention and Sports Authority Board of Directors, established by section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05), for a term to end May 16, 2023.

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

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

- | | |
|---------|---|
| B23-612 | Secure, Managed, Responsive, and Trusted Technology (Smart Tech) Amendment Act of 2020 Intro. 1-14-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations |
| <hr/> | |
| B23-615 | Parent Teacher Organization Equity Study Act of 2020 Intro. 1-21-20 by Councilmember Cheh and referred sequentially to the Committee on Education and the Committee of the Whole |
| <hr/> | |
| B23-616 | DOPA Disclosure Amendment Act of 2020 Intro. 1-21-20 by Councilmembers Grosso and Bonds and referred to the Committee on Housing and Neighborhood Revitalization |
| <hr/> | |
| B23-617 | Housing Finance Agency Conflict of Interest Prevention Amendment Act of 2020 Intro. 1-21-20 by Councilmembers Silverman, T. White, Cheh, and Grosso and referred to the Committee on Housing and Neighborhood Revitalization |
-

PROPOSED RESOLUTIONS

PR23-650 University of the District of Columbia, Contract No. GF-2020-C-0008
Approval Resolution of 2020

Intro. 1-15-20 by Chairman Mendelson at the request of the University of the District of Columbia and Retained by the Council with comments from the Committee of the Whole

PR23-651 Revised ABRA Civil Penalty Schedule Resolution of 2020

Intro. 1-16-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR23-653 Howard Road Surplus Declaration and Approval Resolution of 2020

Intro. 1-17-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Facilities and Procurement

PR23-654 Howard Road Disposition Approval Resolution of 2020

Intro. 1-17-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

**COUNCIL OF THE DISTRICT OF COLUMBIA
 ABBREVIATED NOTICE OF PUBLIC HEARINGS
 AGENCY PERFORMANCE OVERSIGHT HEARINGS
 FISCAL YEAR 2019-2020
 1/21/2020**

SUMMARY

| | |
|-------------------------------------|--|
| January 6, 2020 to March 6, 2020 | Agency Performance Oversight Hearings on Fiscal Year 2019-2020 |
|-------------------------------------|--|

| | |
|------------------|--|
| February 5, 2020 | Committee of the Whole Public Briefing on the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR) at 1:30 p.m. in Room 500 |
|------------------|--|

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

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

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the relevant Committee office of the need as soon as possible, but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days, may not be fulfilled and alternatives may be offered.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

| <u>New Date</u> | <u>Original Date</u> | <u>Hearing</u> |
|-----------------|----------------------|--|
| 1/22/2020 | 1/8/2020 | Office of Nightlife and Culture (Gov Ops); Room 412 - 10:00 a.m. |
| 1/29/2020 | 1/23/2020 | Joint Hearing with Committee on Human Services and Committee on Housing and Neighborhood Revitalization; Room 412 - 10:00 a.m. |
| 1/31/2020 | N/A | Mayor's Commission on Healthcare Systems Transformation (Health); Room 500 - 10:00 a.m. |
| 2/10/2020 | 2/6/2020 | Housing Finance Agency (Housing); Room 500 - 11:00 a.m. |
| 2/11/2020 | 2/7/2020 | Committee on Human Services; Room 412 - 10:00 a.m. |
| 2/13/2020 | 1/9/2020 | Office of the Attorney General (Judiciary & Public Safety); Room 412 - 9:30 a.m. |
| 2/18/2020 | N/A | Committee on Human Services - Hearing for Public Testimony on agencies under the purview of Human Services @ R.I.S.E Center - 2730 Martin Luther King Jr. Avenue, SE - 6:00 p.m. |
| 2/25/2020 | 2/27/2020 | Metropolitan Washington Airports Authority (COW); Room 412 - 11:00 a.m. |

PUBLIC HEARING SCHEDULE

| | | |
|---|---|---------------------------------|
| COMMITTEE ON GOVERNMENT OPERATIONS | | Chairperson Brandon Todd |
| WEDNESDAY, JANUARY 8, 2020; COUNCIL CHAMBER (Room 500) | | |
| Time | Agency | |
| 10:00 a.m. - End | Office on Women's Policy and Initiatives Office of Cable Television, Film, Music and Entertainment | |

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

| | | |
|--|--|----------------------------------|
| COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY | | Chairperson Charles Allen |
| THURSDAY, JANUARY 9, 2020; COUNCIL CHAMBER (Room 500) | | |
| Time | Agency | |
| 9:30 a.m. - 5:00 p.m. | Office of Neighborhood Safety and Engagement Comprehensive Homicide Elimination Strategy Task Force Deputy Mayor for Public Safety and Justice | |

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

| | | |
|--|---|------------------------------|
| COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT | | Chairperson Mary Cheh |
| THURSDAY, JANUARY 9, 2020; Room 412 | | |
| Time | Agency | |
| 11:00 a.m. - End | Department of Public Works Food Policy Council | |

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

| | | |
|--|--|------------------------------------|
| COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT | | Chairperson Kenyan McDuffie |
| WEDNESDAY, JANUARY 15, 2020; COUNCIL CHAMBER (Room 500) | | |
| Time | Agency | |
| 10:00 a.m. - End | Department of Small and Local Business Development Department of Insurance, Securities and Banking Department of For-Hire Vehicles | |

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

| | | |
|--|--|---------------------------------|
| COMMITTEE ON HEALTH | | Chairperson Vincent Gray |
| WEDNESDAY, JANUARY 15, 2020; Room 412 | | |
| Time | Agency | |
| 11:15 a.m. - End | District of Columbia Health Benefit Exchange Authority | |

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

| | | |
|---|--|------------------------------|
| COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT | | Chairperson Mary Cheh |
| THURSDAY, JANUARY 16, 2020; COUNCIL CHAMBER (Room 500) | | |
| Time | Agency | |
| 11:00 a.m. - End | Department of Energy and the Environment | |

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

| | | |
|---|--|----------------------------------|
| COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY | | Chairperson Charles Allen |
| THURSDAY, JANUARY 16, 2020; Room 412 | | |
| Time | Agency | |
| 9:30 a.m. - 5:00 p.m. | Office of Police Complaints Metropolitan Police Department (Public Witnesses Only) | |

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

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

| THURSDAY, JANUARY 16, 2020; Room 123 | |
|---|--|
| Time | Agency |
| 9:30 a.m. - 11:45 a.m. | Office of the Inspector General |
| | Office of Risk Management |
| | Office of the Chief Technology Officer |

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

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

| WEDNESDAY, JANUARY 22, 2020; COUNCIL CHAMBER (Room 500) | |
|--|--|
| Time | Agency |
| 10:00 a.m. - End | Alcoholic Beverage Regulation Administration |
| | Office of the People's Counsel |
| | Public Service Commission |
| | Public Access Corporation |

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

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

| WEDNESDAY, JANUARY 22, 2020; Room 412 | |
|--|-----------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Office of Nightlife and Culture |
| | Office of Administrative Hearings |
| | Office of Human Rights |

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

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

| THURSDAY, JANUARY 23, 2020; Room 412 | |
|---|--|
| Time | Agency |
| 9:30 - 3:00 p.m. - End | Fire and Emergency Medical Services Department |
| | Office of Unified Communications |

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

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

| MONDAY, JANUARY 27, 2020; COUNCIL CHAMBER (Room 500) | |
|---|---------------------------------------|
| Time | Agency |
| 11:00 a.m. - End | Bicycle Advisory Council |
| | Pedestrian Advisory Council |
| | District Department of Transportation |

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

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

| TUESDAY, JANUARY 28, 2020; COUNCIL CHAMBER (Room 500) | |
|--|--|
| Time | Agency |
| 10:00 a.m. - End | Department of Housing and Community Development (Public Witnesses Only) |
| | Housing Production Trust Fund (Public Witnesses Only) |

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

COMMITTEE ON EDUCATION **Chairperson David Grosso**

| WEDNESDAY, JANUARY 29, 2020; COUNCIL CHAMBER (Room 500) | |
|--|--------------------------------|
| Time | Agency |
| 11:00 a.m. - End | State Board of Education |
| | Office of the Ombudsman |
| | Office of the Student Advocate |

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

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

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

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

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

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

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

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

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

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

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

| FRIDAY, JANUARY 31, 2020; COUNCIL CHAMBER (Room 500) | |
|---|--|
| Time | Agency |
| 10:00 a.m. - End | Mayor's Commission on Healthcare Systems Transformation Department of Behavioral Health |

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

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

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

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

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

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

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

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

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

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

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

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

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

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

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

WEDNESDAY, FEBRUARY 12, 2020; Room 123

| Time | Agency |
|-----------------------|---|
| 9:30 a.m. - 5:00 p.m. | Board of Elections |
| | Office of Campaign Finance |
| | Board of Ethics and Government Accountability |

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

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

THURSDAY, FEBRUARY 13, 2020; COUNCIL CHAMBER (Room 500)

| Time | Agency |
|------------------|---------------------------------------|
| 10:00 a.m. - End | Office of Contracting and Procurement |
| | Contract Appeals Board |

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

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

THURSDAY, FEBRUARY 13, 2020; Room 412

| Time | Agency |
|-----------------------|--|
| 9:30 a.m. - 3:00 p.m. | Judicial Nomination Commission |
| | Commission on Judicial Disabilities and Tenure |
| | District of Columbia Sentencing Commission |
| | Criminal Code Reform Commission |
| | Office of the Attorney General |

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

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

THURSDAY, FEBRUARY 13, 2020; Room 123

| Time | Agency |
|------------------|--|
| 10:00 a.m. - End | Office of Latino Affairs |
| | Office on African Affairs |
| | Office on African American Affairs |
| | Office on Asian and Pacific Islander Affairs |

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

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

TUESDAY, FEBRUARY 18, 2020; R.I.S.E Center DC

| Time | Agency |
|-----------------|--|
| 6:00 p.m. - End | Hearing for Public Testimony on agencies under the purview of Human Services |

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

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

WEDNESDAY, FEBRUARY 19, 2020; COUNCIL CHAMBER (Room 500)

| Time | Agency |
|------------------|--|
| 10:00 a.m. - End | Washington Metropolitan Area Transit Authority |

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

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 19, 2020; Room 412

| Time | Agency |
|------------------|--|
| 11:00 a.m. - End | District of Columbia Public Schools (Public Witnesses Only) |

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

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

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

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

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

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

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

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

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

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

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

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

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

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

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

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

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

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

WEDNESDAY, FEBRUARY 26, 2020; COUNCIL CHAMBER (Room 500)

| Time | Agency |
|------------------|--|
| 10:00 a.m. - End | Deputy Mayor for Planning and Economic Development Destination DC |

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

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE **Chairperson David Grosso**
Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 26, 2020; Room 412

| Time | Agency |
|------------------|------------------------------------|
| 10:30 a.m. - End | Office of the State Superintendent |

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

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

WEDNESDAY, FEBRUARY 26, 2020; Room 123

| Time | Agency |
|------------------|---|
| 10:00 a.m. - End | Executive Office of the Mayor Office of the City Administrator Office of the Senior Advisor Secretary of the District of Columbia Mayor's Office of Legal Counsel |

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

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

THURSDAY, FEBRUARY 27, 2020; COUNCIL CHAMBER (Room 500)

| Time | Agency |
|------------------|--------------------------------|
| 10:00 a.m. - End | Department of General Services |

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, FEBRUARY 27, 2020; Room 412

| Time | Agency |
|------------------|--|
| 10:00 a.m. - End | District of Columbia Auditor Office of Budget and Planning District Retiree Health Contribution District of Columbia Retirement Board/Funds |

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

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

THURSDAY, FEBRUARY 27, 2020; Room 123

| Time | Agency |
|------------------|---------------------------------|
| 11:00 a.m. - End | DC Water Washington Aqueduct |

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

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

THURSDAY, FEBRUARY 27, 2020; Room 120

| Time | Agency |
|-----------------------|---|
| 9:30 a.m. - 5:00 p.m. | Clemency Board Criminal Justice Coordinating Council Office of Victim Services and Justice Grants |

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

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

WEDNESDAY, MARCH 4, 2020; COUNCIL CHAMBER (Room 500)

| Time | Agency |
|------------------|---|
| 10:00 a.m. - End | Department of Employment Services (Public Witnesses Only) Workforce Investment Council (Public Witnesses Only) |

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

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

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

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

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

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

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

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

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

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

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

COMMITTEE ON EDUCATION **Chairperson David Grosso**

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

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

**Council of the District of Columbia
Committee on Government Operations
Notice of a Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

REVISED

**Councilmember Brandon T. Todd, Chair
Committee on Government Operations
Announces a Public Hearing**

on

**B23-0073 - Attorney General Civil Rights Enforcement Clarification Amendment
Act of 2019**

and

B23-0037 - Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2019

**Wednesday, February 19, 2020, 9:00 A.M.
John A. Wilson Building, Room 120
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Brandon T. Todd announces the scheduling of a public hearing by the Committee on Government Operations on *B23-0073, the Attorney General Civil Rights Enforcement Clarification Amendment Act of 2019* and *B23-0037, the Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2019*. The public hearing is scheduled for Wednesday, February 19, 2020 at 9:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004. *This notice has been revised to reflect the addition of B23-0037, the “Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2019”, to the hearing date.*

B23-0073 authorizes the Attorney General to bring civil actions under the Human Rights Act. It clarifies that the aggrieved party in a fair housing action, may retain his or her own counsel and it also clarifies when the Attorney General may seek to withdraw from representing the aggrieved party while continuing to represent the District of Columbia's interests.

B23-0037 amends the District of Columbia Act on Aging to include LGBTQ seniors and seniors with HIV in the definition of groups of greatest social need for the purpose of allocating funds, and also amends the Human Rights Act of 1977 to establish an LGBTQ HIV long-term care bill of rights.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Manny Geraldo of the Committee on Government Operations at (202) 724-6663 or by email at GovernmentOperations@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Monday, February 17, 2020. Each witness is requested to bring 10 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five (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.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, March 4, 2020. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

On

B23-0488, the “Student Activity Fund Theatrical and Music Performance Expenditures Act of 2019;”

B23-0569, the “District of Columbia Public Schools Family and School Community Fundraising Equity Act of 2019;”

And

B23-0365, the “Critical Risk Rate School Funding Designation Act of 2019;”

On

**Tuesday, March 10, 2020
11:00 A.M., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Chairman Phil Mendelson and Councilmember David Grosso announce the scheduling of a joint public hearing of the Committee of the Whole and the Committee on Education on B23-0488, the “Student Activity Fund Theatrical and Music Performance Expenditures Act of 2019;” B23-0569, the “District of Columbia Public Schools Family and School Community Fundraising Equity Act of 2019;” and B23-0365, the “Critical Risk Rate School Funding Designation Act of 2019.” The hearing will be held on Tuesday, March 10, 2020 at 11:00 A.M in room 412 of the John A. Wilson Building.

The stated purpose of B23-0488 is to establish that expenditures on school-administered theatrical and music performances shall be an allowable expenditure from a school's Student Activity Fund. Theatrical and music performances include the planning, rehearsal, or presentation of a musical, staged play, choral production, orchestral or band concert, variety show, improvised or sketch comedy performance, or other live performance. The stated purpose of B23-0569 is to establish reporting requirements and limitations on soliciting and allocating

funds for fundraising by family or school community organizations, including parent teacher organizations, parent teacher student organizations, and home school associations. It also establishes guidelines for redistributing funds. The stated purpose of B23-0365 is to create a new category to allow for additional funding to schools that have an at-risk student population of 70 percent and above.

Those who wish to testify may sign-up online at bit.do/EducationHearings or call the Committee on Education at (202) 724-8061 by 5:00pm on Friday, March 6, 2020. Persons wishing to testify are encouraged, but not required, to submit 10-15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements should be submitted by email to Ashley Strange, Committee Assistant, at astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, March 24, 2020.

Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform Education Committee of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE AND
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

On

B23-0496, the “Fair Access to Selective High Schools Amendment Act of 2019”

On

**Monday, February 10, 2020
10:00 A.M., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Chairman Phil Mendelson and Councilmember David Grosso announce the scheduling of a joint public hearing of the Committee of the Whole and the Committee on Education on B23-0496, the “Fair Access to Selective High Schools Amendment Act of 2019.” The hearing will be held on Monday, February 10, 2020 at 10:00 A.M in room 412 of the John A. Wilson Building.

The stated purpose of B23-0496 is to require the State Superintendent of Education and public schools and public charter schools to provide 7th grade students with information about the application criteria and admissions process for citywide selective high schools. It allows the top 15% of 8th grade students in every public school or public charter school to apply to citywide selective high schools. It prohibits the consideration of standardized test scores in its application criteria.

Those who wish to testify may sign-up online at bit.do/EducationHearings or call the Committee on Education at (202) 724-8061 by 5:00pm on Thursday, February 6. Persons wishing to testify are encouraged, but not required, to submit 10-15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements should be submitted by email to Ashley Strange, Committee Assistant, at astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania

Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, February 24.

Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform Education Committee of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

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

REVISED

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

B23-0509, the “Local Rent Application Voucher Amendment Act of 2019”

and

B23-0528, the “Rental Housing Source of Income Amendment Act of 2019”

Thursday, February 20, 2020, at 11:00 AM
John A. Wilson Building, Room 120
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, February 20, 2020, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 23-0509, the “Local Rent Application Voucher Amendment Act of 2019” and Bill 23-0528, the “Rental Housing Source of Income Amendment Act of 2019”. The hearing will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:00 a.m. *This notice has been revised to reflect a change in the date and location due to an unforeseen scheduling conflict.*

The purpose of Bill 23-0509, the “Local Rent Application Voucher Amendment Act of 2019” is to provide prospective renters in the District who qualify for the Housing Choice Voucher Program with funds to submit up to 5 rental applications with accompanying background and credit checks.

The purpose of Bill 23-0528, the “Rental Housing Source of Income Amendment Act of 2019” is to establish that rental housing assistance provided by the District government to an owner of a housing accommodation shall be considered the income of the tenant for the purposes of any minimum income qualification for rental of a dwelling unit. Among other things, the bill prohibits owners from denying housing to a person because the person’s payment is in whole or in part through a voucher for rental housing assistance.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email housing@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on February 19, 2020. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony will be limited to 3 minutes.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five (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.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004. The record will close at 5:00 p.m. on March 5, 2020.

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

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

Bill 23-606, "Diversity in Fund Management Amendment Act of 2020"

on

**Thursday, February 27, 2020, 12:00 p.m.
(or immediately following preceding hearing)
Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of Whole on Bill 23-606, "Diversity in Fund Management Amendment Act of 2020." The hearing will be held **Thursday, February 27, 2020, 12:00 p.m.** (or immediately following the preceding hearing) in **Hearing Room 412** of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of **Bill 23-606** is to amend the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 to require the District of Columbia Retirement Board to report annually on the affirmative steps it has taken to hire diverse fund managers.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Evan Cash at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Tuesday, February 25, 2020**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on February 25, 2020 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on March 12, 2020.

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PROPOSED RESOLUTION 23-0600, THE “CLEMENCY BOARD ANDREW FOIS
CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0601, THE “CLEMENCY BOARD SAMUEL WHITTAKER
CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0602, THE “CLEMENCY BOARD PHYLISA CARTER
CONFIRMATION RESOLUTION OF 2019”**

AND

**PROPOSED RESOLUTION 23-0603, THE “CLEMENCY BOARD PATRICK CANAVAN
CONFIRMATION RESOLUTION OF 2019”**

**Tuesday, February 4, 2020, 2:30 p.m.
(or immediately following the Legislative Meeting, whichever is later)**

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

On Tuesday, February 4, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to consider PR23-0600, the “Clemency Board Andrew Fois Confirmation Resolution of 2019”; PR23-0601, the “Clemency Board Samuel Whittaker Confirmation Resolution of 2019”; PR23-0602, the “Clemency Board Phylisa Carter Confirmation Resolution of 2019”; and PR23-0603, the “Clemency Board Patrick Canavan Confirmation Resolution of 2019”. The roundtable will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 2:30 p.m., or immediately following the Legislative Meeting, whichever is later.

The stated purpose of PR23-0600 is to nominate Andrew Fois to the Clemency Board as a member of the District of Columbia Bar in good standing with experience in criminal law, for a term to end April 9, 2022.

The stated purpose of PR23-0601 is to nominate Samuel Whittaker to the Clemency Board as a District resident community member, for a term to end April 9, 2023.

The stated purpose of PR23-0602 is to nominate Phylisa Carter to the Clemency Board as a member with a background in returning citizen issues, for a term to end April 9, 2023.

The stated purpose of PR23-0603 is to nominate Patrick Canavan to the Clemency Board as a mental health professional member, for a term to end April 9, 2022.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, January 31**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

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

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Tuesday, February 18.**

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

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

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

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

GBM 23-52: FY 2020 Grant Budget Modifications of October 11, 2019

RECEIVED: 14-day review begins October 23, 2019

Errata Notice: GBM 23-52 was published at 66 DCR 014006 on October 25, 2019 with the incorrect title of "FY 2019 Grant Budget Modifications of October 11, 2019". The correct title is published in this edition.

GBM 23-53: FY 2020 Grant Budget Modifications of October 21, 2019

RECEIVED: 14-day review begins October 24, 2019

Errata Notice: GBM 23-53 was published at 66 DCR 014372 on November 1, 2019 with the incorrect title of "FY 2019 Grant Budget Modifications of October 21, 2019". The correct title is published in this edition.

GBM 23-54: FY 2020 Grant Budget Modifications of October 28, 2019

RECEIVED: 14-day review begins November 19, 2019

Errata Notice: GBM 23-54 was published at 66 DCR 015391 on November 22, 2019 with the incorrect title of "FY 2019 Grant Budget Modifications of October 28, 2019". The correct title is published in this edition.

GBM 23-55: FY 2020 Grant Budget Modifications of October 30, 2019

RECEIVED: 14-day review begins November 19, 2019

Errata Notice: GBM 23-55 was published at 66 DCR 015391 on November 22, 2019 with the incorrect title of "FY 2019 Grant Budget Modifications of October 30, 2019". The correct title is published in this edition.

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

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

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

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

GBM 23-62: FY 2020 Grant Budget Modifications of November 5, 2019

RECEIVED: 14-day review begins January 17, 2020

GBM 23-63: FY 2020 Grant Budget Modifications of December 6, 2019

RECEIVED: 14-day review begins January 21, 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 reprogrammings are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 23-72: Request to reprogram \$1,101,692.60 of Fiscal Year 2020 Special Purpose Revenue funds within the Office of Unified Communications was filed in the Office of the Secretary on January 15, 2020. This reprogramming is needed to fulfill spending requirements based on the agency's administrative and service delivery programmatic structure.

RECEIVED: 14-day review begins January 16, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 24, 2020
Protest Petition Deadline: March 9, 2020
Roll Call Hearing Date: March 23, 2020
Protest Hearing Date: May 13, 2020

License No.: ABRA-116156
Licensee: BSF4, LLC
Trade Name: Butter Chicken Company 2
License Class: Retailer's Class "D" Tavern
Address: 500 H Street, N.E.
Contact: Jeff Jackson: (202) 251-1566

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 23 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 13, 2020 at 4:30 p.m.

NATURE OF OPERATION

A new class D Tavern. Seating Capacity of 28 and a Total Occupancy Load of 38. Sidewalk Café with 45 seats.

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

Sunday through Saturday 10am – 12am

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

Sunday through Saturday 10am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: January 17, 2020
Protest Petition Deadline: March 2, 2020
Roll Call Hearing Date: March 16, 2020
Protest Hearing Date: May 6, 2020

License No.: ABRA-116126
Licensee: Washington Capitol Hill Operations, LLC
Trade Name: citizenM
License Class: Retailer’s Class “C” Hotel
Address: 550 School Street SW
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 March 16, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **May 6, 2020 at 4:30 p.m.**

NATURE OF OPERATION

New Retailer’s Class “C” Hotel with 260 hotel rooms. Applicant is applying for an Entertainment Endorsement. ****Applicant is also applying for two Summer Gardens. The first Summer Garden is on ground floor with 20 seats. The second Summer Garden is on the rooftop with 40 seats.**

HOURS OF OPERATION

Sunday through Saturday 24 Hours

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

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

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: January 17, 2020
Protest Petition Deadline: March 2, 2020
Roll Call Hearing Date: March 16, 2020
Protest Hearing Date: May 6, 2020

License No.: ABRA-116126
Licensee: Washington Capitol Hill Operations, LLC
Trade Name: citizenM
License Class: Retailer’s Class “C” Hotel
Address: 550 School Street, 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 March 16, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **May 6, 2020 at 1:30 p.m.**

NATURE OF OPERATION

New Retailer’s Class “C” Hotel with 260 hotel rooms. Applicant is applying for an Entertainment Endorsement inside the premises only. ****Applicant is also applying for a Sidewalk Café with 15 seats and a Summer Garden with 40 seats.**

HOURS OF OPERATION INSIDE PREMISES

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

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

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

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

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

HOURS OF LIVE ENTERTAINMENT INSIDE THE PREMISES ONLY

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 24, 2020
Protest Petition Deadline: March 9, 2020
Roll Call Hearing Date: March 23, 2020

License No.: ABRA-083133
Licensee: 1716 I, LLC
Trade Name: Eye Bar/Garden of Eden
License Class: Retailer's Class "C" Nightclub
Address: 1716 I Street, N.W.
Contact: Ely Hurwitz: (202) 483-0001

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has requested Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 23, 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

Request to increase Total Occupancy Load from 397 to 549, with interior seating for 397 patrons. Rooftop Summer Garden occupancy load will increase from 77 to 184.

CURRENT HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday through Thursday 11am – 3:30am, Friday and Saturday 11am – 4:30am

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 24, 2020
Protest Petition Deadline: March 9, 2020
Roll Call Hearing Date: March 23, 2020
Protest Hearing Date: May 13, 2020

License No.: ABRA-115848
Licensee: La Famosa LLC
Trade Name: La Famosa
License Class: Retailer's Class "C" Restaurant
Address: 1300 4th Street, S.E.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 23, 2020 at 11 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 13, 2020 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 55 and Total Occupancy Load of 60. Summer Garden with 60 seats.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 24, 2020
Protest Petition Deadline: March 9, 2020
Roll Call Hearing Date: March 23, 2020
Protest Hearing Date: May 13, 2020

License No.: ABRA-116062
Licensee: AV Resto Group #3 LLC
Trade Name: Never Looked Better
License Class: Retailer's Class "C" Tavern
Address: 1230 9th Street, N.W., Basement
Contact: Herbert S. Rosenblum, Esq.: (703) 684-0060

WARD 2

ANC 2F

SMD 2F06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 23, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 13, 2020 at 1:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Tavern with a seating capacity of 75 and Total Occupancy Load of 75. Licensee is requesting an Entertainment Endorsement.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 24, 2020
Protest Petition Deadline: March 9, 2020
Roll Call Hearing Date: March 23, 2020

License No.: ABRA-098066
Licensee: Purple Patch, LLC
Trade Name: Purple Patch
License Class: Retailer's Class "C" Restaurant
Address: 3155 Mt. Pleasant Street, N.W.
Contact: Patricia Cleary: (202) 299-0022

WARD 1

ANC 1D

SMD 1D04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 23, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to add an Entertainment Endorsement.

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

Sunday 10am - 2am, Monday through Thursday 5pm - 2am, Friday 5am - 3am, Saturday 10am - 3am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 5pm - 2am, Friday and Saturday 5pm - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **January 24, 2020
 Protest Petition Deadline: **March 9, 2020
 Roll Call Hearing Date: **March 23, 2020
 Protest Hearing Date: **May 13, 2020

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

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **March 23, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, D.C. 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on ****May 13, 2020 at 1:30 p.m.**

NATURE OF OPERATION

A new class C Tavern with a seating capacity of 115 and a Total Occupancy Load of **212. Entertainment Endorsement to provide live entertainment.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

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

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

WARD 2

ANC 2B

SMD 2B06

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

NATURE OF OPERATION

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

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

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

DC BOARD OF ELECTIONS**NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE**

The Board of Elections shall consider in a public hearing whether the proposed measure, “Entheogenic Plant and Fungus Policy Act of 2020,” is a proper subject matter for initiative at the Board’s regular meeting on Wednesday, February 5, 2020 at 10:30 a.m., at 1015 Half Street SE, Suite 750, Washington DC 20003.

In making a subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act (“the District Charter”);
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee’s statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board’s Office of the General Counsel at 202-727-2194 or ogc@dcboe.org and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Friday, January 31, 2020, at 4:00 p.m. Any written testimony or memoranda should be submitted for the record to the Board’s Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at ogc@dcboe.org by that date and time as well. Individuals shall be permitted a maximum of three minutes for oral presentations. Representatives of organizations shall be permitted a maximum of five minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

Entheogenic Plant and Fungus Policy Act of 2020

SUMMARY STATEMENT

If enacted this Initiative would declare as the policy of the District of Columbia that the Metropolitan Police Department make investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing or engaging in practices with, entheogenic plants and fungi among its lowest law enforcement priorities.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Entheogenic Plant and Fungus Policy Act of 2020.”

Section 1. Findings and Declaration of Policy.

(a) The people of the District of Columbia find that use of entheogenic plants and fungi have been demonstrated, through scientific studies, to be beneficial in addressing a variety of afflictions including substance abuse, addiction, trauma, post-traumatic stress syndrome, chronic depression, anxiety, diabetes, cluster headaches and other conditions; and that practices with entheogenic plants and fungi have long existed, have been considered sacred to a number of cultures and religions for millennia and continue to be enhanced and improved. Citizens of the District of Columbia seeking to improve their health and well-being through the use of entheogenic plants and fungi currently use them in fear of arrest and prosecution.

(b) It is declared the policy of this act to make investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing or engaging in practices with, entheogenic plants and fungi among the lowest law enforcement priorities for the District of Columbia.

--D.C. Code §5-115.08 --

Section 2. D.C. Official Code Title 5, Chapter 1, Subchapter VIII is amended by adding thereto the following new section:

“ §5-115.08. Policy Regarding Investigation and Arrest for Offenses Involving Entheogenic Plants and Fungi.

“(a) For purposes of this section, the term “entheogenic plant and fungus” means any plant or fungus of any species in which there is naturally occurring any of the following substances in any form which would cause such plant or fungus to be described in D.C. Official Code §48-902.04(3): ibogaine, dimethyltryptamine, mescaline, psilocybin or psilocyn.

“(b) The Metropolitan Police Department shall make the investigation and arrest of persons 18 years of age or older, for non-commercial planting, cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic plants and fungi that are listed in Schedule I of the District of Columbia Uniform Controlled Substances Act of 1981 effective August 5, 1981 (D.C. Law 4-29, D.C. Official Code §48-902.04) as the among its lowest enforcement priorities.

“(c) Nothing in this section shall affect the priority of enforcing any provision of D.C. Official Code Title 50, Subtitle VII, Chapter 22, Subchapter III-A; or of D.C. Official Code §48-904.07a. “

Section 3. The people of the District of Columbia call upon the Attorney General of the District of Columbia and the United States Attorney for the District of Columbia to cease prosecution of residents of the District of Columbia for non-commercial planting, non-commercial cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic plants and fungi as defined in D.C. Official Code §5-115.08.

DEPARTMENT OF HEALTH (DC HEALTH)**STATE HEALTH PLANNING AND DEVELOPMENT AGENCY****NOTICE OF INFORMATION HEARING**

Pursuant to D.C. Official Code § 44-406(b) (4), the District of Columbia State Health Planning and Development Agency ("SHPDA") will hold an information hearing on Maxim Holdings, Inc. (Certificate of Need Registration No. 20-6-1 to acquire Maxim Healthcare Services, Inc.

The hearing will be held on Friday, January 31, 2020, beginning at 10:00 a.m., at 899 North Capitol Street, N.E., 6th Floor, Room 6002, Washington, D.C. 20002.

The hearing will include a presentation by the Applicant, describing its plans and addressing the certifications required pursuant to D.C. Official Code § 44-406(b) (1). The hearing also includes an opportunity for affected/interested persons to testify. Persons who wish to testify should contact the SHPDA at (202) 442-5875 before 4:45 p.m. on Thursday, January 30, 2020. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes. Written statements may be submitted to:

The State Health Planning and Development Agency
899 North Capitol Street, N.E.
Sixth Floor
Washington, D.C. 20002

Written statements must be received before the record closes at 4:45 p.m. on Friday, February 7, 2020. Persons who would like to review the Certificate of Need application or who have questions relative to the hearing may contact the SHPDA on (202) 442-5875.

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF PUBLIC HEARING FOR NEW SCHOOL APPLICATIONS**

The DC Public Charter School Board (DC PCSB) gives notice of its intent to hold a public hearing on four new charter school applications on February 24, 2020. DC PCSB will hold a vote on these applications during the Board meeting on March 16, 2020. Please see below for more information about the applications. If you have questions or comments, please contact 202-328-2660 or applications@dcpcsb.org.

| Capital Experience Lab | |
|---|--|
| Mission | The mission of Capital Experience Lab is to empower 6th - 12th grade students in Washington, D.C. to harness the resources of their world-class city in the service of their dreams. |
| Grades | 6-12 |
| Preferred Ward(s) | 6 |
| Link to Redacted Applications in Egnyte | https://dcpcsb.egnyte.com/dl/RCyVMJdJ6E |

| Global Citizens | |
|---|--|
| Mission | The mission of Global Citizens PCS is to inspire and prepare the next generation of global citizens. |
| Grades | PK3-5 |
| Preferred Ward(s) | 7 or 8 |
| Link to Redacted Applications in Egnyte | https://dcpcsb.egnyte.com/dl/kV0VsY4nRF |

| The Garden School of Business and Entrepreneurship | |
|---|---|
| Mission | We are holistically preparing students to build their future. We aim to intellectually grow, culturally affirm, financially educate, and emotionally support the next generation of innovators. |
| Grades | 9-12 |
| Preferred Ward(s) | 8 |
| Link to Redacted Applications in Egnyte | https://dcpcsb.egnyte.com/dl/LkdAeTrMac |

| Washington Arabic | |
|--------------------------|--|
| Mission | We believe that the intellectual promise of each student is enhanced in a multi-lingual community that incorporates and celebrates diversity. We challenge students to think critically and creatively, to know themselves |

| | |
|---|---|
| | as learners developing into global citizens in a joyful environment. |
| Grades | PK3-5 |
| Preferred Ward(s) | 1, 4, 5 and 6 (particularly 6) |
| Link to Redacted Applications in Egnyte | https://dcpcsb.egnyte.com/dl/TAjnf1XsIs |

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MARCH 18, 2020
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD FIVE

20210 **Application of Hadell and Fannie Callands**, as amended, pursuant to
ANC 5D 11 DCMR Subtitle X Chapter 9, for special exceptions under Subtitle E
 § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and
 from the non-conforming structure requirements of Subtitle C § 202.2,
 to construct a new two-story rear addition to an existing three-unit
 apartment house in the RF-1 Zone at premises 1012 16th Street, N.E.
 (Square 4075, Lot 176).

WARD FOUR

20218 **Application of Gwendolyn Keita**, pursuant to 11 DCMR Subtitle X,
ANC 4D Chapter 10, for a use variance from the use permissions of Subtitle U §
 201.1, to permit a flat to an existing, semi-detached, principal dwelling
 unit in the R-3 Zone at premises 5200 4th Street N.W. (Square 3257, Lot
 88).

WARD THREE

20221 **Appeal of Chain Bridge Road/University Terrace Preservation**
ANC 3D **Committee**, pursuant to 11 DCMR Subtitle Y § 302, from the
 determination made on November 13, 2018 by the Office of the Zoning
 Administrator, Department of Consumer and Regulatory Affairs, that
 the creation of seven A&T lots created by the Office of Tax and
 Revenue, the proposed subdivision to create seven lots of record on the
 existing A&T lots for the purposes of obtaining building permits to
 construct seven detached principal dwelling units, did not violate the
 Zoning Regulations for the R-21 Zone at in the 2700 block of Chain
 Bridge Road N.W. (Square 1425, Lots 841-847).

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MARCH 18, 2020
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WARD SEVEN

20224 **Application of Brittney Etheridge**, pursuant to 11 DCMR Subtitle X,
ANC 7E Chapter 9, for special exceptions under Subtitle F § 5201 from the lot
 occupancy requirements of Subtitle F § 304.1, and from the rear yard
 requirements of Subtitle F § 305.1, to construct a second-story rear
 addition to an existing, attached principal dwelling unit in the RA-1
 Zone at premises 407 51st Street S.E. (Square 5318, Lot 164).

WARD FOUR

20226 **Appeal of Michael Yates**, pursuant to 11 DCMR Subtitle Y § 302,
ANC 4C from the decision made on November 6, 2019 by the Zoning
 Administrator, Department of Consumer and Regulatory Affairs, to
 issue building permit B1804458, to permit the alteration and addition
 to an existing two-story principal dwelling unit for conversion into an
 8-unit apartment house in the RA-1 Zone at premises 1214 Madison
 Street N.W. (Square 2934, Lot 35).

PLEASE NOTE:

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

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

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

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or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

Do you need assistance to participate?

Amharic

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

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a 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 trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

BZA PUBLIC HEARING NOTICE
MARCH 18, 2020
PAGE NO. 4

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

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

OFFICE OF CABLE TELEVISION, FILM, MUSIC AND ENTERTAINMENT

NOTICE OF SECOND PROPOSED RULEMAKING

The Office of Cable Television, Film, Music and Entertainment (“the Agency”), pursuant to authority set forth in the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-502 (2012 Repl.)), as re-codified by the Film DC Economic Incentive Amendment Act of 2015, effective March 9, 2016 (D.C. Law 21-81; D.C. Official Code §§ 2-1204.11 *et seq.* (2016 Repl.)), and as amended by the Office of Cable Television, Film, Music, and Entertainment Amendment Act of 2019, effective September 11, 2019 (passed as §§ 2031-2033 of the Fiscal Year 2020 Budget Support Act of 2019, D.C. Law 23-16; 66 DCR 8621 (July 26, 2019)) (the “Act”); and Mayor’s Order 2019-105, dated October 28, 2019, hereby gives notice of the intent to adopt the following amendment to Chapter 31 (Film DC Economic Incentive Grant Fund Program) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

This rulemaking modifies an emergency and proposed rulemaking which was adopted by The Office of Motion Picture and Television Development, a predecessor agency of the Agency, on April 21, 2015 and published in the *D.C. Register* on May 15, 2015 at 62 DCR 6097. The rulemaking expired on August 15, 2015 and a Notice of Final Rulemaking was not adopted. No public comments were received during the comment period. These amendments made to the original emergency and proposed rulemaking would place the Agency’s rulemakings in conformity with the Act.

Chapter 31, FILM DC ECONOMIC INCENTIVE GRANT FUND PROGRAM, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended in its entirety to read as follows:

**CHAPTER 31 FILM, TELEVISION, AND ENTERTAINMENT REBATE
FUND PROGRAM**

3100 AUTHORITY AND SCOPE
**3101 DETERMINATION OF DC FILM, TELEVISION AND
ENTERTAINMENT REBATE FUND PROGRAM ELIGIBILITY**
3102 APPLICATION PROCEDURES
**3103 REBATE FUND AWARD ASSIGNMENT AND DISBURSEMENT
PROCEDURES**
3199 DEFINITIONS

3100 AUTHORITY AND SCOPE

3100.1 Subject to the Act, the Rebate Fund Program is administered by the Agency. The Rebate Fund Program is intended to encourage the use of the District as a site for movies, television shows, broadcasting, and other entertainment productions as well as film and digital media infrastructure projects; to encourage the hiring of

District residents as cast and crew; and to encourage the use of District-based service and equipment companies in support of these productions. This rulemaking describes the standards and procedures under which the Agency shall determine whether to provide production or infrastructure support funding to the Rebate Fund applicant.

3101 DETERMINATION OF DC FILM, TELEVISION, AND ENTERTAINMENT REBATE FUND PROGRAM ELIGIBILITY

3101.1 Subject to D.C. Official Code § 2-1204.11, the Director of the Agency determines whether individual movie, television, broadcasting, and other entertainment productions, and the expenditures associated with those projects, qualify for incentives under the Act. Subject to D.C. Official Code § 2-1204.11 and the availability of funds, the recipient of the incentive may receive an amount up to the following:

- (a) The sum of thirty-five percent (35%) of the company's qualified production expenditures that are subject to taxation in the District. This category includes production-related expenditures or services contracted through registered District of Columbia business entities, vendors or contractors, unless an out-of-state business entity, vendor or contractor collects and remits applicable District of Columbia sales/use taxes;
- (b) The sum of twenty-one percent (21%) of the company's qualified production expenditures that are not subject to taxation in the District, examples include, but are not limited to expenditures for: location site fees, film permits, services of D.C. government officials (*e.g.*, off duty police officers), unprepared food and beverage, and shipping costs if not included in the total costs of an item delivered to the District;
- (c) The sum of thirty percent (30%) of the company's qualified personnel expenditures that are subject to taxation in the District;
- (d) The sum of ten percent (10%) of the company's qualified personnel expenditures that are not subject to taxation in the District; and
- (e) The sum of fifty percent (50%) of the company's qualified job training expenditures.

3101.2 Subject to D.C. Official Code § 2-1204.11(c), the Director of the Agency determines whether individual film and digital media infrastructure projects qualify for an incentive under the Act. Subject to the availability of funds, the recipient of the incentive may receive:

- (a) A payment of up to twenty-five percent (25%) of the taxpayer's base infrastructure investment; provided, that if all or a portion of the base

infrastructure investment is in a facility that may be used for purposes unrelated to production or postproduction activities, then the base infrastructure investment shall be eligible for up to 25% payment only if the Director of the Agency determines that the facility will support and be necessary to secure production or postproduction activity.

3101.3 In evaluating whether a production or infrastructure project is eligible for rebate funding, the Director of the Agency will take into consideration the mandatory and discretionary criteria set forth in this section. The Agency shall require all applicants meet the mandatory criteria. The Director of the Agency will consider discretionary criteria based on the Agency's assessment of the current needs of the District of Columbia. The discretionary criteria are not intended to be used in a mathematical equation; consequently, mere compliance with a majority of these discretionary criteria does not guarantee receiving a Rebate Fund award. The Agency may also consider other factors in determining whether a particular project is eligible for rebate funding, provided that the additional factors are reasonably related to the goals of the Act.

3101.4 MANDATORY CRITERIA

To be eligible and qualified to receive a Rebate Fund award under D.C. Official Code § 2-1204.11(b) or infrastructure rebate funding under D.C. Official Code § 2-1204.11(c), the applicant must:

- (a) Spend at least \$ 250,000 in total qualified expenditures on a qualified production, or invest and expend at least \$250,000 on a qualified film and digital media infrastructure project;
- (b) File an application with the Agency;
- (c) Enter into a rebate agreement with the Agency;
- (d) Comply with the terms of the agreement;
- (e) Not be delinquent in a tax or other obligation owed to the District or be owned or under common control of an entity that is delinquent in a tax or other obligation owed to the District; and
- (f) For purposes of the production rebate, agree to contain a five (5)-second long “Filmed in the District of Columbia” credit and logo provided by the Agency in the final production and a link to the District of Columbia on the project’s web page, or an alternative recognition agreed upon by the Agency that offers equal or greater promotional value to the District.

3101.5 DISCRETIONARY CRITERIA

- (a) To determine whether to enter into a rebate agreement with the applicant under D.C. Official Code §§ 2-1204.11(b)-(c), the Agency may consider:
- (1) Written documentation, verification and proof that the motion picture, television, digital media production or infrastructure project has the necessary financing in place to begin and complete project;
 - (2) The record of the applicant in completing commitments to engage in a production or film and digital media infrastructure project;
 - (3) The extent to which the production or film and digital media infrastructure project will attract film, television, and entertainment production to the District;
 - (4) The extent to which the production or film and digital media infrastructure project will create contracting and procurement opportunities for certified business enterprises (CBE) and business entities registered to do business in the District, including written assurances of the number of CBEs and District businesses the applicant agrees to use, and the establishment of production support vendor agreements with business entities registered to do business in the District;
 - (5) The extent to which the production or film and digital media infrastructure project will create jobs, job training opportunities, and apprenticeships for District residents;
 - (6) The extent to which the production or film and digital media infrastructure project will produce media training or employment opportunities for District youth;
 - (7) The extent to which the production or film and digital media infrastructure project will promote economic development and neighborhood revitalization in the District;
 - (8) The potential that, in the absence of a payment under D.C. Official Code § 2-1204.11(b), the production or film and digital media infrastructure project will be produced or constructed in a location other than the District;
 - (9) In the case of a film and digital media infrastructure project, the extent to which an incentive payment will attract private investment for the production of other productions or base infrastructure investments in the District;

- (10) The amount and percentage of direct District expenditures;
- (11) The extent to which the production will promote the District as a tourist destination;
- (12) In the case of a production, how many days the production will film in the District;
- (13) In the case of a production, the percentage of the production to be filmed in the District;
- (14) In the case of a production, the extent to which the production has a bona fide film distribution plan, including the date the completed content will be released for distribution, or has the secured financing in place to effectively self-distribute the content;
- (15) The extent to which the production schedule follows a reasonable timeline leading to completion of the project;
- (16) Whether the production will establish temporary hotel, production offices, or other occupancy arrangements in the District for its principals and out-of-state crew;
- (17) The credentials and references of the production company and its principals and producers;
- (18) Whether the applicant or its principals have or plan to establish a long-term, sustainable media production footprint in the District;
- (19) Whether the applicant will locate its permanent or temporary production offices in the District;
- (20) The existence of an acceptable completion bond and insurance policy in place with industry recognized providers;
- (21) The extent to which the applicant has complied with the Agency application and information disclosure requirements;
- (22) Whether the applicant has applied for, received, or been denied any incentive support from another District agency for the same project; and
- (23) Any other factor considered appropriate by the Agency in order to further the purposes of the Act.

Priority will be given to eligible production companies and infrastructure projects that hold the most promise for benefiting the District by hiring District residents, using local suppliers, being bonded and insured, and having a bona fide distribution plan in place.

3101.6 PROGRAMMATIC DISQUALIFICATION

Any production company or film and digital media infrastructure project applicant may be disqualified from the Rebate Fund Program during the application process or after the incentive has received Rebate Fund pre-qualification, based on programmatic considerations, at the discretion of the Agency and consistent with the purposes of the Act, including, but not limited to:

- (a) Failure to begin qualifying project activity within same fiscal year as the date on the Pre-Certification Qualifying Project Letter, unless a waiver is granted by the Agency;
- (b) Failure to file any required reports or program related deliverables by any applicable delivery deadline date(s);
- (c) Failure to pay minimum wages or scale rate payments required by law or by any applicable collective bargaining agreements;
- (d) Failure to submit, upon the conclusion of qualified production activity or completion of construction in the District, a certified accounting and cost report of project expenditures, prepared in accordance with generally accepted accounting principles, that is prepared by an independent certified public accountant selected and paid for by the Rebate Fund Awardee prior to the reimbursement of qualified production expenditures. The Rebate Fund Awardee may engage its regular independent certified public accountant, if applicable, to perform this activity;
- (e) Violation of any agreement made with the District with regard to residency, District resident employment, or job development programs;
- (f) Failure to adhere to any District or federal laws or regulations governing the production or infrastructure project or applicant;
- (g) Loss of financing required to complete the project as originally represented to the Agency during the application process; or
- (h) Failure to accurately respond to any questions in or disclose any information required by the application.

3102 APPLICATION PROCEDURES

- 3102.1 The Agency will provide application forms upon request to parties wishing to apply for a production or infrastructure incentive under the Rebate Fund. The application requires specific information be submitted, as appropriate, concerning the production company, production, production timelines, film and digital media infrastructure project, construction timeline, total anticipated expenditures, anticipated District expenditures and other pertinent information.
- 3102.2 All financial reports submitted to the Agency must be prepared in accordance with generally accepted accounting principles and certified by an authorized representative of the production company or film and digital media infrastructure project company of record.
- 3102.3 The Agency will notify the applicant of its program qualification determination in writing within twenty-one (21) business days from the date the Agency receives the Rebate Fund application. If accepted into the Rebate Fund program, the applicant will receive a “Pre-Certification Qualifying Project Letter” and “Program Guidance Document”.
- 3102.4 The Agency requires that the Program Guidance Document be completed and signed by a person authorized to sign on behalf of the applicant and returned to the Agency within fourteen (14) business days from the receipt of the Program Guidance Document.
- 3102.5 In the event an applicant does not meet the minimum program requirements, or the Rebate Fund application is not accepted or approved for any reason, the Agency will notify the applicant in writing of its disapproval of the Rebate Fund application by sending a Disapproval Letter within twenty-one (21) business days from the date the Agency receives the Rebate Fund application.
- 3102.6 If the Agency requires additional information from the applicant in order to make a final determination of a Rebate Fund award, the Agency will make a formal request for additional information or deliverables by sending a Request for Supplementary Information Letter within fourteen (14) business days from the date the Agency receives the Rebate Fund application.
- 3102.7 The applicant must submit to the Agency the additional information or deliverables for further consideration and review within seven (7) business days of the postmarked date on the Request for Supplementary Information Letter.
- 3102.8 If the applicant does not submit the supplemental information within seven (7) business days of the Request for Supplementary Information Letter, the Agency will notify the applicant of its Rebate Fund award determination in writing within seven (7) business days.

- 3102.9 If the applicant does submit the supplemental information within seven (7) business days, the Agency will notify the applicant of its final Rebate Fund award determination in writing within seven (7) business days from the receipt of the supplementary deliverables.
- 3102.10 In order for the government of the District to reserve Rebate Fund award funds for the Rebate Fund Awardee, the Rebate Fund Awardee must begin verifiable production activity or infrastructure construction in the District during the same fiscal year as the date on the Pre-certification Qualifying Project Letter, unless the Rebate Fund Awardee is granted an "Extension Waiver" from the Agency. The Rebate Fund Awardee must comply with the vendor registration requirements listed in Subsection 3102.11 below.
- 3102.11 Prior to the disbursement of any Rebate Fund award, the Rebate Fund Awardee will be required to comply with the District's administrative processes for vendor registration and must secure and/or submit the following to the Agency:
1. W-9/ W-8 Form;
 2. Master Supplier Form;
 3. Data Universal Number System (DUNS) Number;
 4. Ariba Network Supplier Number;
 5. Clean Hands Certificate from the DC Department of Consumer and Regulatory Affairs;
 6. Automatic Clearing House Form (ACH); and
 7. Special Event Registration Application (FR-500 or FR-500B).

3103 REBATE FUND AWARD ASSIGNMENT AND DISBURSEMENT PROCEDURES

- 3103.1 The Rebate Fund Awardee has sixty (60) days after the production or construction is completed to provide the Agency with an expenditure report reviewed by an independent auditor. All required verification of local qualifying expenditures subject to D.C. Official Code §§ 2-1204.11a - 2-1204.11c should be included in the report. The Agency will make available to each Rebate Fund Awardee a copy of the Rebate Fund Expenditure Report Procedures and the Rebate Fund Expenditure Report Template" to guide the Rebate Fund Awardee and their accounting agents in compliance with the expenditure report deliverable requirement.
- 3103.2 The Agency, or its accounting agent, will have up to sixty (60) business days to verify and certify the Rebate Fund Awardee's request for the incentive award after the submission of all receipts and proof of qualifying expenditures. The Agency will send the Rebate Fund Awardee an itemized accounting of all certified eligible spending in the form of a Rebate Award Assignment Letter and Rebate Award Authorization for review and execution. The Rebate Award Authorization must be signed by a person authorized to sign on behalf of the Rebate Fund Awardee

and returned to the Agency within seven (7) business days of the postmarked date of the Rebate Award Assignment Letter. After the Agency receives that signed Rebate Award Authorization, and all requirements of Subsection 3102.11 have been met, the Rebate Award payment will be issued to the Rebate Fund Awardee within thirty (30) business days. No Rebate Fund award shall exceed the production project's direct District expenditures or the maximum allowable rebate based on the total qualified expenditures verified by the Agency.

3103.3 If the Rebate Fund Awardee wishes to appeal or dispute any of the submissions that have been disqualified or has any other dispute with regard to the findings in the Rebate Award Assignment Letter, the Rebate Fund Awardee must alert the Agency by mail within seven (7) business days of the date on the Rebate Award Assignment Letter. The Rebate Fund Awardee then has up to fourteen (14) business days to prepare its dispute or appeal response and forward it to the Agency in the form of a "Request for Reconsideration Letter." In this letter, the Rebate Fund Awardee can itemize and substantiate any disputed expenditures and make a case for reconsideration. If the Agency does not receive the appeal or dispute letter within the designated time period, the Rebate Fund Awardee waives all rights to dispute and agrees to receive only the incentive awards outlined in the Agency's original Rebate Award Assignment Letter.

3103.4 If the Rebate Awardee submits its Request for Reconsideration Letter within the designated time period, the Agency will have thirty (30) business days to review the appeal and make its final determination. A final Rebate Award Assignment Letter will be sent to the Rebate Awardee by the Agency indicating the final determination of all issues in question. This determination will be final. The final Rebate Award Assignment Letter must be signed by a person authorized to sign on behalf of the Rebate Awardee and returned to the Agency within seven (7) business days of the date of the final Rebate Award Assignment Letter. After the Agency receives that signed letter, and all requirements of Subsection 3102.11 have been met, the Rebate Fund award payment will be sent to the Rebate Fund Awardee within thirty (30) business days. If the Rebate Fund Awardee fails to sign the final Rebate Award Assignment Letter, the Rebate Fund Awardee waives all claims for rights to the Rebate Fund award.

3199 DEFINITIONS

3199.1 For purposes of this section, the following terms shall have the meanings ascribed:

"Above-the-line Crew" means a person or persons employed by an eligible production company for a qualified production such as producers, directors, writers, actors, and casting directors, excluding "below-the-line" crew.

“**Act**” means the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 21-81; D.C. Official Code §§ 2-1204.11 *et seq.*), as amended.

“**Agency**” means the Office of Cable Television, Film, Music and Entertainment.

“**Base**” Infrastructure Investment” means the cost, including renovation, rehabilitation, fabrication and installation, expended by a person in the development of a qualified film and digital media infrastructure project for tangible assets of a type that are, or under the United States Internal Revenue Code will become, eligible for depreciation, amortization, or accelerated capital cost recovery for federal income tax purposes that are physically located in the District for use in a business activity in the District and that are not mobile tangible assets. The term "base infrastructure investment" does not include a qualified production expenditure or a qualified personnel expenditure.

“**Below-the-line Crew**” means a person or persons employed by an eligible production company for a qualified production after production begins and before production is completed, excluding above-the-line crew such as a producer, director, writer, actor, or other person in a similar position. These positions include but are not limited to the following:

- Assistant Director
- Art Director
- Film Editor
- Line Producer
- Best Boy Electric
- Best Boy Grip
- Boom Operator
- Character generator (CG) operator (television)
- Costume Designer
- Director of Photography
- Camera operator
- Composer
- Dolly grip
- Gaffer
- Graphic Artist
- Hair Stylist
- Key Grip
- Make-up Artist
- Production Assistant
- Script Supervisor (continuity)
- Sound Engineer
- Stage Manager (television)
- Stage Carpenter

Technical Director (TD) (television)
Video control Broadcast engineering (television)
Visual Effects Editor
Extras & Bit Players
Catering/Craft Service

“Business Day” - Any day, Monday through Friday, that is not a public holiday.

“Digital Interactive Media Production” means any interactive entertainment intended for commercial exploitation, including, but not limited to:

- (1) Video game projects;
- (2) Console games;
- (3) Handheld console games;
- (4) Mobile electronic device games; and
- (5) Multi-player online video games and virtual worlds that meet the requirement of multi-market distribution via the Internet or any other channel of exhibition.

“Direct District Expenditure” means a qualified production expenditure or a qualified personnel expenditure to a District resident above-the-line or below-the-line crew member.

“Disapproval Letter” means a letter to the program applicant from the Agency that contains a final determination that the production company does not qualify for incentive funding through the Rebate Fund.

“Eligible Production Company” means an entity in the business of producing qualified productions.

“Extension Waiver” means a waiver issued to the Rebate Awardee allowing an extension to the rule mandating all approved Rebate Fund qualifying project activity begin within the same fiscal year as the issuance of the Pre-Certification Qualifying Project Letter.

“Fiscal Year” means the budget and accounting year of the District, commencing on the first day of October of each year and ending on the 30th day of September of the succeeding calendar year.

“Postproduction Expenditure” means a direct expenditure for editing, Foley recording, automatic dialogue replacement, sound editing, special or visual effects, including computer-generated imagery or other effects,

scoring and music editing, beginning and end credits, negative cutting, soundtrack production, dubbing, subtitling, addition of sound or visual effects, and related expenses.

“Pre-Certification Qualifying Project Letter” means a letter to the program applicant from the Agency that contains a preliminary determination that the project qualifies for incentive funding pursuant to the Rebate Fund.

“Preproduction Expenditure” means a direct expenditure in the process of preparation for actual physical production, which includes, but is not limited to, activities such as location scouting, hiring of crew, construction of sets, and the establishment of a dedicated production office.”

“Production Company” means any individual, partnership, corporation or other business entity that is primarily responsible for the production of a film or television project.

“Qualified Film and Digital Media Infrastructure Project” means a film, video, television, or digital media production or postproduction facility located in the District, movable and immovable property and equipment related to the facility, and any other facility that is a necessary component of the primary facility. The term “qualified film and digital media infrastructure project” does not include a movie theater or other commercial exhibition facility.

“Qualified Job Training Expenditure” means salary and other expenditures paid by an eligible production company to provide qualified personnel with on-the-job training to upgrade or enhance the skills of the qualified personnel as a member of the below-the-line crew for a qualified production.

“Qualified Personnel” means a District resident that is legally eligible for employment or non-residents performing production activity on a qualified production in the District of Columbia.

“Qualified Personnel Expenditure” means an expenditure made in the District directly attributable to the production or distribution of a qualified production that is a transaction subject to taxation in the District and is a payment of wages, benefits, or fees to above-the-line or below-the-line crew members and includes a payment to a personal services corporation or professional employer organization for the services of qualified personnel as below-the-line crew members who are not residents of the District. The term “qualified personnel expenditure” does not include salary, wages, and other compensation for personal services of above-the-line crew members that when combined exceed five hundred thousand

dollars (\$500,000) in salary, wages, or other compensation for personal services in connection with any qualified production activity.

“Qualified Production” means motion picture, television, or video content created in whole or in part in the District, intended for nationwide distribution or exhibition by any means, including by motion picture, documentary, television programming, commercials, or internet video production and includes a trailer, pilot, or any video teaser associated with a qualified production. A motion picture film production shall include digital interactive media production. The term "qualified production" does not include production that:

- (1) Consists primarily of televised news or current events;
- (2) Consists primarily of a live sporting event, except boxing, wrestling and mixed martial arts;
- (3) Consists primarily of political advertising;
- (4) Primarily markets a product or service other than a qualified production; or
- (5) Is a radio program.

“Qualified production expenditure” means a preproduction, production, or postproduction expenditures made in the District directly related to the qualified production, including:

- (1) Set construction and operation;
- (2) Wardrobes, makeup, accessories, and related services;
- (3) Photography and sound synchronization, lighting, and related services and materials.
- (4) Editing and related services, including film processing, transfers of film to tape or digital format, sound mixing, computer graphic services, special effects services, and animation services;
- (5) Rental of facilities in the District and equipment used in the District;
- (6) Establishment of office space in the District;
- (7) Leasing of vehicles;

- (8) Food and lodging;
- (9) Music, if performed, composed, or recorded by a District musician or published by a person or company domiciled in the District; and
- (10) Any other production expense incurred in the District that is approved by the Mayor.

“Rebate Award Assignment Letter” means a letter drafted by the Agency that itemizes all of the approved qualified spend made by the Rebate Awardee and indicates the final total award amount due to the Rebate Awardee pursuant to the Rebate Fund Program.

“Rebate Award Authorization” means a document drafted by the Agency that identifies the Rebate Award amount assigned to the project and directs the Awardee to “accept” or “dispute” the award. If the Awardee accepts the award, the Awardee is directed to execute the document and return to the Agency along with an invoice for the Rebate Award amount. If the Awardee disputes the assigned award, the Agency will follow the procedures outlined in Subsections 3103.3 and 3103.4.

“Rebate Fund” means the economic rebate fund program established by the Act.

“Rebate Fund Awardee” means a qualifying applicant that has received a Pre-Certification Qualifying Project Letter indicating a preliminary determination by the Agency that the Rebate Fund Program applicant qualifies for a Rebate Fund award.

“Request for Reconsideration Letter” means a letter that itemizes any formal dispute the Rebate Awardee has with any of the findings in the Agency’s Rebate Award Assignment Letter and determination of a final Rebate Fund award.

“Request for Supplementary Information Letter” means a letter to the program applicant from the Agency that contains a formal request for the program applicant to submit additional information to the Agency as part of a continuation of the application consideration process.

“Response to Request for Reconsideration Letter” means a letter from the Agency to the Rebate Fund Awardee in response to the Awardee’s formal dispute or request for reconsideration in response to the Rebate Award Assignment Letter.

“Total Qualified Expenditures” means the sum of qualified production expenditures plus qualified personnel expenditures. In order for a project to qualify for a Rebate Award, the pre-certified qualifying project must

spend at least two hundred fifty thousand dollars (\$250,000) in the District of Columbia on “Total Qualified Expenditures.”

Comments on these rules should be submitted to “DC Film, Television and Entertainment Rebate Fund Administration,” Office of Cable Television, Film, Music, and Entertainment (OCTFME), Government of the District of Columbia, 1899 9th Street, N.E., Washington, D.C. 20018, via telephone at (202) 727-6608, via email at filmcdc.incentive@dc.gov or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Adams Morgan Moratorium Zone Notice of Fourth Emergency issued by the Alcoholic Beverage Regulation Administration and published in the *D.C. Register* on January 17, 2020, at 67 DCR 443.

The rulemaking amended Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

A street address listed in § 304.2 was misstated. The rulemaking identified the direction as “Northwest on 10th Street to Belmont Road”. This was an error. Instead of “10th Street” the rulemaking should have said “20th Street”.

The corrections to the emergency rulemaking are made below (additions are shown in **bold and underline** text; deletions are shown in **~~bold and strikethrough~~** text):

Section 304, ADAMS MORGAN MORATORIUM ZONE, of Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended to read as follows:

304.2 The Adams Morgan Moratorium Zone is more specifically described as beginning at 18th Street and Vernon Street, NW; and proceeding on both sides of all streets, unless otherwise noted; West on Vernon Street to 19th Street; Northwest on 19th Street to Wyoming Avenue; Southwest on Wyoming Avenue to 20th Street; Northwest on ~~10th Street~~ **20th Street** to Belmont Road; West on Belmont Road to Waterside Drive; North on Waterside Drive to Allen Place; East on Allen Place to 20th Street; North on 20th Street to Biltmore Street; North on Biltmore Street to Calvert Street; East on Calvert Street to Lanier Place; Northeast on Lanier Place to Adams Mill Road; Northwest on Adams Mill Road, and then Northeast to Ontario Road; East on Ontario Road to Lanier Place; Northeast on Lanier Place to Quarry Road; Southeast on Quarry Road to Columbia Road; Northeast on Columbia Road to Mozart Place; South on Mozart Place to Euclid Street; East on Euclid Street to 16th Street; South on the West side of 16th Street to Florida Avenue; Southwest on Florida Avenue to U Street, and West on U Street to 18th Street, Washington, D.C.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-002
January 21, 2020

SUBJECT: Appointments — Violence Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 3042 of the Fatality Review Committee Amendment Act of 2018, effective October 30, 2018, D.C. Law 22-168, D.C. Official Code § 5-1431.01 (2019 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **KENYATTA HAZLEWOOD**, pursuant to the Violence Fatality Review Committee Kenyatta Hazlewood Confirmation Resolution of 2019, effective June 22, 2019, PR23-0271, is appointed as a representative from a hospital located in the District member to the Violence Fatality Review Committee, for a term to end three years from the date of confirmation.
2. **JUANITA PRICE**, pursuant to the Violence Fatality Review Committee Juanita Price Confirmation Resolution of 2019, effective June 22, 2019, PR23-0270, is appointed as a representative from an organization providing mental health and behavioral health services member to the Violence Fatality Review Committee, for a term to end three years from the date of confirmation.
3. **CLAYTON ROSENBERG**, pursuant to the Violence Fatality Review Committee Clayton Rosenberg Confirmation Resolution of 2019, effective June 22, 2019, PR23-0269, is appointed as a representative from an organization providing services to secondary victims of homicide or suicide member to the Violence Fatality Review Committee, for a term to end three years from the date of confirmation.
4. **MILDRED SHEPPARD**, pursuant to the Violence Fatality Review Committee Mildred Sheppard Confirmation Resolution of 2019, effective June 22, 2019, PR23-0268, is appointed as a representative from a hospital located in the District member to the Violence Fatality Review Committee, for a term to end three years from the date of confirmation.

- 5. The following persons are appointed to the Violence Fatality Review Committee, to serve at the pleasure of the Mayor:
 - a. **JAMES BALLARD**, as a representative from the Department of Human Services (DHS).
 - b. **CHERYL BOZARTH**, as a representative from the Office of Victim Services and Justice Grants (OVSJG).
 - c. **ROBERT CONTEE**, as a representative from the Metropolitan Police Department (MPD).
 - d. **SHANNON GOODHUE**, as a representative from the Department of Behavioral Health (DBH).
 - e. **KENAN ZAMORE**, as a representative from the Department of Health (DOH).

6. **EFFECTIVE DATE:**

- a. For items 1-4, the Order shall be effective *nunc pro tunc* to the effective date of confirmation.
- b. For section 5, the Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-003
January 21, 2020

SUBJECT: Appointment — Acting Commissioner, Department of Insurance Securities and Banking

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and section 5 of the Department of Insurance, and Securities Regulation Establishment Act of 1996, effective May 21, 1997, D.C. Law 11-268, D.C. Official Code § 31-104 (2013 Repl. and), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **KARIMA WOODS** is appointed Acting Commissioner of the Department of Insurance Securities, and Banking, to serve at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-264, dated December 31, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-004
January 22, 2020

SUBJECT: Final Action on Proposed Closure of Washington Metropolitan High School

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204-22(11) (2016 Repl.) and section 103 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007, D.C. Law 17-9, D.C. Official Code § 38-172 (2019 Repl.), it is hereby **ORDERED** that:

1. On November 26, 2019, the Chancellor of the District of Columbia Public Schools ("DCPS") announced a proposed action to close Washington Metropolitan High School at the end of the 2019-2020 school year. The proposed action would support the goal of offering a higher quality education to students by accommodating students who currently attend Washington Metropolitan High School in more appropriate programs that are better equipped to serve their needs. The proposal was published in the *D.C. Register* on November 29, 2019, at 66 DCR 15825. Information about the proposal was posted on DCPS's website.
2. The Chancellor notified the affected Advisory Neighborhood Commission, Councilmembers, and the community. DCPS solicited feedback and engaged with the community through two special community meetings, three (3) staff meetings at Washington Metropolitan High School, and four (4) student listening sessions to provide information and receive input on the proposed closure.
3. After considering the feedback obtained through this engagement, the Chancellor recommended the closure of Washington Metropolitan High School.
4. The final action shall be the closure of Washington Metropolitan High School at the end of the 2019-2020 school year.
5. The Chancellor shall continue to work with affected students, teachers, and administrators to ensure orderly transitions. The Chancellor shall implement a process to monitor and support students as they work towards course completion during the remainder of the 2019-2020 school year and ensure students and families know what options are available for them for the 2020-2021 school year.

6. EFFECTIVE DATE: This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JANUARY 29, 2020
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00121; Donahue, LLC, t/a Donahue, 1338 Wisconsin Ave NW
License #115150, Retailer CT, ANC 2E
Substantial Changes (Request to Transfer License and Change the Hours
Inside the Premises and Summer Garden, also request to add 135
Additional Seats.

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00115; Family, LLC, t/a MK Lounge & Restaurant, 1930 9th
Street NW, License #88787, Retailer CT, ANC 1B
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00120; Brilliant, LLC, t/a Flash, 645 Florida Ave NW, License
#90823, Retailer CT, ANC 1B
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00119; Eleana, LLC t/a Secret Lounge, 1928 9th Street NW
License #107123, Retailer CT, ANC 1B
Application to Renew the License

Show Cause Hearing (Status) **9:30 AM**
Case # 19-251-00102; Down Under, Inc., t/a Bravo Bravo, 1001 Connecticut
Ave NW, License #71564, Retailer CN, ANC 2B
Failed to Follow Security Plan

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CIT-00595; Ugly Mug, LLC, t/a Katherine's Catering, 5018
Connecticut Ave NW, License #93580, Retailer Caterer, ANC 3F

Board's Calendar

January 29, 2020

Failed to File a Caterers Report

Show Cause Hearing (Status)

9:30 AM

Case # 19-AUD-00080; 1606 K Street, LLC, t/a Fuel Pizza & Wings, 1606 K Street NW, License #88452, Retailer CR, ANC 2B

Failed to File Quarterly Statement

Show Cause Hearing*

10:00 AM

Case # 19-CC-00036; DC Market, Inc., t/a DC Food Market, 2200 16th Street SE, License #106962, Retailer B, ANC 8A

Sale to Minor Violation, No ABC Manager on Duty

Show Cause Hearing*

11:00 AM

Case # 18-CC-00082; Desperados Pizza, LLC, t/a Desperados Pizza, 1342 U Street NW, License #84731, Retailer CT, ANC 1B

Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing*

11:00 AM

Case # 19-251-00077; Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A

Cover Charge Without Endorsement, Failed to Post the Correct Name, Allowed a Promoter to Manage the Establishment, Failed to Preserve a Crime Scene

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Protest Hearing*

1:30 PM

Case # 19-PRO-00083; Rito Loco, LLC, t/a Rito Loco-El Techo, 606 Florida Ave NW, License #104119, Retailer CR, ANC 6E

Application to Renew the License

Protest Hearing*

4:30 PM

Case # 19-PRO-00100; Quilox, LLC, t/a Quilox Restaurant and Lounge, 7303 Georgia Ave NW, License #114288, Retailer CR, ANC 4B

Application for a New License

Board's Calendar

January 29, 2020

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

**This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.*

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

**NOTICE OF MEETING
CANCELLATION AGENDA**

**WEDNESDAY, JANUARY 29, 2020
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be cancelling the following licenses for the reasons outlined below:

ABRA-115645 – **Climaxx Bar and Restaurant** – Retail – C – Tavern – 900 Florida Avenue
NW

[Licensee did not pay the Safekeeping fee within 30 days.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JANUARY 29, 2020 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 3B. SMD 3B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Slate Wine Bar*, 2404 Wisconsin Avenue NW, Retailer CR, License No. 089768.

2. Review Application for Class Change from retailer’s class C Restaurant to retailer’s class C Tavern. ANC 4D. SMD 4D06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Mignot*, 4815 Georgia Avenue NW, Retailer CR, License No. 100407.

3. Review request to increase approved interior Total Occupancy Load from 6 to 12. ANC 5E. SMD 5E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Uncle Chip’s*, 1514 North Capitol Street NW, Retailer CT, License No. 096522.

4. Review Request to increase Sidewalk Café seating from 8 to 13. ANC 2F. SMD 2F02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Number Nine*, 1435 P Street NW, Retailer CT, License No. 086354.

5. Review Application for Change of Hours of operation and alcoholic beverage sales, service, and consumption both inside the premises and for the sidewalk café. The establishment will open earlier and remain open until later. ***Approved Hours of Operation Inside Premises:*** Sunday 10am to 6pm, Monday-Saturday 7am to 10pm. ***Approved Hours of Alcoholic Beverage Sales and Consumption Inside Premises:*** Sunday 10am to 6pm, Monday-Saturday 11am to 9:30pm. ***Approved Hours of Operation for Sidewalk Cafe:*** Sunday 10am to 4pm, Monday-Saturday 7am to 10pm. ***Approved Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Cafe:*** Sunday 10am to 4pm, Monday-Saturday 11am to 9:30pm. ***Proposed Hours of***

Operation Inside Premises: Sunday 9am to 12am, Monday-Friday 8am to 2am, Saturday 9am to 2am. **Proposed Hours of Alcoholic Beverage Sales and Consumption Inside Premises:** Sunday 9am to 12am, Monday-Saturday 9am to 2am. **Proposed Hours of Operation for Sidewalk Café:** Sunday 9am to 11pm, Monday-Thursday 7am to 11pm, Friday-Saturday 7am to 12am. **Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Cafe:** Sunday 9am to 11pm, Monday-Thursday 8am to 11pm, Friday 8am to 12am, Saturday 9am to 12am. ANC 2B. SMD 2B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Mikko Nordic Fine Food**, 1636 R Street NW, Retailer CR, License No. 109951.

6. Review Application for Sidewalk Café with 4 seats. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Café:** Sunday-Thursday 12pm to 2am, Friday-Saturday 10am to 3am. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Cotton & Reed**, 1330 5th Street NE, Manufacturer A, License No. 099505.
-

7. Review Application for Tasting Permit. ANC 2B. SMD 2B08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Benmoil Liquor**, 1700 U Street NW, Retailer A Liquor Store, License No. 072334.
-

***In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend. This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.**

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE

The Director of the Department of Behavioral Health (DBH), pursuant to the authority set forth in sections 5113, 5115, 5117, 5118 and 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06, 7-1141.07 and 7-1141.08) (2018 Repl.), hereby gives notice that effective January 24, 2020, DBH will accept applications from community-based organizations seeking certification as providers of Substance Use Disorder (SUD) services as defined by Chapter 63, Title 22-A of the District of Columbia Municipal Regulations, and Mental Health Rehabilitation Services (MHRS) as defined by Chapter 34, Title 22-A of the District of Columbia Municipal Regulations limited to the services listed below. Applications submitted on or after January 24, 2020 for services not included below will be returned to the provider and will not be reviewed or processed by DBH. This notice supersedes DBH’s Notice published on December 27, 2019 in the *D.C. Register*.

Until further notice, the Department will only accept certification applications as follows:

| Substance Use Disorder Treatment Level of Care & Specialty Services | Current Status |
|--|----------------|
| Level: Opioid Treatment Program (OTP) | OPEN |
| Level 1 Outpatient | OPEN |
| Level 2.1 Intensive Outpatient | OPEN |
| Level 2.5 Day Treatment | OPEN |
| Level 3.1 Clinically Managed Low-Intensity Residential | OPEN |
| Level 3.3 Clinically Managed Population-Specific High-Intensity | OPEN |
| Level 3.5 Clinically Managed High-Intensity Residential (Adult) or Clinically Managed Medium-Intensity Residential (Youth) | OPEN |
| Level 3.7 WM Medically Monitored Intensive Inpatient Withdrawal Management | OPEN |
| Level R Recovery Support Services | OPEN |
| Medication Management | OPEN |
| Adolescent – Community Reinforcement Approach (ACRA) | OPEN |
| Medication Assisted Treatment (MAT) | OPEN |
| Trauma Recovery Empowerment Model (TREM) | OPEN |
| Environmental Stability | OPEN |

| MHRS Provider Core/Sub-provider/Specialty | Current Status |
|---|--|
| Core Services Agency Adult | Limited to SBMH CBO grantees |
| Core Services Agency Child Youth | Limited to SBMH CBO grantees |
| Child Choice | CLOSED |
| Health Home | CLOSED |
| Diagnostic/Assessment | Limited to SBMH CBO* grantees |
| Medication-Somatic Treatment | Limited to SBMH CBO grantees |
| Counseling and Psychotherapy | Limited to SBMH CBO grantees |
| Trauma Recovery Empowerment Model (TREM) | Limited to currently certified CSAs |
| Trauma Systems Therapy (TST) | Limited to currently certified CSAs |
| Trauma-Focused Cognitive Behavioral Therapy (TF-CBT) | CLOSED |
| Child-Parent Psychotherapy for Family Violence (CPP-FV) | Limited to currently certified Child/Youth CSAs |
| Clubhouse | OPEN |
| Community Support | Limited to SBMH CBO grantees |
| Crisis/Emergency | Limited currently certified CSAs |
| Rehabilitation/Day | Limited to currently certified CSAs |
| Intensive Day Treatment (Child and Youth) | Limited to currently certified CSAs |
| Intensive Day Treatment (Adults) | Limited to currently certified CSAs |
| CBI Level I (Multi-Systemic Therapy) | CLOSED |
| CBI Level II | CLOSED |
| CBI Level III | CLOSED |
| CBI Level IV (Functional Family Therapy) | Limited to currently certified Child/Youth CSAs |
| Assertive Community Treatment | CLOSED |
| Supported Employment | Limited to currently certified SUD providers |

*School Based Mental Health (SBMH)
Community Based Organization (CBO)
Core Services Agency (CSA)

Community Based Intervention (CBI)
Substance Use Disorder (SUD)

OPEN indicates that DBH is accepting new certification applications. CLOSED indicates that DBH is not accepting new certification applications as of January 24, 2020. Limited indicates that DBH is accepting new certification applications with specified restrictions as of January 24, 2020.

This notice is solely for parties interested in certification. Obtaining certification does not guarantee that the applicant will receive a Human Care Agreement or local-only funding. Successful applicants must meet all contract requirements as determined by the Office of Contracting and Procurement prior to receiving a Human Care Agreement and the award of a Human Care Agreement is subject to availability of funds.

All questions regarding this Notice should be directed to Christine Phillips, DBH Division of Certification, at 64 New York Ave. NE, 3rd floor, Washington D.C. 20002; e-mail: christine.phillips@dc.gov; telephone: (202) 299-5354.

**BRIYA PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Briya PCS solicits proposals for the following:

- **Student Tracking and Reporting Services**

Full RFP(s) by request. Proposals shall be submitted as PDF documents no later than 5:00 PM on Tuesday, February 4, 2019. Contact: bids@briya.org

CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Construction Manager

Creative Minds International PCS located in Washington DC invites proposals for Construction Manager. Submission deadline is 12:00 PM Eastern Time on February 11, 2020.

To request full scope and/or seek additional information, please email:

Heather Hesslink
Director of Operations & Compliance
heather.hesslink@creativemindspcs.org

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING**

WEDNESDAY, FEBRUARY 5, 2020 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, February 5, 2020 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on:
 - (A) First Draft of Report #42, *Obscenity, Privacy, and Related Offenses*;
 - (B) First Draft of Report #43, *Blackmail*
 - (C) First Draft of Report #44, *Trademark Counterfeiting*
 - (D) First Draft of Report #45, *Fraudulent Advertising and Fraudulent Registration*
 - (E) First Draft of Report #46, *Possession of an Open Container of Alcohol*
 - (F) First Draft of Report #47, *Illegal Vending*
 - (G) First Draft of Report #48, *Incest*
 - (H) First Draft of Report #49, *Parental Kidnapping*
- III. Adjournment.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL (ECA)**REQUEST FOR PROPOSALS**

New 38,000 sq. ft. facility - ECA will receive bids for **commercial grade luxury vinyl tile** to be installed in most areas of the first floor of the building, including the foyer and main entrance, main office, business offices, conference room, health suite, admin office, staff lounge, and hallways. The approximate sq. ft is 4K. Work expected to be completed between February 17 – 21, 2020. Bids can be submitted online or in-person until 4:30 pm on Friday, January 31, 2020. Send requests for a bid package to bids@ecapcs.org. Bids will be opened Monday, February 3, 2020.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in two (2) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 1C02 and 3F01

Petition Circulation Period: **Monday, January 27, 2020 thru Tuesday, February 18, 2020**

Petition Challenge Period: **Friday, February 21 2020 thru Thursday, February 27, 2020**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
1015 - Half Street, SE, Suite 750
Washington, DC 20003**

For more information, the public may call **727-2525**.

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

2020 Green Zone Environmental Program – Watershed Protection Projects

The Department of Energy and Environment (the Department) seeks eligible entities to provide education, training, and hands-on activities to participants in the Green Zone Environmental Program (GZEP). Projects should focus on improving water quality and, in particular, reducing the impacts of stormwater runoff on District water bodies. Additionally, these projects should provide GZEP participants with entry-level skills in the green economy. The amount available for this grant announcement is approximately \$80,000. An applicant can request up to \$20,000. DOEE plans to make multiple awards.

Beginning 1/24/2020, the full text of the Request for Applications (RFA) will be available on the Department’s website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department’s website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to GZEP2020.watershedprojects@dc.gov with “Request copy of RFA 2020-2011-WPD” in the subject line.

Pick up a copy in person from the Department’s reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Emily Rice at (202) 535-2679 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Emily Rice RE: 2020-2011-WPD” on the outside of the envelope.

The deadline for application submissions is 2/28/2020, at 4:30 p.m. Five hard copies must be submitted to the above address **OR** a complete electronic copy must be e-mailed to GZEP2020.watershedprojects@dc.gov for receipt by that time.

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: GZEP2020.watershedprojects@dc.gov.

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****American Airlines**

Friendship PCS intends to enter into a sole source contract with **American Airlines** to provide Friendship School travel services for professional development, conference attendance and other Friendship School business. The decision to sole source is based on American Airlines, Inc. extensive route availability and competitive prices. It is the world's largest airline when measured by fleet size, revenue, scheduled passengers carried, scheduled passenger-kilometers flown, and number of destinations served. The estimated yearly cost is approximately \$50,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: ProcurementInquiry@friendshipschools.org, and should be received no later than **4:00 P.M., EST, Thursday February 5, 2020**.

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT**Delta Airlines**

Friendship PCS intends to enter into a sole source contract with **Delta Airlines** to provide Friendship School travel services for professional development, conference attendance and other Friendship School business. The decision to sole source is based on the fact that Delta is ranked second among the worlds largest airlines and by number of scheduled passengers carried, revenue passenger-kilometers flown, and fleet size. Delta has nine hubs and can provide service to many different locations often at favorable pricing. The estimated yearly cost is approximately \$30,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: ProcurementInquiry@friendshipschools.org, and should be received no later than **4:00 P.M., EST, Thursday February 5, 2020**.

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT**Southwest Airlines**

Friendship PCS intends to enter into a sole source contract with **Southwest Airlines** to provide Friendship School travel services for professional development, conference attendance and other Friendship School business. The decision to sole source is based on the fact that Southwest is a major American airline and is the world's largest low-cost carrier. Southwest can provide service to many different locations often at low pricing as well as their flexible change policy and 2 free bags. The estimated yearly cost is approximately \$50,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: ProcurementInquiry@friendshipschools.org, and should be received no later than **4:00 P.M., EST, Thursday February 5, 2020**.

**DEPARTMENT OF HEALTH CARE FINANCE
NOTICE OF PUBLIC MEETING**

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007 hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, March 5, 2020, at 2:30 PM at 441 Fourth Street NW, Washington, DC 20001, on the 10th Floor in the Main Street Conference Room 1028.** Please note that government issued ID is needed to access the building. Use the North Lobby elevators to access the 10th floor.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

| | |
|--|--|
| Androgenic Agents | Hypoglycemics, Incretin Mimetics/Enhancers |
| Antibiotics, Vaginal | Hypoglycemics, Insulins |
| Antiemetics/Antivertigo Agents | Hypoglycemics, Meglitinides |
| Antihyperuricemics | Hypoglycemics, Metformins |
| Bladder Relaxants | Hypoglycemics, SGLT2 Inhibitors |
| Bone Resorption and Suppression Agents | Hypoglycemics, Thiazolidinediones |
| BPH Agents | Pancreatic Enzymes |
| Colony Stimulating Factors | Phosphate Binders |
| Erythropoiesis Stimulating Agents | Progestins For Cachexia |
| GI Motility, Chronic, Irritable Bowel Syndrome | Proton Pump Inhibitors |
| Growth Hormone | Ulcerative Colitis Agents |
| H. Pylori Agents | Vaginal Estrogen Preparations |
| Histamine-2-Receptor Antagonists | |

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45 PM on Tuesday, February 25, 2020.** The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov). An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than 4:45 PM on February 25, 2020. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back).** The ready-to-disseminate, written information can also be mailed **to arrive no later than February 25, 2020** to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
441 4th Street NW, Suite 900 South
Washington, DC 20001

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

NOTICE OF FUNDING AVAILABILITY

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA) for grant funds pursuant to the authority established by D.C. Act 23-92, Fiscal Year 2020 Budget Support Act of 2019 to make grant funds available to community-based initiatives focused on addressing social determinants of health in Wards 7 and 8. The Director of DHCF has authority to issue grants under the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code 7-771.05(4) (2012 Repl.).

A Request for Applications (RFA) for the below opportunities will be released under a separate announcement with guidelines for submitting the application, review criteria, and DHCF terms and conditions for applying for and receiving funding. The anticipated performance period for these grants is the date of award to September 30, 2020.

Descriptions of Opportunities:

Ward 7 and 8 Social Determinants of Health Initiatives: Two (2) grants of no more than \$50,000 each, a total of \$100,000, will be awarded to facilitate community-based initiatives in Ward 7 and/or 8 focused on addressing social determinants of health for Medicaid beneficiaries in Ward 7 and/or 8. The grant should focus on the following social determinants of health domains: housing, food access, social inclusion, employment assistance and literacy. This grant may also support applicants who participate in a cohort-based curriculum that incorporates a structured, human-centered, creative process that synthesizes multi-disciplinary ideas to address social determinants of health. The grant shall identify high-impact solutions that aligned with existing community health programs that will benefit Medicaid beneficiaries living in Wards 7 and/or 8.

Eligibility Requirements:

Applicants must have a demonstrated record of implementing initiatives addressing social determinants of health in the community. Applicants should have a deep understanding of DHCF's priorities, and the proposal should reflect DHCF's ongoing initiatives.

All applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.

A RFA will be released on or around February 13, 2020. The application package will be available online at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> and the DHCF website (<https://dhcf.dc.gov/page/dhcf-grant-opportunities>). Hard copies of the application package may be obtained at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk daily from 9:00 am until 4:00 pm.

DHCF will hold a pre-proposal conference on February 24, 2020 at 1:00PM ET at 441 4th St NW, 10th Floor. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.

Completed applications must be received on or before 4:00PM ET on March 13, 2020. Applications must be submitted in hard copy and in-person at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk. No applications will be accepted after the submission deadline. All eligible applications will be reviewed through a competitive process.

For additional information regarding this NOFA, please contact DaShawn Groves, Lead Project Manager, DHCF, Health Care Reform and Innovation Administration at dashawn.groves@dc.gov or at (202) 442-8956.

**DEPARTMENT OF HEALTH (DC HEALTH)
NOTICE OF FUNDING AVAILABILITY (NOFA)
Community Health Administration (CHA)**

RFA#: CHA-HSP-01.31.20

HealthySteps Program

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

General Information:

| | |
|-------------------------------|--|
| Funding Opportunity Title: | HealthySteps |
| Funding Opportunity Number | FO-CHA-PG-00001-002 |
| Program RFA ID#: | CHA-HSP-01.31.20 |
| Opportunity Category: | Competitive |
| DOH Administrative Unit: | Community Health Administration |
| DOH Program Bureau | Family Health Bureau |
| Program Contact: | Belinda Logan Belinda.logan@dc.gov |
| Program Description: | DC Health is soliciting applications from qualified applicants to implement the evidenced-based primary care prevention model, HealthySteps. The purpose Of this program is to offer families enhanced well-child visits and consultations emphasizing the promotion of children’s development |
| Eligible Applicants: | Federally Qualified Health Centers and/or pediatric and family medicine primary care practices located and licensed to conduct business within the District of Columbia. |
| Anticipated # of Awards: | 2 |
| Anticipated Amount Available: | \$450,000 |
| Floor Award Amount: | \$100,000 |
| Ceiling Award Amount: | \$450,000 |

Funding Authorization

| | |
|--|---|
| Legislative Authorization | District of Columbia Fiscal Year 2020 Budget Support Act of 2019 |
| Associated CFDA# | Not applicable |
| Associated Federal Award ID# | Not applicable |
| Cost Sharing / Match Required? | Not applicable |
| RFA Release Date: | Friday, January 31, 2020 |
| Pre-App Meeting (Date) | Friday, February 7, 2020 |
| Pre-App Meeting (Time) | 10:30 am to 12:30 pm |
| Pre-Application Meeting (Location/Conference Call Access) | 899 North Capitol Street, NE Washington, DC 20002 3rd Floor Conference Room (306) |
| Letter of Intent Due date: | Not applicable |
| Application Deadline Date: | Friday, February 28, 2020 |
| Application Deadline Time: | 6:00 PM |
| Links to Additional Information about this Funding Opportunity | DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse . DC Health EGMS https://dcdoh.force.com/GO_ApplicantLogin2 |

Notes:

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

DEPARTMENT OF HEALTH**NOTICE OF PUBLIC MEETING**

The Director of the Department of Health hereby gives the following corrected notice pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66); D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2015 Supp.)(Act), and 17 DCMR § 10316.

The District of Columbia Prescription Drug Monitoring Program Advisory Committee will hold a public meeting on:

**Tuesday, January 21, 2020, from 10:00 a.m. until 12:00 p.m.
At 899 North Capitol St., NE, 2nd Floor, Room 216
Washington, D.C. 20002**

A copy of the meeting agenda may be obtained on the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp

Please monitor the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp for updates. Phone inquiries will not be accepted regarding this topic.

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

DISTRICT OF COLUMBIA FINANCIAL SERVICES REGULATORY SANDBOX AND
INNOVATION COUNCILNOTICE

The District of Columbia Financial Services Regulatory Sandbox and Innovation Council, established pursuant to Mayor's Order 2019-003, hereby gives notice of its public meeting schedule, which was adopted at the Council's December 18, 2019 meeting. All meetings will be held at the offices of the Department of Insurance, Securities and Banking, 1050 First Street, NE Suite 801, Washington, DC 20002, and a draft agenda will be published for each meeting.

- Thursday, January 30, 2020 – 3:00pm – 6:00pm
- Thursday, February 20, 2020 – 3:00pm – 6:00pm
- Thursday, March 5, 2020 – 3:00pm – 6:00pm
- Thursday, March 19, 2020 – 3:00pm – 6:00pm
- Thursday, April 2, 2020 – 3:00pm – 6:00pm
- Thursday, April 16, 2020 – 3:00pm – 6:00pm
- Thursday, April 30, 2020 – 3:00pm – 6:00pm
- Thursday, May 14, 2020 – 3:00pm – 6:00pm
- Thursday, May 28, 2020 – 3:00pm – 6:00pm
- Thursday, June 11, 2020 – 3:00pm – 6:00pm

All questions regarding this Notice should be directed to Christian Washington, Chief of Staff, Department of Insurance, Securities and Banking at 1050 First Street, NE, Suite 801, Washington, DC 20002; telephone: (202) 442-7754; e-mail: christian.washington@dc.gov.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Full-Service Production**

KIPP DC is soliciting proposals from qualified vendors for Full-Service Production. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM ET on February 4, 2020. Questions should be addressed to dorian.ezzard@kippdc.org.

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETINGS**

LARUBY Z. MAY, BOARD CHAIR

The regular monthly meetings of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, are held at 12:00pm in open session on the fourth Wednesday of each month, unless otherwise indicated.

The following are the dates and times for the regular monthly meetings to be held in calendar year 2020. All meetings are held at 1310 Southern Avenue, Southeast, Washington, DC 20032, conference room 2/3, unless otherwise indicated. Notice of a meeting location change other than 1310 Southern Avenue, Southeast will be published in the D.C. Register and/or posted on the Not-For-Profit Hospital Corporation’s website (www.united-medicalcenter.com).

Notice will be provided at a later date for with the location, date and time for the Annual Community Meeting. A notice and or draft agenda will be published in the D.C. Register for each meeting.

| | | |
|-------------------------------|---------|-----------------------|
| Wednesday, January 29, 2020 | 12:00pm | United Medical Center |
| Wednesday, February 26, 2020 | 12:00pm | United Medical Center |
| Wednesday, March 25, 2020 | 12:00pm | United Medical Center |
| Wednesday, April 29, 2020 | 12:00pm | United Medical Center |
| Wednesday, May 27, 2020 | 12:00pm | United Medical Center |
| Wednesday, June 24, 2020 | 12:00pm | United Medical Center |
| Wednesday, July 29, 2020 | 12:00pm | United Medical Center |
| Wednesday, September 30, 2020 | 12:00pm | United Medical Center |
| Wednesday, October 28, 2020 | 12:00pm | United Medical Center |
| Wednesday, November 18, 2020 | 12:00pm | United Medical Center |

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

LARUBY Z. MAY, BOARD CHAIR

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will convene at 12:00 p.m. on Wednesday, January 29, 2020. The meeting will be held at the United Medical Center, 1310 Southern Ave., SE, Washington, DC 20032 in the Ground Floor Conference Rooms. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. READING AND APPROVAL OF MINUTES**
December 4, 2019
- V. CONSENT AGENDA**
 - A. Dr. Raymond Tu, Chief Medical Officer
 - B. Dr. Marilyn McPherson – Corder, Medical Chief of Staff
 - C. Dr. Jacqueline Payne-Borden, Chief Nursing Officer
- VI. EXECUTIVE MANAGEMENT REPORT**
Colene Daniel, Chief Executive Officer
- VII. COMMITTEE REPORTS**
 - Patient Safety and Quality Committee
 - Finance Committee
 - Mazars Accountability Committee
- VIII. PUBLIC COMMENT**
- IX. OTHER BUSINESS**
 - A. Old Business
 - B. New Business
- X. ANNOUNCEMENTS**
- XI. ADJOURN**

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 - 575(b)(1)(2)(4A)(5),(9),(10),(11),(14).

DC PUBLIC CHARTER SCHOOL BOARD**NOTICE OF CHARTER REVIEWS AND RENEWALS – MULTIPLE SCHOOLS**

ACTION: Open for Public Comment
PUBLIC COMMENT ACCEPTED UNTIL: **January 27, 2020**

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 or renewal on Monday, January 27, 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 it must meet, *or* 3) Commence charter revocation proceedings.

1. Paul Public Charter School:

Paul PCS is up for its 20-Year charter review. The school currently operates two campuses at the same location in Ward 4: Paul PCS - Middle School serving grades 6-8 and Paul PCS - International High School serving grades 9-12. Its mission is to “to educate our students and to develop in them the capacity to be responsible citizens, independent thinkers, and leaders.”

2. AppleTree Early Learning Public Charter School:

AppleTree Early Learning PCS is up for its 15-Year charter renewal. The school currently educates students in grades PK3 and PK4 across six campuses in Wards 1, 6, 7, and 8. Its mission is to “to provide young children with the social, emotional and cognitive foundations that will enable them to succeed in school.”

3. Early Childhood Academy Public Charter School:

Early Childhood Academy PCS is up for its 15-Year charter renewal. The school currently educates students in grades PK3 through third at a single campus in Ward 8. Its mission is “[T]o partner with educators, families, and community members to form a strong school with a language- and literacy-rich academic environment in a setting that supports multiculturalism and values respect, compassion, curiosity, and first-hand experience in which students acquire a full range of skills that exceeds District of Columbia Public School standards.”

4. Hope Community Public Charter School:

Hope Community PCS is up for its 15-Year charter renewal. The school currently educates students at two campuses: Hope Community PCS - Tolson serving grades PK3 through eight in Ward 5, and Hope Community PCS - Lamond serving grades PK3 through five in Ward 4. The school's mission is “To positively shape the hearts and minds of our students by providing them with an academically rigorous, content rich curriculum, an environment in which character is modeled and promoted, and a community in which to build trusting relationships with others.”

5. YouthBuild DC Public Charter School:

YouthBuild DC PCS is up for its 15-Year charter renewal. The school currently educates adult education students ages 16-24 at a single campus in Ward 1. The school’s mission is to “Transform the lives of out-of-school youth in the District of Columbia by offering a bilingual educational option that combines an academic program with vocational training, employability, skill-building, and community service – a program designed to prepare young people for college or the workplace while they work to create housing for the city’s low-income residents.”

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 and if a school wants to continue operating beyond its original 15-year charter it must apply to DC PCSB in its fifteenth year of operation to renew its charter for another 15-year term.

DATES:

- Comments must be submitted on or before January 27, 2020.
- Vote will be held on January 27, 2020 at 6:30 pm. For location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by “School Name - Notice of Petition for Charter Review” by any of the following methods:

1. Submit a written comment via:
 - (a) E-mail*: public.comment@dcpcsb.org
 - (b) Postal mail*: Attn: Public Comment, DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - (c) Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the board meeting on January 27, 2020, by emailing a request to public.comment@dcpcsb.org by no later than 4 p.m. on Thursday, January 23, 2020.

*Please select only one of the actions listed above.

For Further Information Contact: Nikhil Vashee, Specialist—School Quality and Accountability, at (202) 328-2660; email: nvashee@dcpcsb.org.

DC PCSB reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all your submission that it may deem to be inappropriate for publication, such as obscene language.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

ROBUST RETAIL CITYWIDE

Updated 01/14/2020

The Department of Small and Local Business Development (DSLBD) is excited to announce that we will be accepting applications for the **2020 Robust Retail: Citywide grants starting January 15, 2020 and closing March 15, 2020.**

A robust retail sector is critical to maintaining the vibrancy of DC neighborhoods, but market realities are changing for retail businesses. Thus the Robust Retail grant(s) support existing DC-based retail businesses adapting their business model to meet changing customer demand. DSLBD encourages but does not require applicants to include Made in DC products as part of their concept for business model redesign.

DSLBD intends to award up to \$10,000 per business to 40 businesses from the total \$400,000 in available funding for 2020. Funds must be fully expended with appropriate receipts and accounting by August 31, 2020.

Final Deadline

The absolute final deadline to apply online is March 15, 2020 at 2:00 p.m. EST, no exceptions. Applications will only be accepted through the online application system listed in the Request for Applications (RFA) on DSLBD's website.

Who can apply?

Only for-profit consumer-facing, small retail businesses with a licensed location in DC are eligible for Robust Retail Citywide Grants. ***Home-based and non-profit businesses are not eligible for this grant opportunity.*** Applicants must have Clean Hands, a DUNS number, and active general liability insurance.

How can the funds be used?

The funding may be used for expenses the agency deems reasonable to attempt effective business model redesign between April 1, 2020 and August 31, 2020. Examples of allowable and disallowed uses are detailed in the full Request for Applications (RFA) available on DSLBD's website during the application period.

NOTICE OF FUNDING AVAILABILITY (Page 2)**Robust Retail: Citywide****How will awardees be selected?**

Grant recipients will be selected through a competitive application process. All applications from eligible applicants received on or before the deadline will be forwarded to an independent review panel to be evaluated based on the applicants narrative on the use of the funds to help the business stay open, grow and adapt to meet market challenges.

A program team will review the recommendations. The Director of DLSBD will make the final determination of grant awards. Announcements of selected awards will be made on or around April 15, 2020.

How do I apply?

All instructions are included in the formal "Request for Applications" (RFA) available for download on DSLBD's website on or before January 15, 2020. Applicants are encouraged to read the full Request for Applications. <https://dslbd.dc.gov/service/current-grant-opportunities>.

Questions?

We will hold information sessions. Applicants are highly encouraged to attend an in person information session. Details on information sessions can be found on the Eventbrite page using the following link: <http://bit.ly/DSLBDeventbrite>.

All other questions not asked during an in person information session must be submitted in writing to Inno.ED@dc.gov.

Reservations

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of this Notice of Funding Availability (NOFA) or RFA, or to rescind the NOFA or RFA at any time.

WASHINGTON YU YING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****HVAC Maintenance and Service**

RFP for HVAC Maintenance and Service: Washington Yu Ying PCS is requesting proposals for a vendor to maintain and service its HVAC systems, including: a boiler, Trane chiller, as well as, a fresh air make up air unit, wall mounted fan coils and exhaust fans.

Routine maintenance should include:

- Regular inspection of the equipment to check its operation, to oil, clean, and adjust, as necessary
- Labor for Winter Maintenance
- Adjust Belts and Grease Oil Bearings
- Check all Safety Controls and Adjust, whenever necessary
- Replacement of Merv 13 filters six (6) times per year

Deadline for submissions is close of business on February 5, 2020. Please e-mail proposals and supporting documents to RFP@washingtoneyu.org. Please specify “RFP for HVAC Maintenance” in the subject line.

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

Appeal No. 19938 of Advisory Neighborhood Commission 1C, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on October 5, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permits Nos. B1900300, B1900301, B1900302, and from the decision made on March 11, 2019 to issue Building Permit No. B1906597, to renovate three existing attached principal dwelling units in the RF-1 zone at premises 1630-1634 Argonne Place, N.W. (Square 2589, Lot 480).¹

HEARING DATES: March 20, March 27, and May 15, 2019
DECISION DATES: April 10 and July 3, 2019

ORDER GRANTING APPEAL

This appeal was submitted on December 4, 2018 by Alan Gambrell on behalf of Advisory Neighborhood Commission 1C (the “Appellant”) to challenge a decision made October 5, 2018 by the Zoning Administrator (“ZA”), at the Department of Consumer and Regulatory Affairs (“DCRA”), to issue building permits authorizing work at a property located at 1630, 1632, and 1634 Argonne Place N.W. (Square 2589, Lot 480). Following a public hearing, the Board voted to grant the appeal.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing. By memoranda and letters dated January 30, 2019, the Office of Zoning provided notice of the appeal and of the public hearing to Advisory Neighborhood Commission (“ANC”) 1C, the ANC in which the subject property is located as well as the Appellant, and to Single Member District ANC 1C05, the ZA, the Office of Planning, the Office of ANCs, and to the Chairman and the four at-large members of the D.C. Council, as well as the Councilmember for Ward 1, the ward in which the subject property is located. Notice was published in the *D.C. Register* on January 25, 2019. (66 DCR 1054.)

Party Status. Pursuant to Subtitle Y § 501.1, the Appellant, DCRA, and L Corp LLC (the “Property Owner”) were automatically parties in this proceeding. There were no requests to intervene.

¹ The caption has been amended to reflect that, at the public hearing on March 27, 2019, the Board granted a motion by the Department of Consumer and Regulatory Affairs to incorporate into the appeal a related permit, Building Permit No. B1906597 issued March 11, 2019.

Appellant's Case. The Appellant initially challenged the decision of the Zoning Administrator to issue three building permits for the subject property, making numerous claims of error. After DCRA issued two revised building permits, the Appellant described the remaining issues in this appeal as questions of interpretation, especially of Subtitle A § 301.3 and Subtitle A § 301.2(a)(2) of the Zoning Regulations. The ANC disputed DCRA's assertion that the Zoning Regulations did not require a subdivision of the property into a separate record lot for each of three principal attached dwellings located on the single lot of record. (Exhibits 2, 21, 33.)

DCRA. The Department of Consumer and Regulatory Affairs asked the Board to deny the appeal because the Property Owner obtained a revised permit, issued December 12, 2018, that "addressed most of the concerns ANC 1C identified" arising from the three building permits initially issued for the subject property in addition to another revised permit, issued March 11, 2019, that "resolved the zone and cellar designation issues." (Exhibit 32.)

DCRA acknowledged that the initial permits mistakenly identified the subject property as three separate lots "even though all three properties are located on the same record lot," and that the first revised permit "applied to all three properties but misidentified the buildings as located on lot 0463, rather than lot 480." DCRA disputed the Appellant's claim that a separate lot of record was required for each principal structure pursuant to Subtitle A § 301.3 "because the three row houses are preexisting" and the Zoning Regulations do not require a subdivision for record lots unless there is a new building, an addition to an existing building, or a change of use. According to DCRA, in this case the Property Owner planned to renovate the three principal structures without any change of use because "the row houses will continue to be single family houses." The Property Owner was not proposing to erect or construct three new row houses on a single lot, or to create an addition because no additional floor area or bulk was proposed. Instead, DCRA asserted, the "single record lot already contained three buildings thereby creating a non-conforming situation." (Exhibit 32.)

Property Owner. The Property Owner, L Corp LLC, argued that "an interior renovation for use as one-family dwellings" was permitted as a matter of right at the subject property "provided that there was no addition and no conversion." According to the Property Owner, a record lot is required under Subtitle A § 301.3 to receive a building permit for (1) new construction, (2) an addition, or (3) a conversion, and the project at the subject property "includes none of these three activities." (Exhibit 34.) The Property Owner also contended that the Appellant, ANC 1C, had not provided a statement explaining "how they are affected by the administrative decision" challenged in this appeal. *See* Subtitle Y § 302.12(f).

FINDINGS OF FACT

1. The property that is the subject of this appeal has been designated 1630, 1632, and 1634 Argonne Place N.W. (Square 2589, Lot 480).
2. The property was previously configured as three record lots, Lots 461, 462, and 463. Each lot was improved with an attached principal dwelling built in the 1920s. (Exhibit 23.)

BZA APPEAL NO. 19938

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3. A prior owner of the subject property intended to convert the three attached dwellings into one 12-unit apartment house. That use was permitted as a matter of right at the time but required the consolidation of the three existing record lots into one record lot because the apartment house project would combine the three existing row dwellings into a single building.
4. The prior owner submitted an application to DCRA for a building permit for the apartment conversion project. Concurrently, the owner submitted a subdivision application to combine the three lots into one record lot. (Exhibit 32; LeGrant, transcript of May 15, 2019 at 16.)
5. The subdivision became effective in August 2015, creating new lot 480. Lot 480 is 60 feet wide and 85 feet deep, with a lot area of 5,100 square feet. (Exhibits 23, 47A.)
6. The prior owner subsequently abandoned the apartment house project, and the building permit application lapsed. No building permit was issued to allow the conversion of the three attached dwellings into one apartment house. (Exhibit 32.)
7. The Property Owner acquired the subject property in mid-2018 with the intention of renovating the three structures for use as three one-family dwellings. The Property Owner applied for permits needed for the renovation of each of the attached dwellings into a principal dwelling.
8. Building Permit No. B1900300 (an “October Permit”) was issued on October 5, 2018 for 1630 Argonne Place, N.W., described on the permit as Lot 463. The description of work was stated as “Interior renovation, new finish, flooring, drywall, wood trim, paint, plumbing and electric fixtures, upgrade HVAC system, replace interior doors.” The existing and proposed use of the property was described as “single family dwelling – R-3” although the permit also indicated that the property was located in an RA-2 zone. (Exhibits 4, 32A.)
9. Identical permits (also “October Permits”) were issued on the same day for 1632 Argonne Place, N.W. (Building Permit No. B1900301, purportedly for Lot 462) and for 1634 Argonne Place, N.W. (Building Permit No. B1900302 for purported Lot 461). (Exhibits 4, 32A.)
10. DCRA issued stop-work orders on October 28, 2018 for 1630 Argonne Place and on November 2, 2018 for 1634 Argonne Place because work had been done that exceeded the scope of the permits, including the removal of the front porch at 1630 Argonne Place. (Exhibits 25, 28, 31.)
11. The first revised permit, Building Permit No. B1902796, was issued December 12, 2018 for 1630-34 Argonne Place, N.W. (Lot 463). The description of work was stated as

- “Repair existing front porch. Repair portion of wood framed wall at rear (1630). Replace concrete slabs, new steel and wood beams. (1630-34).” The existing and proposed use of the property was described as “single family dwelling – R-3” although the permit also indicated that the property was located in an RA-2 zone. This permit resolved issues relating to the stop-work orders. (Exhibit 32A.)
12. The second revised permit, Building Permit No. B1906597, was issued March 11, 2019 for 1630-1634 Argonne Place, N.W. (Lot 480). The description of work was stated as “Revision: Change existing garage to bedroom. Address Street: 1630 1632 1634.” The existing and proposed use of the property was described as “single family dwelling – R-3” although the permit also indicated that the property was located in an RF-1 zone. (Exhibit 32A.)
 13. Around the same time, the Property Owner obtained designation of the subject property as three Assessment and Taxation Lots, Nos. 841, 842, and 843. The tax lots employed the same boundaries as the three former record lots, before their subdivision into one record lot (Lot 480) was undertaken by the prior owner in 2015.
 14. The property is now zoned RF-1 (Residential Flats). In the RF-1 zone, the maximum number of dwelling units permitted on a property as a matter of right is two. Subtitle E § 302.1; Subtitle U § 301.1.
 15. For an attached dwelling in the RF-1 zone, the Zoning Regulations require a minimum lot width of 18 feet and minimum lot area of 1,800 square feet (or 16 feet and 1,500 square feet by special exception pursuant to Inclusionary Zoning provisions of Subtitle C, chapter 10). Subtitle E § 201.1.

CONCLUSIONS OF LAW AND OPINION

The Board is authorized by § 8 of the Zoning Act to “hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal” made by any administrative officer in the administration or enforcement of the Zoning Regulations. D.C. Official Code § 6-641.07(g)(1) (2008 Repl.). Appeals to the Board of Zoning Adjustment “may be taken by any person aggrieved, or organization authorized to represent that person, ... affected by any decision of an administrative officer ... granting or withholding a certificate of occupancy ... based in whole or part upon any zoning regulations or map” adopted pursuant to the Zoning Act. D.C. Official Code § 6-641.07(f) (2008 Repl.). *See also* Subtitle Y § 302.1.

ANC’s authority to bring the appeal. The Property Owner asserted that the Appellant, ANC 1C, had not explained “how they are affected by the administrative decision” challenged in this appeal, arguing that the ANC was not aggrieved by the Zoning Administrator’s decision to issue the building permits.

Noting “an interest in supporting adherence to the District’s zoning regulations” and in particular a “heightened concern” about the subject property, ANC 1C passed a resolution alleging that the building permits issued to the Property Owner were not consistent with zoning requirements. (Exhibit 3.) The ANC stated that its concerns grew out of its experiences with earlier claims of zoning violations in connection with development projects previously undertaken at the subject property and in the immediate vicinity.² The Appellant also explained that the ANC was “particularly concerned” that future owners of the residences at the subject property “might be put in an unfortunate, cumbersome, and expensive legal bind [as a result of] purchasing properties that lack their own record lot numbers,” since, without a record lot, the future owners of those properties would not be able to obtain permits to make additions to the residences or convert the buildings to flats, a matter of right use in the RF-1 zone. (Exhibit 44; transcript of March 27, 2019 at 194, 257.)

The Zoning Administrator acknowledged that an owner of any one of the attached dwellings at the subject property would be required to undertake a subdivision, so as to obtain a record lot number, before a permit could be issued to allow an addition to the dwelling, and that zoning relief would be required for the subdivision because the area now designated a tax lot did not meet lot dimension requirements applicable in the RF-1 zone. (Transcript of March 27, 2019 at 231-232.) The Property Owner also acknowledged that, while the RF-1 zone permits flats as a matter of right, any future owner of an attached dwelling at the subject property would need to obtain zoning relief to create a record lot before a building permit could be issued to allow conversion of the dwelling to a flat – “something that would [have to] be disclosed, too, to a potential purchaser.” (Transcript of March 27, 2019 at 261.)

For purposes of an appeal submitted to the Board, the “affected Advisory Neighborhood Commission” is generally the ANC within which the property that is the subject of the appeal is located.³ (Subtitle Y § 101.8.) The affected ANC is automatically a party to any appeal of a property within the boundaries of that ANC. (Subtitle Y § 505.1(d).)

As the Board has previously held, because ANCs “are departments of the District of Columbia government, they need only show they are *affected* by the decisions being appealed” and the automatic party status for ANCs in appeals is not limited to intervention “but includes the absolute right to bring appeals, if the subject property is located within their jurisdiction.” *See* Appeal No. 16998 of Advisory Neighborhood Commission 5B (order issued March 31, 2004)

² According to the Appellant, a prior owner obtained permits for a project at the subject property in 2014 but those permits were subsequently revoked. A dispute about the apartment house conversion project at the subject property gave rise to Appeal No. 19356, which was withdrawn in September 2017. A nearby property, 1636 Argonne Place, was the subject of Appeal No. 18980 (order issued July 13, 2016), concerning allegations of zoning violations in the conversion of an attached dwelling to a four-unit apartment house.

³ If an area represented by another ANC is directly across the street from property that is the subject of an application or appeal, the term “affected ANC” also refers to that ANC. Subtitle Y § 101.8.

(ANC had the right to bring an appeal without having to demonstrate that it was aggrieved or affected by the decision because the ANC's area included the property that was the subject of the appeal); *affirmed, Bannum, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 894 A.2d 423, 429-430 (D.C. 2006) (Court rejected argument that BZA should not have entertained an ANC's appeal because the ANC did not qualify as an "aggrieved" party by showing a greater injury than one suffered by the general public; BZA's ruling that the affected ANC has automatic party status to bring an appeal involving property in its area was "entirely reasonable" as an interpretation of the applicable zoning statutes and regulations). Accordingly, the Board finds no merit in the Property Owner's contention that ANC 1C was not eligible to file this appeal, which involves property located within the boundaries of ANC 1C.

Claims of error. The Appellant's initial filing claimed various errors attendant to the October Permits, including that the permits showed the zoning designation of the property as RA-1, although the properties were zoned RF-1; the permits reflected nonexistent lot numbers (461, 462, and 463) when the property had one lot number (480); work performed at the property exceeded the permitted scope of work for "interior renovations"; plans incorrectly depicted parking garages at each rowhouse as bedrooms as well as the existence of rear staircases; elimination of the parking garages would violate parking requirements; and the permits and associated plans designated the lower levels of the buildings as cellars without any elevation drawings to verify the designation. (Exhibits 2, 3.) The Appellant also argued that, pursuant to Subtitle A § 301.2, the Property Owner should have provided the Zoning Administrator with scaled drawings to depict parking, elevations, and other information necessary to determine compliance with zoning requirements, including a separate plat for exterior work. (Exhibit 3.) In subsequent filings, the Appellant acknowledged that most of the claims of error were rectified by the issuance of the two revised building permits for the subject property. (*See* Exhibit 31; transcript of March 27, 2019 at 210.)

The ANC recognized that "the December 12, 2018 permit addressed many zoning regulation violations raised in the initial pre-hearing statement" but still contended that, in issuing the permits, DCRA had not fully complied with Subtitle A § 301.2. (*See* Exhibit 31.) With regard to these claims, such as the filing of a single plat and the mistaken zoning designation on the initial permits, the Board concurs with DCRA that the factors raised by the ANC did not affect the Zoning Administrator's review of the permit application. As noted by the Property Owner, Subtitle A § 301.2 requires that, for a determination of compliance with zoning requirements, "each application for a building permit shall be accompanied by any of the following that is deemed necessary," listing *inter alia* scaled drawings showing various aspects of the property and elements of existing and proposed structures, including proposed use, as well as requiring "other information necessary to determine compliance." The Appellant did not demonstrate that the Zoning Administrator's review of the permit applications was hindered by the absence of any necessary information.

Citing Subtitle A § 301.3, the Appellant continued to argue that the Zoning Regulations require a separate record lot number for each principal structure in the event of erection, construction or

conversion.⁴ DCRA responded that a separate record lot was not required in this instance because “the three row houses are preexisting” while Subtitle A § 301.3 “applies to proposed construction or prospective construction.” According to DCRA, Subtitle A § 301.3 was inapplicable to the building permits at issue because the Property Owner had not proposed the erection, construction, or conversion of any principal structure, had not proposed any addition to any principal structure, and had not proposed any conversion (described as a change in use) at the subject property. Rather, “[t]he single record lot already contained three buildings thereby creating a non-conforming situation,” where the Property Owner was not proposing any additions that would increase floor area or engaging in a conversion because the rowhouses would “continue to be single family houses.” (Exhibit 32.)

For the same reasons, the Property Owner urged the Board to find the Zoning Administrator’s decision to allow, as a matter of right, the renovation of the three buildings as separate dwellings consistent with Subtitle A § 301.3. According to the Property Owner, “[i]t would not be fair to force an owner of a lawfully built and existing building to obtain a record lot (which it might not be able to do as a result of Zoning Regulations that were not in place when the building was built) simply to maintain that existing building.” (Exhibit 34.)

Recognizing the issuance of the revised permits, the Appellant stated the last remaining issue in this appeal as “whether, per Subtitle A 301.3, issuance of permits for interior and exterior work at the three [principal] structures on this single lot of record required a separate lot of record for each principal structure.” (Exhibit 53.) The parties all addressed an important provision in Subtitle A § 301.3 – “a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection construction, or conversion has been divided so that each structure will be on a separate lot of record” – in arguing whether or how that provision should be applied, or not, to the property at issue in this appeal.

The Board was not persuaded by the Appellant’s assertions, which DCRA and the Property Owner both contested. Nonetheless, the Board finds error in the issuance of the building permits for the subject property because, in allowing the use of the property – a single record lot in the RF-1 zone – as three principal dwellings, DCRA failed to give effect to the subdivision undertaken in 2015 and purported to allow a use (more than two principal dwellings on a single lot) that is not permitted as a matter of right in the RF-1 zone.

The Zoning Administrator and the Property Owner both contended that no record lots were required for the issuance of the building permits challenged in this appeal because the Property Owner was not undertaking any erection, construction, conversion, or addition at the subject property. With respect to conversion, the Board does not agree.

⁴ Subtitle A § 301.3 states that, with certain exceptions not relevant to this appeal, “a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record....”

The 2015 subdivision combined three record lots into one new record lot. That subdivision would not have been permitted but for the then-owner's concurrent application for a building permit to combine the three existing buildings into one building, for use as a multifamily dwelling.⁵ Even though the building permit application later expired, the subdivision was not extinguished.⁶ Nor did the subdivision provide a means to allow three principal buildings on one lot legally. Instead, the combination of events created a zoning violation.

As the result of circumstances that combined to create a zoning violation, the current situation – three principal buildings on one record lot, intended for use as three principal dwellings – cannot be considered a legally nonconforming aspect of the property because the structures and use were never legally established on a single lot of record. As defined in the Zoning Regulations, a “nonconforming structure” is a structure, *lawfully existing* at the time the regulations became effective, that does not conform to all applicable requirements, while a “nonconforming use” is any use of land or of a structure, *lawfully in existence* at the time the regulations became effective, that does not conform to the use provisions for the zone in which the use is located. *See* Subtitle B § 100.2. In this case, the existence of the three principal buildings on one record lot cannot be considered a nonconforming aspect of the property because their existence was never legally sanctioned – the Zoning Regulations do not permit the subdivision of land so that multiple principal buildings would be located on one record lot – but arose only because of a series of disparate decisions and unanticipated circumstances regarding the property. A prior owner completed the subdivision in the expectation of combining the three buildings into one, but the project was abandoned. The Zoning Administrator cannot extinguish a subdivision that already occurred, even one that would not have been approved but for a concurrent application for a building permit needed to make the project compliant with zoning requirements, even when the building permit application subsequently lapses.

The 2015 subdivision created a single new record lot. Consistent with the RF-1 zoning of the site, the maximum number of dwelling units permitted on that lot is two. (Subtitle E § 302.1; Subtitle U § 301.1.) The apartment house project having been abandoned by the prior owner, the Property Owner now seeks to reestablish three principal dwellings on the subject property. To

⁵ The relevant provisions in the 2016 Zoning Regulations include Subtitle C § 302.2 (each new primary building shall be erected on a separate lot of record in the RF zones) and Subtitle A § 301.3 (a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record). Similar provisions in the 1958 Zoning Regulations applied previously; *see, e.g.* 11 DCMR § 101.5 (no building shall be used or constructed, structurally altered, or enlarged except in conformity with the Zoning Regulations) and 11 DCMR § 3202.3, which was identical to the current Subtitle A § 301.3.

⁶ The Zoning Administrator testified that, although the building permit application lapsed, “the single record lot did not automatically revert back to three record lots. The subdivision rules as administered by the Office of Surveyor, once the subdivision was approved, that was the state of the property, which continues until today.” (Tr. of May 15, 2019 at 17.) The Property Owner agreed: “there’s nothing in the regulation that allows the Surveyor to undo a subdivision without it being a re-subdivision.” (Tr. of March 27, 2019 at 250.)

do so, however, would constitute a conversion from the use and structures that are now legally permitted at the property, after the subdivision became effective to create one record lot.

The Zoning Administrator testified that the use of the subject property never changed, since the prior owner did not obtain the permits necessary to combine the three attached dwellings into one apartment house. (*See* Tr. of May 15, 2019 at 17.) However, after the subdivision and under the current RF-1 zoning, the *permitted use* of the entire property, as a single record lot, is a maximum of two dwelling units. The building permits issued for the planned renovations would have resulted in three dwelling units on the single record lot. The property was subdivided as part of a project to consolidate the three buildings into one apartment house. While that apartment house use never happened, the result of the subdivision was that the now-combined property is permitted a maximum of two dwelling units, notwithstanding the existence of three principal buildings. To bring the property into compliance with the use requirements of the RF-1 zone, the owner would be required to create a maximum of two dwellings on the parcel or to seek zoning relief, *e.g.*, to allow multi-family residential use on the property or to subdivide the single record lot into smaller record lots.

Use of the property as three principal dwellings, as proposed by the Property Owner, requires a new subdivision to create three new record lots out of the one existing record lot. Because the Property Owner proposed a conversion at the subject property – that is, creation of three principal dwellings on a parcel currently configured as one record lot where a maximum of two dwelling units is permitted – no building permits should have been issued for the proposed renovations until the land for the conversion had been divided so that each structure would be on a separate lot of record, as required by Subtitle A § 301.3.

The Board concludes that building permits should not have been issued to allow multiple principal buildings on a single record lot, or to allow more than two principal dwellings on a single record lot in the RF-1 zone. The creation of tax lots was not sufficient to satisfy the requirements of Subtitle A § 301.3. To hold otherwise would give effect to the 2015 subdivision in a way that would circumvent zoning requirements, as would be the case if the Board recognized the structures on the property as legal nonconformities. Instead, the correct course is to require conversion of the property again, so that the structures and uses of the property will comply with the applicable zoning requirements.⁷

The Board is required to give “great weight” to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)). In this case, the affected ANC, ANC 1C, filed the appeal after adopting resolutions, at public meetings on November 7, 2018 and February 6, 2019, challenging the building permits at issue in this appeal. For the reasons discussed in this Order, the Board agreed with the ANC that the permits were issued in error, although not for the reasons claimed by the ANC.

⁷ The Board notes that the three original record lots (Lots No. 461, 462, and 463) were nonconforming with respect to current development standards, and thus a new subdivision back to the original dimensions would require area variance relief.

Based on the findings of fact and conclusion of law, the Board finds error in the decision made on October 5, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permits Nos. B1900300, B1900301, B1900302, and in the decision made on March 11, 2019 to issue Building Permit No. B1906597, for the renovation of three existing attached principal dwelling units in the RF-1 zone at 1630, 1632, and 1634 Argonne Place, N.W. (Square 2589, Lot 480). Accordingly, it is therefore **ORDERED** that the **APPEAL** is **GRANTED** and the Zoning Administrator's determination is **REVERSED**.

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

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: January 14, 2020

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

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

Application No. 20171 of Oliver Jacob, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle G §§ 409 and 1200 from the lot occupancy requirements of Subtitle G § 404.1, and under Subtitle G § 1201 from the rear yard requirements of Subtitle G § 405.2 to construct a second floor addition to an existing accessory building to accommodate a principal dwelling in the MU-4 zone at premises 803 Maryland Avenue N.E. (Square 915S, Lot 805).

HEARING DATE: December 18, 2019

DECISION DATE: December 18, 2019

DECISION AND ORDER

This self-certified application was submitted on October 4, 2019 by Oliver Jacob, the owner of the property that is the subject of the application (the “**Applicant**”). After a public hearing, the Board voted to grant the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated November 4, 2019, the Office of Zoning provided notice of the application and of the public hearing to the Office of Planning (“**OP**”); the District Department of Transportation (“**DDOT**”); the Department of Housing and Community Development; the Office of Advisory Neighborhood Commissions; the Councilmember for Ward 6; the four at-large members of the D.C. Council; Advisory Neighborhood Commission (“**ANC**”) 6A, the ANC in which the subject property is located; and Single Member District/ANC 6A03. Pursuant to 11 DCMR Subtitle Y § 402.1, on November 4, 2019 the Office of Zoning also mailed letters providing notice of the hearing to the Applicants and to the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on November 1, 2019. (66 DCR 14408.)

Party Status. In accordance with Subtitle Y § 403.5, the Applicant and ANC 6A were automatically parties in this proceeding. There were no requests for party status.

Applicants’ Case. The Applicant provided evidence and testimony from Michael Rouse, an architect, in support of the application.

OP Report. By memorandum dated December 6, 2019, the Office of Planning recommended approval of the zoning relief requested by the Applicant. (Exhibit 34.)

DDOT. By memorandum dated November 20, 2019, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 29.)

ANC Report. At a public meeting on December 12, 2019, with a quorum present, ANC 6A voted to support the application subject to one condition. (Exhibit 38.)

Persons in support. The Board received letters in support of the application from residents living near the subject property and from the Capitol Hill Restoration Society. The letters cited a lack of objection to the Applicant's proposal.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot located on the south side of Maryland Avenue, S.E. near its intersection with 8th Street, S.E. (Square 915S, Lot 805).
2. The lot is generally rectangular, with an angled rear lot line. The property is 12.8 feet wide and between 82.5 and 89.21 feet deep. The lot area is 1,099 square feet.
3. The subject property is improved with a two-story attached principal dwelling that extends 40 feet from the front property line and a one-story accessory building that extends approximately 23 feet from the rear lot line. The area between the two structures, which ranges from approximately 19 to 25 feet deep, is configured as a patio.
4. The existing lot occupancy is 74.25%.
5. The rear lot line of the subject property abuts a public alley 15 feet wide, providing a rear yard of 7.5 feet as measured from the center line of the alley to the rear wall of the accessory structure.
6. The Applicant proposed to construct a second-story addition to the accessory structure for use as a second principal dwelling on the subject property. Use of the ground floor will continue as a one-car garage.
7. The addition will increase the height of the accessory building to 17.2 feet.
8. A new metal landing and circular stair will be installed in the rear yard of the Applicant's dwelling to provide access to the new dwelling unit, thereby increasing lot occupancy to 77.71%. Pursuant to Subtitle G § 404.1, the maximum lot occupancy permitted as a matter of right for residential use in the MU-4 zone is 60%.
9. The addition will be built on the same footprint as the existing accessory structure, maintaining the existing 7.5-foot setback from the alley centerline. A yard of at least 15

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feet, measured from the center line of the alley to the rear wall of the accessory building, is required in the MU-4 zone. (Subtitle G §§ 405.5(a)(1), 405.2.)

10. A new entry door to the garage will be provided on the ground floor adjacent to the existing garage door. Three windows will be provided on the second floor above the garage door, facing the alley. Two smaller windows and a door, accessible from the new circular stair, will be provided on the north side, facing the Applicant's dwelling. No windows will be provided on the western façade. The eastern façade will abut the accessory building on the adjoining property.
11. The existing dwelling on the subject property was built in 1874 and is a contributing building in the Capitol Hill Historic District. The Applicant's project was approved by the Historic Preservation Review Board as compatible with the historic district.
12. The subject property is an interior lot that does not provide direct sight lines to non-parallel buildings to the west. To the east, the nearest non-parallel building will be more than 90 feet away from the closest window in the Applicant's project.
13. The adjoining property to the west of the subject property is improved with a two-story commercial building now containing a small retail store and offices. The commercial building extends beyond the Applicant's dwelling and patio and is also attached to a portion of the Applicant's accessory structure.
14. The adjoining property to the east is improved with a two-story attached principal dwelling, with a two-story accessory structure in the rear yard. A masonry wall extends along the common property line from the dwellings to the accessory buildings.
15. The adjoining accessory structure is also built to the rear lot line and is attached to the Applicant's accessory building. The ground floor of the adjoining accessory structure is used as a garage.
16. Properties across the alley, to the south of the subject property, are also improved with two-story attached dwellings, some abutting the alley.
17. The surrounding neighborhood character is predominantly moderate density, consisting largely of attached buildings used as residences or as neighborhood-serving retail and office uses. A multifamily building is located across Maryland Avenue to the north of the subject property.
18. The subject property and the surrounding area are located in a Mixed Use zone, MU-4.
19. The Mixed Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities. (Subtitle G § 100.1.) The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and

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employment centers. (Subtitle G § 100.2.) Purposes of the MU zones include to (a) provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses; (b) provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city; (c) reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses; (d) encourage safe and efficient conditions for pedestrian and motor vehicle movement; (e) ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas; (f) preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities; and (g) ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. (Subtitle G § 100.3.)

20. The MU-4 zone is intended to (a) permit moderate-density mixed-use development; (b) provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and (c) be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers. (Subtitle G § 400.3.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks special exceptions under Subtitle G §§ 409 and 1200 from the lot occupancy requirements of Subtitle G § 404.1 and under Subtitle G § 1201 from the rear yard requirements of Subtitle G § 405.2 to allow a second-floor addition to an existing one-story accessory building for use as a principal dwelling in the MU-4 zone. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR Subtitle X § 901.2.)

Exceptions to the development standards of the MU-4 zone, including the lot occupancy and rear yard requirements, are permitted if approved by the Board as a special exception subject to the provisions of Subtitle G, Chapter 12. (Subtitle G § 409.) Those provisions include that the special exception must be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps, and must not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps. (Subtitle G § 1200.4.)

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The Board concludes that the requested relief from the lot occupancy limit meets the requirements for special exception approval. The Applicant's proposal will increase existing lot occupancy by less than 3.5% to allow installation of a new circular stair and landing needed to provide access to the second-story addition to the accessory structure. The stair and landing will be unenclosed and open to the sky, consistent with the purpose of the lot occupancy requirement to preserve open space on the subject property and avoid adverse impacts on light and air available to neighboring properties. The stair and landing are not likely to affect the use of any nearby property given their location in the rear yard of the Applicant's dwelling, which is enclosed by a building to the west and a masonry wall to the east.

The Board also concludes that the requested rear yard relief meets the requirements for special exception approval. Pursuant to Subtitle G § 1201.1, the Board may grant relief from the rear yard requirements of the MU-4 zone as a special exception provided that certain conditions are satisfied, including that (a) no apartment window shall be located within 40 feet directly in front of another building, (b) no office window shall be located within 30 feet directly in front of another office window, or 18 feet in front of a blank wall; (c) in buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards; and (d) provision shall be included for service functions, including parking and loading access and adequate loading areas. The Board concludes that these conditions do not preclude approval of the requested special exception from the rear yard requirements because they are inapplicable to this application, in the case of Subtitle G § 1201.1(a), (b), and (d), or have been satisfied, in the case of Subtitle G § 1201.1(c).

The Applicant's proposal to construct a second-floor addition to an existing accessory structure for use as a principal dwelling does not trigger any requirement in the Zoning Regulations for service functions such as parking or loading. Similarly, because the use of the addition will be as a principal dwelling, the application does not propose any new apartment or office window.¹ The new principal dwelling will not have windows facing any apartment house or office building, nor will the Applicant's project create a blank wall within 18 feet in front of any other building. With respect to the distance of penetration of sight line into habitable rooms, the application demonstrated that the addition will not provide direct sight lines to non-parallel

¹ The Applicant's planned residential use of the second-floor addition may seem to meet the zoning definition of an "apartment" ("One (1) or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and under the control of the occupants of those rooms. Control of the apartment may be by rental agreement or ownership"). However, for zoning purposes an apartment is provided in a multiple dwelling such as an "apartment house" ("Any building or part of a building in which there are three (3) or more apartments, providing accommodation on a monthly or longer basis"). The Applicant's proposal would not create an "accessory apartment" ("A dwelling unit that is secondary to the principal single household dwelling unit in terms of gross floor area, intensity of use, and physical character, but which has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance."). Rather, the project will create a new "dwelling unit" ("One (1) or more habitable rooms comprising complete independent living facilities for one (1) or more persons, and including within those rooms permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit is intended for a single household."). Accordingly, after construction of the Applicant's proposal, the subject property will be configured for use as two principal dwelling units. (See Subtitle B § 100.2.)

buildings to the west, and windows in the new principal dwelling will be at least 90 feet from the nearest non-parallel building to the east.

The Board concludes that approval of the requested special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as required for approval by Subtitle X § 901.2. The Applicant's proposal to create a second principal dwelling at the subject property is consistent with the purpose of the Mixed Use (MU) zones to permit a varied mix of residential uses at appropriate densities and scale, reflecting a variety of building types. The Board notes DDOT's lack of objection to the application in concluding that the Applicant's proposal will encourage safe and efficient conditions for pedestrian and motor vehicle movement. The Board also finds the Applicant's project compatible with the prevailing development pattern in the surrounding areas, consistent with the purpose of the MU-4 zone to permit moderate-density development and to provide facilities for housing with access to main roadways.

Approval of the requested special exceptions will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The Applicant proposes to enlarge an existing accessory structure by building a second story on the same footprint, thereby creating minimal impacts on the light, air, and privacy available to nearby properties. The enlarged accessory structure will be consistent in size with nearby buildings, and its use as a principal dwelling unit will enhance the residential character of the surrounding neighborhood.

The Board is required to give "great weight" to the recommendation of the Office of Planning, D.C. Official Code § 6-623.04 (2012 Repl.). For the reasons discussed above, the Board concurs with OP's recommendation that the application should be approved.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)). In this case ANC 6A submitted a letter in support of the application stating that the Applicant's "design has taken measures to ensure that the addition is in the character of the neighborhood and it will not disrupt the privacy, air and light of neighbors." The ANC concluded "that this development will not substantially visually intrude upon the character, scale, and pattern of houses in the neighborhood." (Exhibit 38.) For the reasons discussed above, the Board concurs with the ANC's conclusions about the Applicant's proposal. The Board notes that the ANC's support was conditioned on the Applicant's showing of "compliance with Green Area Ratio regulations." The ANC's proposed condition was outside the scope of the Board's deliberations on this self-certified application for rear yard and lot occupancy relief, but the Board notes that the Applicant will be required to demonstrate compliance with applicable regulations, including Green Area requirements, during the permitting process at the Department of Consumer and Regulatory Affairs.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exceptions under Subtitle G

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§§ 409 and 1200 from the lot occupancy requirements of Subtitle G § 404.1 and under Subtitle G § 1201 from the rear yard requirements of Subtitle G § 405.2 to allow a second-floor addition to an existing one-story accessory building to accommodate a principal dwelling unit in the MU-4 zone at 803 Maryland Avenue N.E. (Square 915S, Lot 805).

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBIT 6.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna M. John, and Peter G. May to APPROVE; no other Board member participating)

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

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

FINAL DATE OF ORDER: January 15, 2020

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

PURSUANT TO SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

² Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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 ORDER NO. 06-04H
Z.C. Case No. 06-04H
Florida & Q Street, LLC
(Two-Year Time Extension for Consolidated PUD
@ Square 3100 [1600 N. Capitol Street, N.W.])
May 13, 2019

Pursuant to notice, at a public meeting held on May 13, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Florida & Q Street, LLC (the “Applicant”) for a two-year time extension of the June 15, 2019 deadline to begin construction of the planned unit development (“PUD”) approved by Z.C. Order No. 06-04 (the “Original Order”), as modified by Z.C. Order Nos. 06-04C and 06-04E, and as extended by Z.C. Order Nos. 06-04A, 06-04B, 06-04D, 06-04F, and 06-04G, for Lot 48 in Square 3100 (the “Property”), together with a waiver of the extension and time limitations of Subtitle Z § 705.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

1. By the Original Order, effective on June 15, 2007 (the “Effective Date”), the Commission granted the Applicant a consolidated PUD approval for the Property (the “Approved PUD”).
2. The parties to the Original Order were the Applicant and Advisory Neighborhood Commissions (“ANC”) 5E. (Original Order, Finding of Fact 5.)
3. The Original Order established a two-year period, starting from the Effective Date and ending June 15, 2009, within which the Applicant had to file an application for a building permit to construct the Approved PUD, with construction to start within three years of the Effective Date, by June 15, 2010. (Original Order Condition 13.)
4. In Z.C. Order No. 06-04A, effective June 12, 2009, the Commission granted a two-year extension to the deadline to file an application for a building permit to June 15, 2011, and an extension of the deadline to start construction of the Approved PUD to June 15, 2012.
5. In Z.C. Order No. 06-04B, effective December 2, 2011, the Commission granted a further two-year extension of the deadline to file an application for a building permit to June 15, 2013, and an extension of the deadline to start construction of the Approved PUD to June 15, 2014.

6. In Z.C. Order No. 06-04D¹, effective December 27, 2013, the Commission granted a two-year extension to file an application for a building permit to June 15, 2015, and an extension of the deadline to start construction of the Approved PUD to June 15, 2016.
7. On June 11, 2015, the Applicant filed a building permit application for the Approved PUD, which vested the consolidated PUD approval of the Original Order, as extended by Z.C. Order Nos. 06-04A through 06-04D.
8. In Z.C. Order No. 06-04F,² effective January 20, 2017, the Commission granted a two-year extension of the deadline to start construction of the Approved PUD to June 15, 2018.
9. In Z.C. Order No. 06-04G, effective August 3, 2018, the Commission granted a two-year extension of the deadline to start construction of the Approved PUD to June 15, 2019.

The Application

10. On April 5, 2019, prior to the June 15, 2019 deadline to start construction of the Approved PUD established by Z.C. Order No. 06-04G, the Applicant filed the Application requesting a two-year extension.
11. The Application included a Certificate of Service attesting to service on ANC 5E, the only other party to the Original Order, on April 5, 2019. (Exhibit [“Ex.”] 1.)
12. The Application also requested a waiver of Subtitle Z § 705.5’s limit of two extensions and a maximum one-year term for the second extension.
13. The Application asserted that good cause exists to grant a waiver because the Applicant has demonstrated its continuing good faith efforts to secure all the required government approvals to begin construction. The Application notes that the Applicant has been working to complete both the historic review process with the Historic Preservation Review Board (“HPRB”) and the environmental permitting process with the Department of Energy and Environment (“DOEE”), but the timing and necessity of these reviews has been beyond the Applicant’s reasonable control. (Ex. 1.)
14. The Application asserted that no substantial change had occurred in any of the material facts on which the Commission had relied on in approving Z.C. Order Nos. 06-04C and 06-04E. The Application did note that HPRB had suggested several design changes to the building’s exterior façade and that the Applicant intends to submit a modification of consequence for these changes once they are incorporated into the plans. (Ex. 1.)
15. The Application justified the requested extension due to the inability to obtain all required government agency approvals for the project. In particular, the establishment of the

¹ In Z.C. Order No. 06-04C, the Commission approved a modification of the plans approved by the Approved PUD.

² In Z.C. Order No. 06-04E, the Commission approved a minor modification of the plans approved by the Approved PUD.

Bloomingdale Historic District, following the Commission's prior extension in Z.C. Order 06-04G, has resulted in additional time required to complete the HPRB review process and to submit to the Commission an application for a Modification of Consequence to the plans approved by the Approved PUD for any related design changes required by HPRB. (Ex. 1.)

Responses to the Application

Office of Planning ("OP")

16. OP submitted a report on May 3, 2019, recommending approval of the Application (the "OP Report") and of the waiver from Subtitle Z § 705.5. (Ex. 4.) The OP Report stated that no substantial change had occurred to the material facts upon which the Commission had relied on in issuing the Original Order and concluded that the Applicant satisfied the relevant standards of Subtitle Z § 705.2.

ANC 5E

17. ANC 5E filed a report on May 7, 2019 (the "ANC Report"), stating that at the ANC's regularly scheduled and properly noticed public meeting of April 23, 2019, at which a quorum was present, the ANC voted to support the Application. The ANC Report noted that it was aware of the prior extensions, but that the Applicant had "worked diligently" with the community and the ANC to explain the outstanding issues and lay out its plan for moving expediently into construction. (Ex. 5.)

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 before June 15, 2019, the deadline for starting construction on the approved PUD that the Application seeks to extend.
3. Subtitle Z § 705.2(a) requires that the 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 other party to the Original Order, ANC 5E, and that the ANC was given 30 days to respond from the April 5, 2019 date of service. The Commission notes that ANC 5E submitted a written report in support of the Application on May 7, 2019.
5. Subtitle Z § 101.9 authorizes the Commission to waive any of the provisions of Subtitle Z, if, in the judgment of the Commission, the Applicant demonstrates good cause for the waiver and the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

6. The Commission concludes that the Application demonstrated good cause to waive Subtitle Z § 705.5's maximum of two extensions and maximum one-year extension period for the second extension because the creation of the Bloomingdale Historic District and the related historic review process were factors beyond the Applicant's reasonable control, and the Applicant has demonstrated that it is making diligent efforts to begin construction within the requested extension period. The Commission determined that granting the waiver will not prejudice the rights of any party nor is it otherwise prohibited by law.
7. 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.
8. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and the OP Report. The Commission also notes that the Applicant has stated that it intends to submit a modification of consequence application for any design changes necessitated by the HPRB review.
9. 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.*
10. The Commission concludes that the Application met the standard of Subtitle Z § 705.2(c)(2) because the Applicant has been unable to obtain all of the required governmental agency approvals due to the recent creation of the Bloomingdale Historic District that subjected the PUD to review by HPRB. The Commission also concludes that the Applicant's compliance with HPRB design comments may necessitate further submissions to the Commission for a modification of consequence to the approved PUD plans.

“Great Weight” to the Recommendations of OP

11. The Commission must give “great weight” to the recommendations of OP under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001); *see* Subtitle Z § 405.8.)

12. The Commission found OP's recommendation that the Commission approve the Application persuasive and concurred in that judgment.

“Great Weight” to the Written Report of the ANC

13. The Commission must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); *see* Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
14. Since the ANC Report did not raise any issues or concerns, there is nothing for the Commission to accord “great weight.”

DECISION

In consideration of the case record and Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a time extension with a waiver of Subtitle Z §§ 705.3 and 705.5, to extend the deadline to begin construction of the PUD approved by Z.C. Order No. 06-04 (as modified by Z.C. Orders 06-04C and 06-04E and as extended by Z.C. Order Nos. 06-04A, 06-04B, 06-04D, 06-04F, and 06-04G) by two years to June 15, 2021.

VOTE (May 13, 2019): 4-0-1

(Robert E. Miller, Michael G. Turnbull, Peter A. Shapiro, and Peter G. May to **APPROVE**; Anthony J. Hood not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 06-04H shall become final and effective upon publication in the *D.C. Register*; that is, on January 24, 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 ORDER NO. 13-18B
Z.C. Case No. 13-18B
WBG Wheeler Road, LLC
(Two-Year Time Extension for Consolidated PUD
@ Square 5925 [4129 Wheeler Road, S.E.]
June 10, 2019

Pursuant to notice, at a public meeting held on June 10, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of WBG Wheeler Road, LLC (the “Applicant”) for a two-year time extension of the April 17, 2019 deadline to file a building permit and the April 17, 2020 deadline to begin construction of the consolidated planned unit development (“PUD”) established by Z.C. Order No. 13-18 (the “Original Order”), as extended by Z.C. Order No. 13-18A, for Lot 65 in Square 5925 (the “Property”), together with a waiver of the extension time limitation in Subtitle Z § 705.5 (the “Application”). 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 DCMR, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

1. By the Original Order, effective on April 17, 2015 (the “Effective Date”), the Commission granted the Applicant a consolidated PUD approval for the Property (the “Approved PUD”).
2. The parties to the Original Order were the Applicant and Advisory Neighborhood Commission (“ANC”) 8E. (Original Order, Finding of Fact 8.)
3. The Original Order established a two-year period starting with the Effective Date – ending on April 17, 2017 – within which the Applicant had to file an application for a building permit to construct the Approved PUD, with construction to begin by April 17, 2018. (Original Order Condition D(4).)
4. In Z.C. Order No. 13-18A, effective February 2, 2018, the Commission granted a two-year extension to the deadline to file an application for a building permit to April 17, 2019 and an extension of the deadline to begin construction to April 17, 2020.

The Application

5. On April 17, 2019, prior to the April 17, 2019 deadline to file a building permit application established by Z.C. Order No. 13-18A, the Applicant filed the Application for a two-year extension of the April 17, 2019 deadline to file a building permit for the Approved PUD and the April 27, 2010 deadline to begin construction.
6. On May 10, 2019, the Applicant revised the Application to include a request for a waiver of Subtitle Z § 705.5’s one-year term limit for a second time extension (the “Revised Application”). (Exhibit [“Ex.”] 4.)

7. The Application included Certificates of Service attesting to service of the Application on the only other party to the Original Order, ANC 8E, on April 17, 2019, and subsequently of the Revised Application on May 10, 2019. (Ex. 2, 4.)
8. The Application asserted that no substantial change had occurred in any of the material facts on which the Commission had relied in approving the preliminary PUD approval for the Property in the Original Order.
9. The Application justified the requested extension due to the inability to obtain project financing due to economic and market conditions beyond the Applicant's reasonable control. The Application cites to the difficulties faced by developers in Wards 7 and 8 in securing project financing as well as difficulties in construction and leasing.
10. The Application asserted that good cause exists to grant a waiver to allow the Applicant additional time to continue its efforts to secure financing for the PUD.

Responses to the Application

Office of Planning ("OP")

11. OP submitted a report on May 31, 2019, recommending approval of the Application (the "OP Report"). (Ex. 5.) The OP Report concluded that the Applicant satisfied the relevant standards of Subtitle Z § 705.2 and that the granting of the waiver from Subtitle Z § 705.5 was also appropriate.

ANC 8E

12. ANC 8E did not submit a written report regarding 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 before the April 17, 2019 deadline for filing an application for a building permit that the Application seeks to extend.
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 other party to the Original Order – ANC 8E – and that the ANC was given 30 days to respond from the April 17, 2019 date of service. The Commission notes that ANC 8E did not submit any report or comment to the record.

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 Application met the standard of Subtitle Z § 705.2(c)(1) because the Application has provided sufficient documentation of the Applicant's inability to secure project financing for the PUD despite its diligent efforts. The Commission credits the Application's statements regarding the general difficulties in securing financing in the area surrounding the Property.
9. Subtitle Z § 101.9 authorizes the Commission to waive any of the provisions of Subtitle Z, if, in the judgment of the Commission, the Applicant demonstrates good cause for the waiver and the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.
10. The Commission concludes that the Application demonstrated good cause to waive Subtitle Z § 705.5's maximum one-year extension period for the second time extension because the Application has provided sufficient evidence of the larger economic conditions and trends which have impacted the Applicant's ability to obtain financing for the project.

“Great Weight” to the Recommendations of OP

11. The Commission must give “great weight” to the recommendations of OP under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001); *see* Subtitle Z § 405.8.)

12. The Commission found OP's recommendations that the Commission approve the Application persuasive and concurred in that judgment.

“Great Weight” to the Written Report of the ANC

13. The Commission must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); *see* Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
14. Since the ANC did not submit any written report raising any issues or concerns, there is nothing for the Commission to accord “great weight.”

DECISION

In consideration of the case record and Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant's request for a two-year time extension with a waiver of Subtitle Z § 705.5, to extend the deadline to file an application for a building permit to construct the consolidated PUD approved by Z.C. Order No. 13-18 and extended by Z.C. Order No. 13-18A, by two years to April 17, 2021, and to extend the deadline to begin the construction of the PUD to April 17, 2022.

VOTE (June 10, 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 13-18B shall become final and effective upon publication in the *D.C. Register*; that is, on January 24, 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 ORDER NO. 14-12D
Z.C. Case No. 14-12D
EAJ 1309 5th Street LLC
(One-Year Time Extension for PUD @ Square 3591 [1309 5th Street, N.E.]
June 24, 2019

Pursuant to notice, at a public meeting held on June 24, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered the request of EAJ 1309 5th Street LLC (the “Applicant”) for a one-year time extension of the May 8, 2019 deadline to file a building permit for a consolidated planned unit development (“PUD”) and related map amendment approval established by Z.C. Order No. 14-12 (the “Original Order”), as extended by Z.C. Order No. 14-12A, and as modified by Z.C. Order No. 14-12C, for Lots 801-802, 808, 7003-7005, 7011-7014, 7016, 7018, and 7023 in Square 3591 (collectively, the “Property”). 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, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the application.

FINDINGS OF FACT

1. By the Original Order, effective on May 8, 2015 (the “Effective Date”), the Commission granted the Applicant approval of a consolidated PUD (the “Consolidated PUD”) to construct a four-story addition to the existing Union Market (the “South Building”) and first-stage PUD approval (the “First-Stage PUD Approval”) to demolish an existing building and reconstruct as a mixed-use development (the “North Building”) on the Property.
2. The parties to the Original Order were the Applicant and Advisory Neighborhood Commission (“ANC”) 5D. (Original Order, Findings of Fact [“FF”] No. 6.)
3. The Original Order established a two-year period starting with the Effective Date – by May 8, 2017 - within which the Applicant had to file an application for a building permit for the South Building under the Consolidated PUD. (Original Order Condition D(2).)
4. The Original Order established a five-year period starting with the Effective Date – by May 8, 2020 - within which the Applicant had to file an application for a second-stage PUD approval for the North Building under the First-Stage PUD. (Original Order, Condition D(2).)
5. On November 9, 2018, in Z.C. Order No. 14-12A, the Commission extended the May 8, 2017 deadline for the Consolidated PUD approval for the South Building to May 9, 2019.

6. In Z.C. Order No. 14-12C,¹ effective August 30, 2019, the Commission approved a Modification of Consequence to the plans approved with the Consolidated PUD.

The Application

7. On May 7, 2019, prior to the expiration of Z.C. Order No. 14-12A, the Applicant filed an application for a one-year extension of the May 9, 2019 deadline for filing a building permit for the South Building of the Consolidated PUD (the “Application”).
8. The Application included a Certificate of Service attesting to service on the only other party to the Original Order, ANC 5D, on May 7, 2019. (Exhibit [“Ex.”] 1.)
9. The Application asserted that no substantial change had occurred in any of the material facts on which the Commission had relied in approving the preliminary PUD approval for the Property in the Original Order.
10. The Application justified the requested extension due to the inability to obtain project financing, and other market factors affecting development costs, specifically:
 - a) The Applicant’s unsuccessful efforts to secure development partners, thereby increasing construction costs and financing. The Application notes that while it has entered four non-binding agreements with potential partners, none have been successful;
 - b) The difficulties facing the Applicant in terms of developing office uses in the PUD due to the lack of existing office space in the area, the lack of an anchor tenant, and the high rate of office vacancy in D.C. generally; and
 - c) The increased construction costs affecting the project due to overall inflation in construction pricing and international tariffs affecting the cost of various construction commodities.

Responses to the Application

Office of Planning (“OP”)

11. OP submitted a June 14, 2019 report recommending approval of the Application (the “OP Report”). (Ex. 4.) The OP Report stated that no substantial change had occurred to the material facts upon which the Commission had relied in issuing the Original Order and concluded that the Applicant satisfied the relevant standards of Subtitle Z § 705.2.

ANC 5D

12. ANC 5D did not submit a written report in response to the Application. However, the ANC was in support of the original PUD application. (Original Order, FF 53-55.)

¹ Z.C. Case No. 14-12B, an application for second-stage PUD approval and a modification of the Consolidated PUD, was withdrawn by the Applicant.

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 May 7, 2019, prior to the May 9, 2019 consolidated PUD deadline that the Application extension seeks to extend.
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 other party to the Original Order – ANC 5D – and that the ANC was given 30 days to respond from the May 7, 2019 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.
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 Application met the standard of Subtitle Z § 705.2(c)(1) because the Applicant has provided sufficient documentation of its efforts to secure development partners and financing for the project, along with the current economic difficulties impacting the development of PUD.

“Great Weight” to the Recommendations of OP

9. D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8 require the Commission to give “great weight” to the recommendations contained in the OP Report.
10. The Commission found OP’s recommendations that the Commission 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 the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016.) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
12. Since ANC 5D did not submit a written report to the record, there is nothing to which the Commission can give “great weight.”

DECISION

In consideration of the case record and Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application’s request to extend the deadline established by Z.C. Order No. 14-12, as extended by Z.C. Order No. 14-12A and as modified by Z.C. Order No. 14-12C, to file a building permit for the South Building under the Consolidated PUD by one year to May 8, 2020.

VOTE (June 24, 2019): **5-0-0** (Michael G. Turnbull, Robert E. Miller, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 14-12D shall become final and effective upon publication in the *D.C. Register*; that is, on January 24, 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 ORDER NO. 15-19A
Z.C. Case No. 15-19A
411 New York Avenue Holdings, LLC
(Two-Year Time Extension for PUD @ Square 3594 [411 New York Avenue, N.E.]
June 10, 2019

Pursuant to notice, at a public meeting held on June 10, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 411 New York Avenue Holdings, LLC (the “Applicant”) for a two-year time extension of the May 11, 2019 deadline to file an application for a building permit to construct a consolidated planned unit development (“PUD”) and related map amendment approval established by Z.C. Order No. 15-19 (the “Original Order”), for Lot 800 in Square 3594, (the “Property”). 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, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

1. By the Original Order, effective on December 23, 2016, the Commission granted the Applicant approval of a consolidated PUD and map amendment (the “Consolidated PUD”) for the Property to construct an 11-story hotel with space dedicated to the arts.
2. The parties to the Original Order were the Applicant and Advisory Neighborhood Commissions (“ANC”) 5D.¹ (Original Order, Findings of Fact No. 2.)
3. The Original Order was appealed in D.C. Court of Appeals Case No. 17-AA-41, which was dismissed on May 12, 2017. Per Subtitle Z § 705.8, “in the event an appeal is filed in a court of competent jurisdiction from an order of the Commission, the time limitations of Subtitle Z §§ 702.2 and 702.3 shall run from the decision date of the court’s final determination of the appeal.” The effective date of the Original Order therefore became May 12, 2017 (the “Effective Date”).
4. The Original Order established a two-year period, starting from the Effective Date and ending on May 12, 2019, within which the Applicant had to file an application for a building permit to construct the Consolidated PUD, with construction to begin by May 12, 2020. (Original Order Condition D(1).)

The Application

5. On May 9, 2019, prior to the expiration of Z.C. Order No. 15-19, the Applicant filed an application for a two-year extension of the May 12, 2019 deadline to file building permits for the PUD (the “Application”).

¹ The 411 Artists Union participated in Z.C. Case No. 15-19 as a party in opposition but rescinded its party status based on settlement agreement with the Applicant prior to the Commission’s approval of the PUD. (Original Order Findings of Fact 47-48.)

6. The Application included a Certificate of Service attesting to service on the only other party to the Original Order, ANC 5D, on May 9, 2019. (Exhibit [“Ex.”] 6.)
7. The Application asserted that no substantial change had occurred in any of the material facts on which the Commission had relied in approving the preliminary PUD approval for the Property in the Original Order.
8. The Application justified the requested extension due to a combination of factors including difficulties in obtaining financing, increased construction costs, and the impact of the litigation in the Court of Appeals. Specifically, the Applicant notes that it terminated the operating agreement with the originally selected hotel operator² and has been in the process of selecting a new operator and obtaining additional financing for the PUD. The Applicant notes that delays resulting from this change, as well as the litigation, have resulted in changes in the economic climate resulting in higher construction costs which have also, in turn, required the Applicant to seek additional financing.

Responses to the Application

The Office of Planning (“OP”)

9. OP submitted a report on June 3, 2019, recommending approval of the Application (the “OP Report”). The OP Report concluded that the Applicant satisfied the relevant standards of Subtitle Z § 705. The OP Report stated that no substantial changes had occurred to the material facts, including the Comprehensive Plan, upon which the Commission had relied in issuing the Original Order.

ANC 5D

10. ANC 5D did not submit a written report to the record in this case, though the ANC was in support of the original PUD application. (Original Order, Finding of Fact 108.)

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 May 9, 2019, prior to the deadline for filing building permits for the PUD application that the time extension seeks to extend.
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.

² The Application notes that no brand or operator was specifically referenced in the Original Order, so this does not constitute a material change to the PUD.

4. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(a) by demonstrating that it had served the only other party to the Original Order – ANC 5D – and that the ANC was given 30 days to respond from the May 9, 2019 date of service. The Commission notes that the ANC did not file any written report to the record.
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.
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 Application met the standard of Subtitle Z § 705.2(c)(1) and (3) because the Applicant has provided sufficient evidence of the delays and resulting financial impacts stemming from the Applicant’s termination of the original operating agreement with the hotel operator and from the litigation in the Court of Appeals. The Commission concludes that because of these delays, the Applicant’s original construction costs have increased in response to economic conditions beyond the Applicant’s control.

“Great Weight” to the Recommendations of OP

9. The Commission must give “great weight” to the recommendations of OP under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001); *see* Subtitle Z § 405.8.)
10. The Commission found OP’s recommendations that the Commission 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 the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); *see* Subtitle Z § 406.2.) To satisfy the great weight requirement, the 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. ANC 5D did not submit a written report to the record, as such there is nothing to which the Commission can give “great weight.”

DECISION

In consideration of the case record and Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application’s request for a time extension to extend the deadline to file an application for a building permit to construct the consolidated PUD approved by Z.C. Order No. 15-19, by two years to May 11, 2021, with construction to begin by May 12, 2022.

VOTE (June 10, 2019): **5-0-0** (Peter A. Shapiro, Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 15-19A shall become final and effective upon publication in the *D.C. Register*; that is, on January 24, 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 ORDER NO. 15-21A
Z.C. Case No. 15-21A
Kenilworth Revitalization IJV, LLC & DCHA
(Two-Year Time Extension for PUD & Related Map Amendment @
Squares 5113, 5114, and 5116)
January 28, 2019

Pursuant to notice, at a public meeting held on January 28, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of the District of Columbia Housing Authority (“DCHA”) and Kenilworth Revitalization IJV, LLC (collectively with DCHA, the “Applicant”) for a two-year time extension of the deadlines:

- To file a building permit application to construct the consolidated planned unit development (the “Consolidated PUD”) approved by Z.C. Order No. 15-21 (the “Original Order”), for a portion of Lots 5 through 9 of Square 5113; Lot 10 of Square 5114; and Lots 164, 165, 172-180, and 186 of Square 5116 (collectively, the “Property”);
- To begin construction of the Consolidated PUD; and
- To file a second-stage PUD application for the approved First-Stage PUD (the “First-Stage PUD”), established by the Original Order for a portion of the Property, that would maintain the validity of the First-Stage PUD.

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, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

1. By the Original Order, effective on January 20, 2017 (the “Effective Date”), the Commission granted the Applicant approval of the Consolidated PUD for Phase 1 of a three-phase development project (the “Project”) on a portion of the Property and of the First-Stage PUD for Phases 2 and 3 of the Project on another portion of the Property, with a related map amendment approval for the Property.
2. The parties to the Original Order were the Applicant and Advisory Neighborhood Commission (“ANC”) 7D. (Original Order, Findings of Fact No. 8.)
3. The Original Order established a two-year period, starting from the Effective Date and ending on January 20, 2019, within which the Applicant had to file an application for a building permit to construct the Consolidated PUD, with construction to start within three years of the Effective Date – by January 20, 2020. (Original Order Conditions A(2)(a) and D(2).)
4. The Original Order also established a two-year period, starting from the Effective Date and ending on January 20, 2019, within which the Applicant had to file an application for a

second-stage PUD for the First-Stage PUD, the validity of which expires three years after the Effective Date, by January 20, 2020.¹ (Original Order Condition A(2)(b).)

The Application

5. On November 29, 2018, prior to the January 20, 2019 deadline to file an application for a building permit to construct the Consolidated PUD and to file an application for a second-stage PUD for the First-Stage PUD established by Z.C. Order No. 15-21, the Applicant filed the Application requesting a two-year time extension of these deadlines.
6. The Application included a Certificate of Service attesting to service on all parties to the Original Order, including ANC 7D, on November 29, 2018. (Exhibit [“Ex.”] 1.)
7. The Application asserted that no substantial change had occurred in any of the material facts on which the Commission had relied on in approving the consolidated and first-stage PUD approvals for the Property in the Original Order.
8. The Application justified the requested extension due to the inability to obtain project financing, in particular, the financing subsidies for the Project’s proposed replacement public housing units. The Application stated that the Applicant has submitted Housing Production Trust Fund (“HPTF”) requests to the Department of Housing and Community Development (“DHCD”) in each of the last three funding rounds beginning after the original PUD approval in January 2017. The Applicant was notified by DHCD in both 2017 and 2018 that it would not receive HPTF funding, despite the Applicant’s good faith efforts to revise the financing request to better meet the DHCD scoring framework. The Applicant submitted a third financing request to DHCD in October 2018 and expected a decision in January 2019.

Responses to the Application

Office of Planning (“OP”)

9. OP submitted a report on January 9, 2019, recommending approval of the Application (the “OP Report”). (Ex. 3.) The OP Report concluded that the Applicant satisfied the relevant standards of Subtitle Z § 705.2. The OP Report concluded that there have been no substantial changes to the material facts upon which the Commission had relied in issuing the Original Order, including no changes to the Comprehensive Plan or the Project plans that would affect the Property. The OP also considered the Applicant’s difficulties in obtaining financing through the HPTF Process as sufficient good cause for the requested extension.
10. OP submitted a supplemental report on January 24, 2019 (the “OP Supplemental Report”), which corrected some minor errors in the OP Report. (Ex. 4.) The OP Supplemental Report continued to recommend approval of the Application.

¹ Pursuant to Title 11 § 2407.10 of the Zoning Regulations of 1958 in effect at the vote of the Commission approving the Consolidated and First-Stage PUDs, the Commission approved a period of longer than one year for the first-stage PUD Approval. (Original Order Condition D(3).)

ANC 7D

11. ANC 7D did not submit a written report for this case.

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 November 29, 2018, prior to the January 20, 2019 deadline that the Application sought to extend.
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 7D – and that the ANC was given 30 days to respond from the November 29, 2018 date of service. The ANC did not file a response to the record.
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.
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 Application met the standard of Subtitle Z § 705.2(c)(1) because the Applicant has diligently pursued the financing of the development of the Property and has not been able to move forward due to DHCD's HPTF awards process, which is beyond the Applicant's control.

“Great Weight” to the Recommendations of OP

9. The Commission must give “great weight” to the recommendations of OP under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001); *see* Subtitle Z § 405.8.)
10. The Commission found OP's recommendation that the Commission 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 the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); *see* Subtitle Y § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
12. Since ANC 7D did not submit a written report in this case, there is nothing to which the Commission can give “great weight.”

DECISION

In consideration of the case record and Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for time extensions to extend:

- The deadline to file an application for a building permit to construct the Consolidated PUD established by Z.C. Order No. 15-21 to January 20, 2021, and the deadline to begin construction of the Consolidated PUD to January 20, 2022; and
- The deadline to file a second-stage PUD application pursuant to the First-Stage PUD established by Z.C. Order No. 15-21 to January 20, 2021, which timely filing will extend the validity of the First-Stage PUD to January 20, 2022.

VOTE (January 28, 2019): 4-0-1 (Peter A. Shapiro, Peter G. May, Anthony J. Hood, and Michael G. Turnbull to **APPROVE**; Robert E. Miller not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order 15-21A shall become final and effective upon publication in the *D.C. Register*; that is, on January 24, 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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