VOL. 72 – NO. 11 MARCH 14, 2025

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing to discuss Bill 26-65, Solar Shade Expansion Amendment Act of 2025 and Bill 26-66, Youth Advisory Council on Climate Change and Environmental Conservation Establishment Act of 2025
- D.C. Council schedules a public hearing on Fiscal Year 2026 Proposed Budget and Financial Plan, Fiscal Year 2026 Budget Support Act of 2025, Fiscal Year 2026 Local Budget Act of 2025, Fiscal Year 2026 Federal Portion Budget Request Act of 2025, and Committee Mark-Up Schedule
- D.C. Commission on the Arts and Humanities announces availability of funding for the FY2026 Art Bank Grant Program
- Office of the Attorney General sets new child support guideline self-support reserve and modified self-support reserve amounts, effective April 1, 2025
- Mayor's Office on Caribbean Community Affairs announces availability of the FY 2025 Caribbean Community Development Grant
- Office of the State Superintendent of Education announces availability of the FY 2026 Adult and Family Education (AFE) Consolidated Competitive Grant
- Department of Employment Services announces availability of the FY 2025 Marion S. Barry Summer Youth Employment Program's Career Exploration Grant and Pathways to the Financial Industry Grant
- Department of Health announces availability of funding for the Colorectal Cancer Control Program
- Office of the Deputy Mayor for Planning and Economic Development announces availability of funding for the FY25 Chinatown Lease Incentive Grant Program

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 2-611 *et seq*. (2016 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 *District of Columbia Administrative Procedure Act*, D.C. Official Code §§2-50l *et seq*. (2016 Repl.).

All documents published in the *District of Columbia Register* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *District of Columbia Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the District government (6) Notices, Opinions, and Orders of District government Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at dcdocuments@dc.gov. For guidelines on how to format and submit documents for publication, please email dcdocuments@dc.gov.

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

Viewing the *District of Columbia Register*

The Office of Documents and Administrative Issuances publishes the *District of Columbia Register* ONLINE every Friday at www.dcregs.dc.gov. The Office of Documents does not offer paid subscriptions to the *District of Columbia Register*. Copies of the *District of Columbia Register* from October 2, 2009 to present are available at www.dcregs.dc.gov. Copies of the *District of Columbia Register* from April 2003 through July 2010 are available online in the *D.C. Register* Archive on the website for the Office of the Secretary at www.os.dc.gov. Hardcopies of the *Register* from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtoniana Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *District of Columbia Register*. News services are encouraged to publish all or part of the *District of Columbia Register*.

Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *District of Columbia Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents and Administrative Issuances hereby certifies that this issue of the *District of Columbia Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

SUITE 8700 - 899 NORTH CAPITOL STREET, NE - UNION SQUARE - WASHINGTON, D.C. 20002 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

RESOLUTIONS

Res 26-40 Consumer Protection Clarification Congressional Review Emergency Declaration Resolution of 2025 002660

Res 26-41 Downtown Arena Revitalization Congressional Review Emergency Declaration Resolution of 2025 ..... 002661 - 002662

Res 26-42 Autonomous Vehicle Testing Permit Requirement Congressional Review Emergency Declaration Resolution of 2025 ..... 002663 - 002664

Res 26-43 Driver License and Identification Card Renewal Congressional Review Emergency Declaration Resolution of 2025 ..... 002665 - 002666

Res 26-44 Contract No. DCCB-2025-F-0003 with Edelson PC Emergency Declaration Resolution of 2025 002667

Res 26-45 University of the District of Columbia Change Order 1 & Multiyear Contract No. PO-GF-2024-P-0144-BB by and between the University of the District of Columbia and CDW Government, LLC/Coastal Cloud Approval and Payment Authorization Emergency Declaration Resolution of 2025 ..... 002668 - 002669

Res 26-46 Local Rent Supplement Program Contract No. 2025-LRSP-01A with 2151 California Associates LLC Approval Resolution of 2025 002670

Res 26-47 Local Rent Supplement Program Contract No. 2025-LRSP-02A with Flats at South Capitol LLC Approval Resolution of 2025 002671

Res 26-48 Modification Nos. M02, M03, M04, and M05 to Contract No. DCAM-24-NC-RFP-0003A with Jerome L. Taylor Trucking, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2025 ..... 002672 - 002673

Res 26-49 Modification Nos. 8 and 9 to Contract No. CW94739 with Ramsell Corporation Approval and Payment Authorization Emergency Declaration Resolution of 2025 002674

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

RESOLUTIONS CONT'D

Res 26-50 Modification Nos. 1, 2, and 3 to Contract No. CW116019 with Immediate Mailing Services, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2025 ..... 002675 - 002676

Res 26-51 Modification Nos. 7, 9, and 13 to Contract No. CW108950 with Stormwater Maintenance, LLC Payment Authorization Emergency Declaration Resolution of 2025 ..... 002677 - 002678

Res 26-52 Eastern Branch Boys and Girls Club Disposition Extension Approval Resolution of 2025 002679

Res 26-53 National Links Trust Inc. Revenue Bonds Project Approval Resolution of 2025 ..... 002680 - 002688

Res 26-54 Residential Building Permit Classification Emergency Declaration Resolution of 2025 ..... 002689 - 002690

Res 26-55 Second Chance Clarification Emergency Declaration Resolution of 2025 002691

Res 26-56 Unlicensed Establishment Enforcement Clarification Emergency Declaration Resolution of 2025 ..... 002692 - 002693

Res 26-57 Clemency Board Waiver Authority Emergency Declaration Resolution of 2025 ..... 002694 - 002695

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B26-0164 through B26-0167, B26-0173, and B26-0174, and Proposed Resolutions PR26-0110 through PR26-0123, PR26-0129 and PR26-0130 ..... 002696 - 002699

COUNCIL HEARINGS

Notices of Public Hearings -
B26-0065 Solar Shade Expansion Amendment Act of 2025 ..... 002700 - 002702
B26-0066 Youth Advisory Council on Climate Change and Environmental Conservation Establishment Act of 2025 ..... 002700 - 002702

Fiscal Year 2026 Proposed Budget and Financial Plan, Fiscal Year 2026 Budget Support Act of 2025, Fiscal Year 2026 Local Budget Act of 2025, Fiscal Year 2026 Federal Portion Budget Request Act of 2025, and Committee Mark-Up Schedule, 3/12/2025 ..... 002703 - 002711

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

COUNCIL HEARINGS CONT'D

Notice of Public Roundtable -

PR26-0110 Board of Integrative Healthcare Dr. Keita Vanderpool Confirmation Resolution of 2025 ..... 002712 - 002713
PR26-0111 Board of Integrative Healthcare Dr. Nancy Aboulmouna Confirmation Resolution of 2025 ..... 002712 - 002713
PR26-0112 Board of Integrative Healthcare Dr. Stephanie Johnson Confirmation Resolution of 2025 ..... 002712 - 002713
PR26-0113 Board of Integrative Healthcare Dr. Shannan Walker Confirmation Resolution of 2025 ..... 002712 - 002713
PR26-0117 Board of Integrative Healthcare Kamilah Martin-Proctor Confirmation Resolution of 2025 ..... 002712 - 002713
PR26-0116 Board of Integrative Healthcare Dr. Gavin Elliott Confirmation Resolution of 2025 ..... 002712 - 002713
PR26-0114 Board of Integrative Healthcare Terrance Hunter Confirmation Resolution of 2025 ..... 002712 - 002713

OTHER COUNCIL ACTIONS

Notice of Grant Budget Modifications -

GBM 26-0010 Grant Budget Modification as of February 20, 2025 002714
GBM 26-0011 Grant Budget Modifications as of March 5, 2025 002714

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage and Cannabis Administration -

Ace Lounge - ANC 1B - Change of Hours 002715
Apple Dream Shop Columbia - Medical Cannabis Retailer - ANC 1C - New 002716
Berry Bros. & Rudd - ANC 2C - New 002717
Central-Michel Richard - ANC 2C - Entertainment Endorsement 002718
Class C and D Renewal Placards for March 14, 2025 ..... 002719 - 002773
Greenwell LLC - Medical Cannabis Retailer - ANC 3E - New - READVERTISEMENT 002774
Greenwell LLC - Medical Cannabis Retailer - ANC 3E - New - RESCIND 002775
Lincoln Theater - ANC 1B - Change of Hours 002776
MrGreen DC - Medical Cannabis Retailer - ANC 3F - New 002777
Street Lawyer Services - Medical Cannabis Retailer - ANC 3C - New - READVERTISEMENT 002778
WVC Wellness - Medical Cannabis Retailer - ANC 2G - New 002779
WVC Wellness - Medical Cannabis Retailer - ANC 2G - New - RESCIND 002780

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Housing and Community Development, Department of -
Property Disposition at 905 R Street, NW - April 17, 2025 002781

Planning and Economic Development, Office of the Deputy Mayor for -
Notice of Public Disposition Hearing Pursuant to D.C. Official
Code § 10-801 for Chevy Chase Civic Site - March 29, 2025.....002782

Zoning Adjustment, Board of - April 30, 2025 - Public Hearings (Revised)
21254 1355-1359, LLC - ANC 6A .....002783 - 002787
21264 SIM DEVELOPMENT, LLC - ANC 8C .....002783 - 002787
21265 Sennai Ghezae - ANC 8C.....002783 - 002787
21275 HSMG Properties, LLC - ANC 4E .....002783 - 002787
21277 Erica Spencer - ANC 7D.....002783 - 002787

Zoning Adjustment, Board of - May 14, 2025 - Public Hearings
21279 ARP Morse, LLC - ANC 5D.....002788 - 002792
21281 Matthew Littleton and Christine Rocchio - ANC 3E.....002788 - 002792
21288 Shilja Nair and Vijayalakshmi Vellayan - ANC 5F.....002788 - 002792
21289 Saam Jahanbeen - ANC 3D.....002788 - 002792
21291 HDR Holdings, LLC - ANC 3C.....002788 - 002792

Zoning Commission - Case
20-08D GS Development Services NE, LLC -
Further Processing of the Howard University 2020-2030
Central Campus Plan @ 2301 Georgia Avenue, N.W.
(Square 3064, Lot 44).....002793 - 002796

FINAL RULEMAKING

Behavioral Health, Department of -
Amend 22 DCMR (Health),
Subtitle A (Mental Health),
Ch. 34 (Mental Health Rehabilitation Services Provider Certification Standards),
Sec. 3421 (Community Support),
Sec. 3426 (Assertive Community Treatment), and
Sec. 3434 (Reimbursable Services) ,
to update the Assertive Community Treatment reimbursement methodology..... 002797 - 002804

Energy and Environment, Department of -
Amend 21 DCMR (Water and Sanitation),
Ch. 11 (Water Quality Standards),
Sec. 1104 (Standards),
Sec. 1105 (Implementation and Applicability), and
Sec. 1155 (Ground Water Standards),
to update Water Quality Standards and Ground Water Standards to
be consistent with the requirements of the federal Clean Water Act .....002805 - 002820

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING

Licensing and Consumer Protection, Department of -
Amend 17 DCMR (Business, Occupations, and Professionals),
Ch. 23 (Real Estate Appraisers),
Sec. 2302 (Prelicensure Education Requirements),
Sec. 2310 (Continuing Education Requirements),
Sec. 2312 (Approved Continuing Education Programs), and
Sec. 2323 (Appraiser Trainee),
to amend the real estate appraiser licensure requirements
in the District of Columbia ..... 002821 - 0028837

Public Service Commission -
Amend 15 DCMR (Public Utilities and Cable Television),
Ch. 40 (District of Columbia Small Generator Interconnection Rules),
Sec. 4005 (Level 2 Interconnection Reviews),
Sec. 4008 (Technical Requirements), and
Sec. 4099 (Definitions),
to amend the District of Columbia Small Generator Interconnection Rules;
Second Proposed Rulemaking to make changes to the First Proposed
Rulemaking, published on November 22, 2024, at 71 DCR 014226 ..... 002838 - 002841

EMERGENCY AND PROPOSED RULEMAKING

Behavioral Health, Department of -
Amend 22 DCMR (Health),
Subtitle A (Mental Health),
Ch. 34 (Mental Health Rehabilitation Services Provider
Certification Standards),
Sections 3418, 3419, 3420, 3421, 3423, 3426, 3433, and 3434,
Ch. 39 (Psychosocial Rehabilitation Clubhouse Certification Standards),
Sec. 3906 (District Reimbursement Limitations),
Ch. 63 (Certification Standards for Substance Use Disorder
Treatment and Recovery Providers),
Sections 6303, 6328, 6337, 6342, 6344, 6345, and Sec. 6399 (Definitions),
Sec. 6330 (Level of Care: Opioid Treatment Program), is renamed
Sec. 6330 (Level of Care 1: Opioid Treatment Programs),
Sec. 6346 (Specialty Service: Medication Assisted Treatment), is renamed
Sec. 6346 (Medications for Substance Use Disorder)
Ch. 80 (Certification Standards for Behavioral Health
Stabilization Providers),
Sec. 8015 (Medication Storage and Administration Standards),
Sec. 8024 (Behavioral Health Stabilization Programs: General Requirements),
to establish Intensive Care Coordination as a new behavioral health
service for youth in the District of Columbia and to make other changes;
Third Emergency and Proposed Rulemaking to make changes to the
Second Emergency and Proposed Rulemaking, published on
August 2, 2024, at 71 DCR 009713 ..... 002842 - 002863

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Zoning Commission - Z.C. Case No. 24-19 -
Amend 11 DCMR (Zoning Regulations of 2016),
Subtitle B (Definitions, Rules of Measurement, and Use Categories),
Ch. 1 (Definitions),
Sec. 100 (Definitions),
to change the definition of a "Youth Residential Care Home" to specify that
a home can house individuals under the age of twenty-one ..... 002864 - 002867

NOTICES, OPINIONS, AND ORDERS
BOARDS, COMMISSIONS, AND AGENCIES

Administrative Hearings, Office of -
Advisory Committee Meeting - March 18, 2025 ..... 002868 - 002869

Alcoholic Beverage and Cannabis Administration -
ABC Board's Alcohol Licensing Cancellation Agenda for March 19, 2025 002870
ABC Board's Calendar for March 19, 2025 ..... 002871 - 002875

Arts and Humanities, Commission on the -
Commissioners Monthly Meeting - March 17, 2025 002876
Notice of Funding Availability -
FY2026 Art Bank Grant Program 002877

Attorney General, Office of the -
Notice of Update - Child Support Guideline Self-Support Reserve
and Modified Self-Support Reserve 002878

Caribbean Community Affairs, Mayor's Office on -
Notice of Funding Availability - FY 2025 Caribbean Community
Development Grant ..... 002879 - 002881

Chief Medical Examiner, Office of the -
Child Fatality Review Committee Meeting - March 15, 2025 002882
Developmental Disabilities Fatality Review Committee Meeting -
March 21, 2025 002883
Opioid Fatality Review Board - 2025 Meeting Schedule 002884
Violence Fatality Review Committee Meeting - March 27, 2025 002885

D.C. Bilingual Public Charter School -
Request for Proposals - Roof and Gutter Repair and
Perimeter Fence Services 002886

E.L. Haynes Public Charter School -
Request for Proposals - Student Chromebooks and Staff Laptops 002887

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Education, Office of the State Superintendent of -
Notice of Funding Availability - FY26 Adult and Family Education (AFE) Consolidated Competitive Grant ..... 002888 - 002890
Public Charter School Credit Enhancement Committee Meeting - March 20, 2025 002891

Education, State Board of -
Notice of Student Experience and Engagement Committee Meeting - March 18, 2025 002892

Elections, Board of -
Certification of ANC Vacancy in ANC-SMD 3E05 002893
Certification of ANC Vacancy in ANC-SMD 3E07 002894
Certification of Filling Vacancy in ANC-SMD 7B06 (Cortez Johnson) 002895

Employee Appeals, Office of -
OEA Matter No. 1601-0008-16R24A24, Employee v. DC - Metropolitan Police Department, Addendum Decision on Attorney Fees (Dismissed) ..... 002896 - 002898

OEA Matter No. 1601-0027-24, Employee v. DC - Fire and Emergency Medical Services Department, Opinion and Order (Denied) ..... 002899 - 002907

OEA Matter No. 1601-0037-24, Employee v. DC - Metropolitan Police Department, Initial Decision (Dismissed) ..... 002908 - 002909

OEA Matter No. 1601-0038-22, Employee v. DC - Metropolitan Police Department, Initial Decision (Dismissed) ..... 002910 - 002912

OEA Matter No. 1601-0046-17R24A24, Employee v. DC - Metropolitan Police Department, Addendum Decision on Attorney Fees (Dismissed) ..... 002913 - 002915

OEA Matter No. 1601-0050-23, Employee v. DC - Fire and Emergency Medical Services Department, Opinion and Order (Denied) ..... 002916 - 002924

OEA Matter No. 1601-0054-24, Employee v. DC - Metropolitan Police Department, Initial Decision (Upheld) ..... 002925 - 002936

OEA Matter No. 1601-0071-23, Employee v. DC - Department of Public Works, Initial Decision (Upheld) ..... 002937 - 002948

OEA Matter No. 1601-0082-22, Employee v. DC - Fire and Emergency Medical Services Department, Opinion and Order (Denied) ..... 002949 - 002957

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Employee Appeals, Office of - Cont'd
OEA Matter No. 1601-0412-10R23, Employee v. DC - Public Schools, Opinion and Order (Granted) ..... 002958 - 002963

OEA Matter No. 2401-0061-24, Employee v. DC - Public Schools, Initial Decision (Dismissed) ..... 002964 - 002966

OEA Matter No. J-0003-25, Employee v. DC - Public Schools, Initial Decision (Dismissed) ..... 002967 - 002969

Employment Services, Department of -
Notice of Funding Availability -
FY 2025 Marion S. Barry Summer Youth Employment Program (MBSYEP) - Career Exploration Grant ..... 002970 - 002971

FY 2025 Marion S. Barry Summer Youth Employment Program (MBSYEP) - Pathways to the Financial Industry Grant ..... 002972 - 002973

Energy and Environment, Department of -
Notice of Intent to Issue Air Quality Permits Renewal -
#7115-SC-R2 Proposed Air Quality Source Category Permit Renewal to Operate Existing Stationary Diesel-Fired Emergency Engines Exempt from NSPS Subpart IIII but Subject to NESHAP Subpart ZZZZ .....002974 - 002976

#7116-SC-R2 Proposed Air Quality Source Category Permit Renewal to Operate Existing Stationary Natural Gas-Fired Emergency Engines Exempt from NSPS Subpart JJJJ but Subject to NESHAP Subpart ZZZZ .....002977 - 002979

Health, Department of (DC Health) -
Notice of Funding Availability - Colorectal Cancer Control Program .....002980 - 002981

Notice of Virtual Board of Medicine Meeting - March 26, 2025 002982

Updated Public Health Priorities for Continuing Education Requirements for Health Professionals .....002983 - 002984

Historic Preservation Review Board -
Historic Landmark and Historic District Designations - Case
25-01 John Joseph Earley House, 1710 Lamont Street NW (2602, Lot 34) 002985

Housing and Community Development, Department of -
Notice of Revised Form 8 - Housing Provider's Notice to Tenant of Rent Adjustment 002986

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Licensing and Consumer Protection, Department of -
D.C. Board of Real Estate Appraisers Meeting - March 19, 2025 002987

Mundo Verde Bilingual Public Charter School -
Request for Proposals - Strategic Planning Services 002988

Planning and Economic Development, Office of the Deputy Mayor for -
Notice of Funding Availability (NOFA) - FY25 Chinatown Lease
Incentive Grant Program ..... 002989 - 002990

Public Service Commission -
Notice of Proposed Tariff -
Formal Case Nos. 1017
Formal Case Nos. 1134, and
Electric Tariff 2025-01 -
Pepco's Procurement Cost Adjustment Tariff ..... 002991 - 002993

Retirement Board, DC -
Notice of Closed Meeting - March 20, 2025 002994
Notice of Investment Committee Meeting - March 20, 2025 002995
Notice of Open Board Meeting - March 20, 2025 002996

Secretary Office of the -
Recommendations for Appointments as DC Notaries Public -
May 15, 2025 ..... 002997 - 003002

Sentencing Commission, DC -
Notice of Hybrid Meeting - March 18, 2025 003003

The Seed Public Charter School -
Request for Proposals - Vended-Managed School Meal Services 003004

Water and Sewer Authority, DC -
Finance and Budget Committee Meeting - March 27, 2025 003005
Retail Water and Sewer Rates Committee Meeting -
March 25, 2025 003006

Zoning Adjustment, Board of - Cases
19961 Advisory Neighborhood Commission 1C - Order (Appeal) ..... 003007 - 003019
20183 The Residences of Columbia Heights, a Condominium -
ANC 1B - Order (Appeal) ..... 003020 - 003047
20873-A Network Towers 2 - ANC 8B - Order ..... 003048 - 003050
21227 Nathan and Stephanie Kooi - ANC 6B - Order ..... 003051 - 003054
21229 WC Properties, LLC - ANC 8D - Order ..... 003055 - 003058
21233 Bristlecone, LLC - ANC 5D and 5C - Order ..... 003059 - 003061

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Zoning Adjustment, Board of - April 23, 2025 - Public Meeting
21286 3822 Van Ness NW, LLC - ANC 3A & 3E .....003062 - 003064

Zoning Commission - Case
06-46F Half Residential PJV, LLC - Order.....003065 - 003070

ENROLLED ORIGINAL

A RESOLUTION

26-40

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency, due to congressional review, with respect to the need to amend Chapter 39 of Title 28 of the District of Columbia Official Code to clarify that the District government is not a merchant under the District's consumer protection law except with respect to the application of that chapter's landlord-tenant relations provisions to the District of Columbia Housing Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Consumer Protection Clarification Congressional Review Emergency Declaration Resolution of 2025".

Sec. 2. (a) On November 26, 2024, the Council approved the Consumer Protection Clarification Emergency Amendment Act of 2024, effective December 19, 2024 (D.C. Act 25-667; 71 DCR 16306) ("Emergency Act"). The Emergency Act will expire on March 19, 2025.

(b) On December 17, 2024, the Council approved the Consumer Protection Clarification Temporary Amendment Act of 2024, enacted on January 15, 2025 (D.C. Act 25-707; 72 DCR 830) ("Temporary Act") on second reading. The Temporary Act has yet to complete congressional review. Therefore, this congressional review emergency is necessary to prevent a gap in the law between the expiration of the Emergency Act and the effective date of the Temporary Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Consumer Protection Clarification Congressional Review Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-41

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency, due to congressional review, with respect to the need to approve the development and financing agreement for the redevelopment of the downtown arena, approve an agreement for the disposition by lease of certain real property owned by the District government for the use and operation of the downtown arena; approve a purchase and sale agreement for the downtown arena, authorize the granting of certain easements related to the downtown arena property; authorize airspace leases associated with the downtown arena, continue and provide for property tax abatements and deed transfer and recordation tax exemptions for the downtown arena, and authorize the issuance of rules to provide for additional signage on the downtown arena.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Downtown Arena Revitalization Congressional Review Emergency Declaration Resolution of 2025".

Sec. 2. (a) On December 3, 2024, the Council unanimously approved the Downtown Arena Revitalization Emergency Act of 2024, effective December 17, 2024 (D.C. Act 25-653; 71 DCR 15803) ("Emergency Act"). The Emergency Act is scheduled to expire on March 17, 2025.

(b) On December 17, 2024, the Council unanimously approved the Downtown Arena Revitalization Act of 2024, enacted on February 3, 2025 (D.C. Act 25-718; 72 DCR 1109) ("Permanent Act"). The Permanent Act was transmitted to Congress on February 13, 2025, and has a projected law date of April 3, 2025.

(c) In order to address the imminent gap in the law between the expiration of the Emergency Act and the effective date of the Permanent Act, it is necessary to approve congressional review emergency legislation

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the that the Downtown Arena Revitalization Congressional Review Emergency Act of 2025 be adopted after a single reading.

ENROLLED ORIGINAL

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-42

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Autonomous Vehicle Act of 2012 to prohibit driverless testing of autonomous vehicles ("AV") on District roadways without an AV testing permit, and to require any person or entity testing AVs with a test operator before an AV testing permit becomes available to provide notice to the District Department of Transportation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Autonomous Vehicle Testing Permit Requirement Congressional Review Emergency Declaration Resolution of 2025".

Sec. 2. (a) The Autonomous Vehicle Testing Program Amendment Act of 2020, effective December 23, 2020 (D.C. Law 23-156; 67 DCR 13048), allowed autonomous vehicle ("AV") companies to test AVs on District roadways without an AV testing permit until the District Department of Transportation ("DDOT") makes the permit application available, after which the AV company must apply for an AV testing permit or cease testing.

(b) To maintain interim requirements with which AV testing companies must comply as DDOT finalizes its rulemaking on the AV testing, the Council passed the Autonomous Vehicle Testing Permit Requirement Second Emergency Amendment Act of 2024, effective December 24, 2024 (D.C. Act 25-674; 72 DCR 14) ("emergency legislation"). The emergency legislation is set to expire on March 24, 2025. The Council also passed the Autonomous Vehicle Testing Permit Requirement Second Temporary Amendment Act of 2024, enacted on January 15, 2025 (D.C. Act 25-708; 72 DCR 832) ("temporary legislation"). The projected law date for the temporary legislation is March 27, 2025.

(c) The Public Life and Activity Zones Amendment ("PLAZA") Act of 2024, effective January 24, 2025 (D.C. Act 25-715; 72 DCR 1085) ("permanent law"), incorporates and makes permanent provisions from the emergency and temporary legislation. The projected law date for the permanent law is also March 27, 2025.

(d) Without the provisions of the emergency legislation, temporary legislation, or permanent law in place, DDOT cannot conduct proper oversight over AV operations in the District, presenting safety challenges for all roadway users.

ENROLLED ORIGINAL

(e) This congressional review emergency legislation is necessary to prevent a gap in the law between the expiration emergency legislation and the effective date of the temporary legislation and permanent law.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Autonomous Vehicle Testing Permit Requirement Congressional Review Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-43

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency, due to congressional review, with respect to the need to amend section 110 of Title 18 of the District of Columbia Municipal Regulations to authorize the Director of the Department of Motor Vehicles to waive requirements related to renewal of driver licenses and identification cards; and to amend the District of Columbia Traffic Act, 1925 to make a conforming amendment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Driver License and Identification Card Renewal Congressional Review Emergency Declaration Resolution of 2025".

Sec. 2. (a) Proof of identity is regularly required to obtain housing, employment, or education. The Council, therefore, recognizes the importance of ensuring that residents can quickly and easily obtain and renew identification documents such as driver's licenses and identification cards.

(b) Current District regulations restrict and place conditions on driver license and identification card holders' ability to renew their identifying documents before their expiration date, creating an unnecessary barrier to the timely renewal of these identifying documents.

(c) To ensure that District residents maintain access to driver licenses and identification cards, the Council passed the Driver License and Identification Card Renewal Emergency Amendment Act of 2024, effective December 24, 2024 (D.C. Act 25-676; 72 DCR 19) ("emergency legislation"). The emergency legislation expires on March 24, 2025. The Council also passed the Driver License and Identification Card Renewal Temporary Amendment Act of 2024, enacted on January 15, 2025 (D.C. Act 25-709; 72 DCR 834) ("temporary legislation"). The temporary legislation is projected to take effect on March 27, 2025.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Driver License and Identification Card Renewal Congressional Review Emergency Amendment Act of 2025 be adopted after a single reading.

ENROLLED ORIGINAL

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-44

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCCB-2025-F-0003 with Edelson PC to provide legal services to the Office of the Attorney General.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCCB-2025-F-0003 with Edelson PC Emergency Declaration Resolution of 2025".

Sec. 2. (a) There exists a need to approve multiyear Contract No. DCCB-2025-F-0003 with Edelson PC to provide legal services to the Office of the Attorney General for Public Advocacy Division matters.

(b) Because this is a multiyear contract and involves expenditures in excess of $1 million during a 12-month period, Council approval of this contract is required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(c) Council approval is necessary to allow the continuation of these vital services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCCB-2025-F-0003 with Edelson PC Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-45

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to approve the proposed Change Order 1 and multiyear Contract No. PO-GF-2024-P-0144-BB by and between the University of the District of Columbia and CDW Government, LLC/Coastal Cloud to implement Salesforce as the enterprise-wide customer relationship management platform.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of the District of Columbia Change Order 1 & Multiyear Contract No. PO-GF-2024-P-0144-BB by and between the University of the District of Columbia and CDW Government, LLC/Coastal Cloud Approval and Payment Authorization Emergency Declaration Resolution of 2025".

Sec. 2. (a) The University of the District of Columbia proposes to enter into a multiyear contract with CDW Government, LLC/Coastal Cloud for development continuity and to support continuation of the University's customer relation management ("CRM") system, Salesforce. The CRM will enhance the University's recruitment and admission of students, marketing, and communications activities.

(b) Phase I of the project with CDW Government, LLC/Coastal Cloud, including Change Order 1, is a total cost of $1,200,542 for a one-year period, and Phase II of the project is a multiyear contract with a firm fixed price of $3 million for a 19-month period of performance. The total cost of the CRM contract is $4,200,542.

(c) Without emergency Council approval, the University will not be able to continue to overhaul its recruitment, marketing, and communications activities systems aimed at increasing and maintaining enrollment.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the University of the District of Columbia Change Order 1 & Multiyear Contract No. PO-GF-2024-P-0144-BB by and between the University of the District of Columbia and CDW Government, LLC/Coastal Cloud Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

ENROLLED ORIGINAL

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-46

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To approve an agreement to enter into a long-term subsidy contract for 20 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2025-LRSP-01A with 2151 California Associates LLC for program units at The Bobbi located at 2151 California Street, NW.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2025-LRSP-01A with 2151 California Associates LLC Approval Resolution of 2025".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. 2025-LRSP-01A, a long-term subsidy contract, with 2151 California Associates LLC to provide an operating subsidy in support of 3 affordable housing units in an initial amount not to exceed $125,400 annually.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-47

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To approve an agreement to enter into a long-term subsidy contract for 20 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2025-LRSP-02A with Flats at South Capitol LLC for program units at the Flats at South Capitol Apartments located at 3838 South Capitol Street, SE.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2025-LRSP-02A with Flats at South Capitol LLC Approval Resolution of 2025".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. 2025-LRSP-02A, a long-term subsidy contract, with Flats at South Capitol LLC to provide an operating subsidy in support of 22 affordable housing units in an initial amount not to exceed $486,960 annually.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to approve Modification Nos. M02, M03, M04, and M05 to Contract No. DCAM-24-NC-RFP-0003A with Jerome L. Taylor Trucking, Inc. to provide waste collection and disposal services, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. M02, M03, M04, and M05 to Contract No. DCAM-24-NC-RFP-0003A with Jerome L. Taylor Trucking, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2025".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. M02, M03, M04, and M05 to Contract No. DCAM-24-NC-RFP-0003A with Jerome L. Taylor Trucking, Inc. to provide waste collection and disposal services, and to authorize payment for the goods and services received and to be received under the modifications.

(b) On September 11, 2024, via Modification No. M02, the Department of General Services ("DGS") partially exercised option year one in the not-to-exceed ("NTE") amount of $937,087.38 for the period October 1, 2024, through November 18, 2024.

(c) On November 18, 2024, via Modification No. M03, DGS extended option year one through February 24, 2025, at no additional cost.

(d) On January 13, 2025, via Modification No. M04, DGS extended option year one through April 14, 2025, at no additional cost.

(e) Modification No. M05 will exercise the remainder of option year one through September 30, 2025, and increase the NTE amount by $3,175,966.98, to $4,113,054.36.

(f) Council approval is necessary because the modifications will increase the value of the contract to more than $1 million during a 12-month period.

(g) Council approval is necessary to allow the continuation of these vital services. Without Council approval, Jerome L. Taylor Trucking, Inc. cannot be paid for goods and services provided in excess of $1 million for the period October 1, 2024, through September 30, 2025.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. M02, M03, M04, and M05 to Contract No. DCAM-24-NC-RFP-0003A with Jerome L. Taylor Trucking, Inc. Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to approve Modification Nos. 8 and 9 to Contract No. CW94739, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. 8 and 9 to Contract No. CW94739 with Ramsell Corporation Approval and Payment Authorization Emergency Declaration Resolution of 2025".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 8 and 9 to Contract No. CW94739, and to authorize payment for the goods and services received and to be received under the contract.

(b) By Modification No. 8, dated January 14, 2025, the Office of Contracting and Procurement, on behalf of the Department of Health, partially exercised option year 3 for the period January 18, 2025, through March 4, 2025, in the not-to-exceed amount of $998,000.

(c) Modification No. 9 will exercise the remainder of option year 3 through January 17, 2026, and will increase the not-to-exceed amount by $9,502,000, to $10,500,000.

(d) Council approval is necessary because the modifications will increase the value of the contract to more than $1 million during a 12-month period.

(e) Council approval is necessary to allow the continuation of these vital services. Without Council approval, Ramsell Corporation cannot be paid for goods and services provided and to be provided in excess of $1 million for the period January 18, 2025, through January 17, 2026.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 8 and 9 to Contract No. CW94739 with Ramsell Corporation Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to approve Modification Nos. 1, 2, and 3 to Contract No. CW116019, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. 1, 2, and 3 to Contract No. CW116019 with Immediate Mailing Services, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2025".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 1, 2, and 3 to Contract No. CW116019 with Immediate Mailing Services, Inc., and to authorize payment for the goods and services received and to be received under the contract.

(b) On May 28, 2024, the Office of Contracting and Procurement ("OCP"), on behalf of the Department of Health Care Finance, executed Contract No. CW116019 with Immediate Mailing Services, Inc. for printing and mailing services for the District of Columbia Access System, in the not-to-exceed ("NTE") amount of $379,731.38.

(c) By Modification No. 1, dated September 27, 2024, OCP partially exercised option year one for the period October 1, 2024, through January 31, 2025, in the NTE amount of $389,565.92.

(d) By Modification No. 2, dated January 14, 2025, OCP extended option year one through March 31, 2025, and increased the NTE amount by $194,873.94, to $584,439.86.

(e) Modification No. 3 will fully exercise option year one and increase the NTE amount by $584,046.19, to $1,168,486.05.

(f) Council approval is necessary because the modifications will increase the value of the contract to more than $1 million during a 12-month period.

(g) Council approval is necessary to allow the continuation of these vital services. Without Council approval, Immediate Mailing Services, Inc. cannot be paid for goods and services provided and to be provided in excess of $1 million for the period from October 1, 2024, through September 30, 2025.

ENROLLED ORIGINAL

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 1, 2, and 3 to Contract No. CW116019 with Immediate Mailing Services, Inc. Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to approve Modification Nos. 7, 9, and 13 to Contract No. CW108950 with Stormwater Maintenance, LLC, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. 7, 9, and 13 to Contract No. CW108950 with Stormwater Maintenance, LLC Payment Authorization Emergency Declaration Resolution of 2025".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 7, 9, and 13 to Contract No. CW108950 with Stormwater Maintenance, LLC, to perform assessments and routine, restorative, and reconstructive maintenance on just over 3,000 District-owned and installed green stormwater infrastructure assets, and to authorize payment for the goods and services received and to be received under the contract.

(b) On August 13, 2024, by Modification No. 7, the Office of Contracting and Procurement ("OCP"), on behalf of the Department of Energy and Environment, partially exercised Option Year One of Contract No. CW108950 for the period of August 14, 2024, through August 13, 2025, in the not-to-exceed amount of $574,819.

(c) Modification No. 8 was an administrative modification.

(d) On October 9, 2024, by Modification No. 9, OCP increased the not-to-exceed amount of Option Year One by $415,175.76, from $574,819 to $989,994.76.

(e) Modification No. 10 was withdrawn.

(f) Modification No. 11 was an administrative modification.

(g) Modification No. 12 was an administrative modification.

(h) Proposed Modification No. 13 would:

(1) Rescind Modification Nos. 8, 11, and 12;

(2) Increase the not-to-exceed amount of Option Year One by $5,439,584.35, from $989,994.76 to $6,429,579.11; and

(3) Fully exercise Option Year One.

(i) Under section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)(1)), Council approval is necessary because the modification will increase the value of the contract to more than $1 million during a 12-month period.

(j) Council approval is necessary to allow the continuation of these vital services. Without Council approval, Stormwater Maintenance, LLC cannot be paid for goods and services provided in excess of $1 million for the period August 14, 2024, through August 13, 2025.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 7, 9, and 13 to Contract No. CW108950 with Stormwater Maintenance, LLC Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To approve the extension of the time within which the Mayor may dispose of the District-owned real property located at 261 17th Street, SE.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Eastern Branch Boys and Girls Club Disposition Extension Approval Resolution of 2025".

Sec. 2. Pursuant to section 1(d) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(d)), the Council approves the extension, from December 5, 2024, to December 5, 2026, of the time within which the Mayor may dispose of the District-owned real property located at 261 17th Street, SE, designated for purposes of taxation and assessment as Lot 802 in Square 1088, which disposition was approved by the Council pursuant to the Eastern Branch Boys and Girls Club Disposition Approval Resolution of 2022, effective December 6, 2022 (Res. 24-707; 69 DCR 15343).

Sec. 3. Transmittal.

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

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 resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $80 million of District of Columbia revenue bonds in one or more series pursuant to a plan of finance and to authorize and provide for the loan of the proceeds of such bonds to assist National Links Trust Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Links Trust Inc. Revenue Bonds Project Approval Resolution of 2025".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be National Links Trust Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia, qualified to do business in the District of Columbia, and exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3), which is liable for the repayment of the Bonds.

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

ENROLLED ORIGINAL

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

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

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

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

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

(11) "Project" means the financing, refinancing, or reimbursing of the Borrower for all or a portion of the Borrower's costs incurred in connection with:

(A) The renovation, construction, rehabilitation and equipping of three existing golf course facilities, including clubhouses, maintenance facilities, and driving ranges, with street addresses at 6100 16th Street, NW, Washington, DC, 2600 Benning Road, NE, Washington, DC, and 972 Ohio Drive, SW, Washington, DC (collectively, the "Facilities");

(B) The purchase and installation of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facilities;

(C) Funding certain working capital costs, to the extent financeable relating to the Bonds;

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

(E) Paying allowable Issuance Costs.

Sec. 3. Findings.

The Council finds that:

ENROLLED ORIGINAL

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

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed $80 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

(4) The Project is an undertaking in the areas of sports and entertainment and recreation, tourism, and hospitality facilities, within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $80 million; and

(2) The making of the Loan.

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

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

(d) The Bond authorization set forth in this resolution includes the authorization to issue refunding Bonds to refinance any Bonds previously issued under this resolution to finance the Project; provided, that the maximum principal amount of Bonds outstanding at any time does not

ENROLLED ORIGINAL

exceed the maximum principal amount of Bonds authorized hereunder.

Sec. 5. Bond details.

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

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement, if any, under which the Bonds may be secured.

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

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia’s manual or facsimile signature. The

Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

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

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under

the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

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

Sec. 8. Financing and Closing Documents.

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

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

Sec. 11. District officials.

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

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

Sec.12. Maintenance of documents.

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

Sec.13. Information reporting.

Within 3 days after the Mayor’s receipt of the transcript of proceedings relating to the

issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

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

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

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the

Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held in accordance with section 147(f) of the Code, as such section may be amended, and the corresponding regulations promulgated by the United States Department of the Treasury.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to amend section 47-813 of the District of Columbia Official Code to provide for more timely classification changes for commercial properties that are to be put to residential use, to provide for an application process to make classification changes, to provide for appeal rights if such application is denied, and to provide for a claw back in the event the real property is not timely put to residential use.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Residential Building Permit Classification Emergency Declaration Resolution of 2025".

Sec. 2. (a) On October 1, 2024, the Office of Tax and Revenue enacted a final policy titled "OTR Tax Classification Change (Class 2 to 1) Policy." Under the new policy, a developer converting a commercial property to a residential property could not benefit from a change in classification from Class 2 to Class 1 until construction is "100% complete" and the building is "in actual use". Prior to this updated policy, a developer could get a property under construction reclassified via the issuance of a building permit or by qualifying for a planned unit development.

(b) The updated policy could negatively impact new residential developments, particularly commercial-to-residential conversion projects that can take years to complete, as Class 2 property tax rates ($1.65-$1.89 per $100 of assessed value) are roughly double the tax rate for a Class 1A property ($0.85 per $100 of assessed value). Additionally, the updated policy contradicts the goals of the Housing in Downtown Program, which seeks to revitalize downtown by incentivizing the conversion of vacant or underutilized office buildings into residential properties.

(c) Emergency action is needed to clarify that developers may have commercial-to-residential conversion projects reclassified after a building permit has been issued to construct a new improvement for predominantly (or substantially rehabilitate that portion or all of an existing improvement for exclusive) nontransient residential dwelling purposes.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Residential Building Permit Classification Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to amend the Second Chance Amendment Act of 2022 to clarify the timeline for the automatic sealing of nonconvictions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Second Chance Clarification Emergency Declaration Resolution of 2025".

Sec. 2. (a) The Second Chance Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-284; 70 DCR 913) ("Second Chance"), was enacted to expand the categories of criminal records and court proceedings eligible for sealing or expungement.

(b) Second Chance has subsequently been amended by the following amendatory acts to make changes to certain applicability dates and deadlines contained in the act:

(1) The Fiscal Year 2024 Budget Support Act of 2023, effective September 6, 2023 (D.C. Law 25-50; 70 DCR 10366);

(2) The Secure DC Omnibus Amendment Act of 2024, effective June 8, 2024 (D.C. Law 25-175; 71 DCR 2732); and

(3) The Fiscal Year 2025 Budget Support Act of 2024, effective September 18, 2024 (D.C. Law 25-217; 71 DCR 9990).

(c) The Committee on the Judiciary and Public Safety identified 2 drafting errors in the amended section 16-805(c)(1) within section 101(b) of Second Chance that would inadvertently move up the timeline of certain provisions of the law by more than 2 years and would immediately deem the implementing agencies noncompliant for the previous 2 years.

(d) Therefore, emergency legislation is needed to resolve these errors.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Second Chance Clarification Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to clarify the definition of an unlicensed establishment, to ensure that all unlicensed establishments are subject to enforcement action beginning on April 1, 2025, to indicate that the current statutory compliance exemption does not apply to unlicensed establishments that sell Schedule I substances or products that contain Schedule I substances, and to clarify when the ABC Board can issue a notice of summary closure to a licensed medical cannabis establishment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unlicensed Establishment Enforcement Clarification Emergency Declaration Resolution of 2025".

Sec. 2. As of February 19, 2025, the Alcoholic Beverage and Cannabis Administration ("ABCA") and the Metropolitan Police Department ("MPD") have summarily closed and padlocked 31 unlicensed cannabis establishments. At a recent Council joint committee public roundtable held on February 11, 2025, regarding the state of the medical cannabis industry, it was established that additional enforcement measures are needed to further assist with the closure of unlicensed establishments operating in the District.

(b) The emergency legislation seeks to level the playing field between licensed and unlicensed cannabis businesses by clarifying that all unlicensed cannabis businesses that applied during the statutory open application period that still remain unlicensed and operating illegally are subject to enforcement and summary closure beginning on April 1, 2025. The emergency legislation also clarifies that unlicensed establishments that applied during the statutory open application period are subject to enforcement and summary closure prior to April 1, 2025, if they engage in the sale of Schedule I substances and products containing Schedule I substances such as psychedelic mushrooms and Dimethyltryptamine.

(c) The emergency legislation also promotes public health and safety by allowing the Alcoholic Beverage and Cannabis Board ("Board") to summarily close and padlock, through ABCA and MPD, unlicensed businesses that stop selling cannabis and cannabis products but continue to illegally sell Schedule I substances and products containing Schedule I substances.

(d) The emergency legislation also promotes public health and safety by allowing the Board to summarily close a licensed establishment that engages in illegal activity that presents an imminent danger to the health and safety of the public after being licensed by the Board.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances, making it necessary that the Unlicensed Establishment Enforcement Clarification Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2025

To declare the existence of an emergency with respect to the need to amend section 205 of the Clemency Board Establishment Act of 2018 to authorize the Clemency Board to, for applicants seeking a pardon, grant a waiver of the 5-year waiting period.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Clemency Board Waiver Authority Emergency Declaration Resolution of 2025".

Sec. 2. (a) The Clemency Board ("Board") was established in 2018 to determine whether, upon application, to recommend that the President of the United States grant clemency to applicants convicted of D.C. Code offenses.

(b) The Clemency Board Establishment Act of 2018, effective December 13, 2018 (D.C. Law 22-197; D.C. Official Code § 24-481.01 *et seq.*) (the "Act"), which established both the Board and the process by which applicants may seek a letter of recommendation from the Board, was deliberately structured by the Council to mirror the eligibility requirements and generally the process used by the Department of Justice, Office of the Pardon Attorney ("DOJ-OPA") for accepting and reviewing applications for clemency. Having the language of the Act mirror the federal process helps the Board avoid inadvertently deeming an application ineligible that is in fact eligible under DOJ-OPA's rules.

(c) Currently, under section 205(c)(1) of the Act (D.C. Official Code § 24-481.05), to be eligible for a letter of recommendation from the Board, an applicant must wait 5 years after the date of their release from confinement or, in cases where no prison sentence was imposed, 5 years after the date of the conviction. This statutory language mirrors DOJ-OPA's eligibility criteria, which also sets a 5-year waiting period for pardon applicants.

(d) Board staff have recently learned, however, that the DOJ-OPA is authorized to grant waivers of this 5-year waiting period, pursuant to § 9-140.112 of the Department of Justice Manual. The Act, as passed by Council in 2018, however, did not provide the Board with similar authority to grant a waiver of this requirement.

(e) The Board recently received applications from applicants who have received a waiver of the 5-year waiting period from DOJ-OPA; however, absent legislation amending the Act, the Board lacks the authority to grant its own waiver and these and other applications will be deemed

ineligible for a letter of recommendation, despite being actively considered by the DOJ-OPA and the President.

(f) Thus, this emergency legislation would amend the Act to authorize the Board to consider an applicant's request for a waiver of the 5-year waiting period where the DOJ-OPA has already granted a similar waiver. Absent these changes, several applications before the Board that could be considered by the President in the coming months will be ineligible for a letter of recommendation from the Board, potentially negatively impacting those applicants' applications for clemency.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Clemency Board Waiver Authority Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA PROPOSED LEGISLATION

B26-0164 Rebalancing Expectations for Neighbors, Tenants, and Landlords (RENTAL) Act of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Housing

---

B26-0165 Judith E. Heumann Memorial Bridge Designation Act of 2025

Intro. 03-04-2025 by Councilmembers Frumin, Allen, R. White, Nadeau, and Bonds and referred to the Committee of the Whole

---

B26-0166 Closing of a Public Alley in Square 2068, S.O. 25-01801, Act of 2025

Intro. 03-04-2025 by Councilmember Frumin and referred to the Committee of the Whole

---

B26-0167 Personal Medical Record Fee Exemption Amendment Act of 2025

Intro. 03-05-2025 by Chairman Mendelson and referred to the Committee on Health

---

B26-0173 Architect and Engineer Good Samaritan Amendment Act of 2025

Intro. 03-10-2025 by Councilmembers Allen, Lewis George, R. White, Pinto, Nadeau, and Chairman Mendelson and referred to the Committee on Business and Economic Development

---

B26-0174 Enhancing Consumer Protection Procedures Amendment Act of 2025

Intro. 03-11-2025 by Councilmember Nadeau, and Chairman Mendelson and referred to the Committee on Public Works and Operations

---

PR26-0110 Board of Integrative Healthcare Dr. Keita Vanderpool Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Health

---

PR26-0111 Board of Integrative Healthcare Dr. Nancy Aboulmouna Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Health

---

PR26-0112 Board of Integrative Healthcare Dr. Stephanie Johnson Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Health

---

PR26-0113 Board of Integrative Healthcare Dr. Shannan Walker Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Health

---

PR26-0114 Board of Integrative Healthcare Terrance Hunter Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Health

---

PR26-0115 Board of Integrative Healthcare Dr. Tremikae Owens Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Health

---

PR26-0116 Board of Integrative Healthcare Dr. Gavin Elliott Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Health

---

PR26-0117 Board of Integrative Healthcare Kamilah Martin-Proctor Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Health

---

PR26-0118 Board of Library Trustees Antonio Williams Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Human Services

---

PR26-0119 Board of Library Trustees Andrew Trueblood Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Human Services

---

PR26-0120 Board of Library Trustees Maria Peace Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Human Services

---

PR26-0121 Board of Directors of the Washington Metrorail Safety Commission Brad Belzak Confirmation Resolution of 2025

Intro. 03-03-2025 by Chairman Mendelson and referred to the Committee on Transportation and the Environment

---

PR26-0122 Multiyear Contract Number 0032-2024D with Hawks Lawn Care, LLC Approval Resolution of 2025

Intro. 03-05-2025 by Chairman Mendelson and referred to the Retained by the Council with comments from the Committee on Housing

---

PR26-0123 Peer Case Management Institute and Certification Rules Approval Resolution of 2025

Intro. 03-06-2025 by Chairman Mendelson and referred to the Committee on Human Services

---

PR26-0129 Historic Preservation Review Board Matthew Bell Confirmation Resolution of 2025

Intro. 03-06-2025 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0130 Historic Preservation Review Board Patrick Williams Confirmation Resolution of 2025

Intro. 03-06-2025 by Chairman Mendelson and referred to the Committee of the Whole

---

Council of the District of Columbia
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

ANNOUNCES A PUBLIC HEARING ON

B26-0065, the "Solar Shade Expansion Amendment Act of 2025"

and

B26-0066, the "Youth Advisory Council on Climate Change and Environmental Conservation Establishment Act of 2025"

Monday, March 31, 2025, 1:00 p.m. – 5:00 p.m.
Hybrid Hearing in Room 412 (Track B) and via Zoom
To Watch Live:
https://dccouncil.us/council-videos/
http://video.oct.dc.gov/DCC/jw.html
https://www.facebook.com/CMcharlesallen

On Monday, March 31, 2025, Councilmember Charles Allen, Chairperson of the Committee on Transportation and the Environment, will convene a public hearing to consider Bill 26-0065, the "Solar Shade Expansion Amendment Act of 2025" and Bill 26-0066, the "Youth Advisory Council on Climate Change and Environmental Conservation Establishment Act of 2025." This is a hybrid format hearing, with witnesses appearing virtually via the Zoom platform or in person in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, from 1:00 p.m. to 5:00 p.m.

The stated purpose of B26-0065, the "Solar Shade Expansion Amendment Act of 2025," is to require that the Department of Energy and Environment ("DOEE") identify suitable locations for solar canopy installations throughout the District. Solar canopies are structures that elevate solar panels above the ground, generating clean and renewable energy while providing much-needed shade. Specifically, B26-0065 would require that DOEE publish a study on the feasibility of installing solar canopies at 20 sites across the District—including playgrounds, parks, sidewalks, bike lanes, and roads. The study would recommend five specific locations where solar canopy installations should be piloted, and the District's Capital Improvement Plan ("CIP") must include sufficient funding to install solar canopies at those locations. DOEE would then update its initial report to examine the success of the solar canopies at the five piloted locations. Finally, the bill requires that each new capital project in the CIP include enough funding to support the installation of solar canopies where technically feasible. The updated report would also discuss any financial

incentives that could facilitate the installation of solar canopies, as well as any legal or regulatory barriers that could thwart new installations.

The stated purpose of Bill 26-0066, the "Youth Advisory Council on Climate Change and Environmental Conservation Establishment Act of 2025," is to establish a Youth Advisory Council on Climate Change and Environmental Conservation ("Youth Climate Council"). The Youth Climate Council would serve as an advisory body to the Mayor and Council, providing young people's perspective and input on legislation and programs related to mitigating the impacts of climate change, preserving natural resources, and protecting the environment. The bill recognizes that our youth will be the people most impacted by the long-term effects of climate change and environmental degradation, and will ensure that their perspectives are not only heard, but actively integrated into our climate strategies.

The Committee invites the public to provide live and written testimony. The Committee hopes to receive testimony regarding solar canopies and their ability to generate renewable energy while providing relief from the heat and other ancillary benefits. The Committee also welcomes testimony regarding the importance of empowering youth voices in conversations regarding climate change mitigation and environmental conservation. Public witnesses seeking to provide testimony at the Committee's hearing must thoroughly review the following instructions:

- If you would like to provide live testimony during the hearing or submit written testimony for the record, please use the Council's Hearing Management System at https://lims.dccouncil.gov/hearings/. HMS is a universal, centralized way to find out about upcoming hearings, register to testify, submit testimony, download testimony, and see how many witnesses have registered. **The deadline to register to provide testimony through HMS is Thursday, March 27, 2025, at 5:00 p.m. The hearing record closes on Tuesday, April 15, at 5:00 p.m., after which you will be unable to submit written testimony.**
- Once you have identified the hearing at which you want to testify on the Hearing Management System, read the Hearing Notice at the bottom of the page for additional details on the hearing. The hearing page also shows how many witnesses have already registered under the "Witnesses" heading.
- Click the "Register to Testify" button at the upper right of the page to register to testify at the hearing. If the deadline to sign up for a hearing has already passed, or if there is no public testimony at the hearing, the button will not be available.
- If there are multiple topics to be considered at a hearing, select which one you would like to speak to by placing a checkmark next to the relevant topic or legislation. If you are testifying on behalf of an organization, select "Organization" and include your title and the organization's name. If you are testifying on your own behalf, select "Individual." There may be additional fields included by the Committee to gather further details.
- Select "Live Testimony" or "Record Testimony." Select "Live Testimony" if you previously registered to testify at the hearing. If your testimony is only for the written record, choose "Record Testimony." Please use the same name, organization information, and email address that you used if you registered to testify.

- If you are trying to submit testimony, click the "Submit Testimony" button in the upper right on the hearing page. If the deadline to submit testimony for a hearing has already passed, the button will not be available.
- You can upload testimony in either Adobe PDF, Microsoft Word, Apple Pages, or a plain text file by clicking "Upload My Testimony." You can also type your testimony from this page by selecting "I will type my testimony here."
- After completing the web form, you should receive a confirmation email from noreply@dccouncil.gov. Prior to the hearing, you will receive an email from noreply@dccouncil.gov from the Committee with additional details on testifying, including the access link.
- The Committees will approve witnesses' registrations based on the total time allotted for public testimony. The Committees will also determine the order of witnesses' testimony.
- ANC Commissioners and representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. If more than one witness is testifying on behalf of the same organization, only one witness will have five minutes, and all other witnesses from the same organization will have three minutes. To accommodate additional public witnesses, the Committee may reduce witnesses' allotted time for testimony but will inform witnesses if it plans to do so.
- Witnesses are not permitted to yield their time to or substitute their testimony for the testimony of another individual or organization.
- **Witnesses who anticipate needing language interpretation, including ASL interpretation, should inform the Committee as soon as possible, but no later than five business days before the hearing.** Please include this request in the additional field for this purpose when you register to testify. The Committee will make every effort to fulfill timely requests; however, requests received fewer than five business days before the hearing may not be fulfilled.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS
FISCAL YEAR 2026 PROPOSED BUDGET AND FINANCIAL PLAN,
FISCAL YEAR 2026 BUDGET SUPPORT ACT OF 2025,
FISCAL YEAR 2026 LOCAL BUDGET ACT OF 2025,
FISCAL YEAR 2026 FEDERAL PORTION BUDGET REQUEST ACT OF 2025, AND
COMMITTEE MARK-UP SCHEDULE
3/12/2025

SUMMARY

Wednesday, April 2, 2025	Mayor Transmits the Fiscal Year 2026 Proposed Budget and Financial Plan and Associated Documents to the Council of the District of Columbia
Friday, April 4, 2025	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2026 Proposed Budget and Financial Plan
Monday, April 7 to Thursday, May 1, 2025	Committee Public Hearings on the "Fiscal Year 2026 Local Budget Act of 2025." The Committees may also receive testimony on sections of the Fiscal Year 2026 Budget Support Act that affect the agencies within each Committee's purview
Friday, May 2, 2025	Committee of the Whole Public Hearing on the "Fiscal Year 2026 Local Budget Act of 2025," "Fiscal Year 2026 Federal Portion Budget Request Act of 2025," "Fiscal Year 2026 Budget Support Act of 2025," and "Fiscal Year 2025 Revised Local Budget Emergency Adjustment Act of 2025"
Wednesday, May 7 - Friday, May 9, 2025	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2026
Wednesday, May 14, 2025	Budget Work Session
Wednesday, May 28, 2025	Council Consideration of the "Fiscal Year 2026 Local Budget Act of 2025" and the "Fiscal Year 2026 Budget Support Act of 2025"
Wednesday, June 11, 2025	Council Consideration of the "Fiscal Year 2026 Local Budget Act of 2025," "Fiscal Year 2026 Federal Portion Budget Request Act of 2025," and the "Fiscal Year 2025 Revised Local Budget Emergency Adjustment Act of 2025"
TBD	Council Consideration of the "Fiscal Year 2026 Budget Support Act of 2025"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2026 Proposed Budget and Financial Plan, the "Fiscal Year 2026 Local Budget Act of 2025," the "Fiscal Year 2026 Federal Portion Budget Request Act of 2025," "Fiscal Year 2026 Budget Support Act of 2025," and "Fiscal Year 2025 Revised Local Budget Emergency Adjustment Act of 2025." The hearings will begin Monday, April 7, 2025, and conclude on Thursday, May 1, 2025. The Committee mark-ups will begin Wednesday, May 7, 2025, and conclude on Friday, May 9, 2025.

You can access hearing notices, sign up to testify, and other pertinent hearing information, by going to the hearing management system at: https://lims.dccouncil.gov/hearings. Some hearings listed in this notice will be broadcast live on DC Council Channel 13, streamed live at www.dccouncil.gov and entertainment.dc.gov, while others will be streamed live at the link provided.

Witnesses who anticipate needing or requiring sign language interpretation are requested to inform the relevant Committee office of the need as soon as possible, but no later than seven (7) business days before the proceeding. We will make every effort to fulfill timely requests, however, requests received in less than seven (7) business days may not be fulfilled and alternatives may be offered.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

New Date	*Original Date*	*Date Changed*	*Hearing Change*

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, APRIL 4, 2025 - Room 500	
Time	**Subject**
10:30 a.m. - 1:30 p.m.	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2026 Proposed Budget and Financial Plan

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE ON FACILITIES **Chairperson Janeese Lewis George**

MONDAY, APRIL 7, 2025 - Room 500 (Hybrid)	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Department of Parks and Recreation

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

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

MONDAY, APRIL 7, 2025 - Room 412 (Hybrid)	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	All Agencies under Purview

This hearing can be viewed live at https://www.youtube.com/channel/UCbFwXXcbCuQk3-zlwqe97mA/streams.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

MONDAY, APRIL 7, 2025 - Room 123 (Hybrid)	
Time	**Agency**
9:00 a.m. - 3:00 p.m.	Department of For-Hire Vehicles

This hearing can be viewed live at https://www.brianneknadeau.com/committee.

COMMITTEE ON EXECUTIVE ADMINISTRATION & LABOR **Chairperson Anita Bonds**

MONDAY, APRIL 7, 2025 - Room 120 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	TBD

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

TUESDAY, APRIL 8, 2025 - Room 500 (Hybrid)	
Time	**Agency**
Noon - 6:00 p.m.	Fire and Emergency Medical Services
	Deputy Mayor for Public Safety and Justice

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

TUESDAY, APRIL 8, 2025 - Room 412 (Hybrid)	
Time	**Agency**
11:00 a.m. - 6:00 p.m.	Council of the District of Columbia
	Metropolitan Washington Council of Governments
	Office of Budget and Planning
	Office of the District of Columbia Auditor
	New Columbia Statehood Commission

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

TUESDAY, APRIL 8, 2025 - Room 123 (Hybrid)	
Time	**Agency**
11:00 a.m. - 2:45 p.m.	DC Health Benefit Exchange

This hearing can be viewed live at https://www.ChristinaHendersonDC.com/live.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

TUESDAY, APRIL 8, 2025 - Room 123 (Hybrid)	
Time	**Agency (Public Witnesses Only)**
3:00 p.m. - 6:00 p.m.	Office of Neighborhood Safety and Engagement
	Office of Attorney General

This hearing can be viewed live at https://www.youtube.com/@cmbrookepinto.

COMMITTEE ON FACILITIES **Chairperson Janeese Lewis George**

TUESDAY, APRIL 8, 2025 - Room 120 (Hybrid)	
Time	**Agency**
11:00 a.m. - 6:00 p.m.	TBD
	TBD

This hearing can be viewed live at https://www.janeeseward4.com/live.

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

WEDNESDAY, APRIL 9, 2025 - Room 500 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:00 a.m. - 11:45 a.m.	Public Service Commission
	Department of Insurance, Securities and Banking

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE ON YOUTH AFFAIRS **Chairperson Zachery Parker**

WEDNESDAY, APRIL 9, 2025 - Room 500 (Hybrid)	
	Agency
Noon - 6:00 p.m.	Department of Youth and Rehabilitation Services

This hearing will be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, APRIL 9, 2025 - Room 412 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Metropolitan Washington Airports Authority
	Office of Planning

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

WEDNESDAY, APRIL 9, 2025 - Room 123 (Hybrid)	
Time	**Agency**
9:00 a.m. - 11:45 a.m.	Office of Administrative Hearings

This hearing can be viewed live at https://www.brianneknadeau.com/committee.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

WEDNESDAY, APRIL 9, 2025 - Room 123 (Hybrid)	
Time	**Agency (Public Witnesses Only)**
Noon - 6:00 p.m.	Department of Health

This hearing can be viewed live at https://www.ChristinaHendersonDC.com/live.

COMMITTEE ON EXECUTIVE ADMINISTRATION & LABOR **Chairperson Anita Bonds**

WEDNESDAY, APRIL 9, 2025 - Room 120 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	TBD

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON HOUSING **Chairperson Robert C. White, Jr.**

THURSDAY, APRIL 10, 2025 - Room 500 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	DC Housing Authority

This hearing will also be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, APRIL 10, 2025 - Room 412 (Hybrid)	
Time	**Agency**
9:30 a.m. - 2:45 p.m.	District of Columbia Retirement Board/Funds
	Other Post-Employment Benefits Fund Advisory Committee
	Commission on the Arts and Humanities

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

THURSDAY, APRIL 10, 2025 - Room 412 (Hybrid)	
Time	**Agency**
3:00 p.m. - 6:00 p.m.	District of Columbia Public Library

This hearing can be viewed live at https://www.youtube.com/@cmfrumin/streams.

COMMITTEE ON YOUTH AFFAIRS **Chairperson Zachery Parker**

THURSDAY, APRIL 10, 2025 - Room 123 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Office of the Ombudsman for Children
	Child and Family Services Administration

This hearing can be viewed live at https://www.youtube.com/@councilmemberzacharyparker.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

THURSDAY, APRIL 10, 2025 - Room 120 (Hybrid)	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	District Department of Transportation

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON EXECUTIVE ADMINISTRATION & LABOR **Chairperson Anita Bonds**

FRIDAY, APRIL 11, 2025 - Room 500 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	TBD
	TBD

This hearing will also be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, APRIL 11, 2025 - Room 412 (Hybrid)	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	District of Columbia Public Schools

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

FRIDAY, APRIL 11, 2025 - Room 123 (Hybrid)	
Time	**Agency (Public Witnesses Only)**
9:00 a.m. - 2:45 p.m.	Department of Energy and the Environment
	Green Finance Authority

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON FACILITIES **Chairperson Janeese Lewis George**

FRIDAY, APRIL 11, 2025 - Room 123 (Hybrid)	
Time	**Agency**
3:00 p.m. - 6:00 p.m.	Office of Disability Rights
	Department of Disability Services

This hearing can be viewed live at https://www.janeeseward4.com/live.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

FRIDAY, APRIL 11, 2025 - Room 120 (Hybrid)	
Time	**Agency**
9:30 a.m. - 3:00 p.m.	Department of Licensing and Consumer Protection

This hearing can be viewed live at https://brianneknadeau.com/live/.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

MONDAY, APRIL 21, 2025 - Room 500 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
10:00 a.m. - 6:00 p.m.	Deputy Mayor for Health and Human Services
	Department of Health Care Finance

This hearing will also be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE ON HOUSING **Chairperson Robert C. White, Jr.**

MONDAY, APRIL 21, 2025 - Room 412 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Office of Returning Citizen Affairs
	Office of the Tenant Advocate
	Office of Advisory Neighborhood Commissions

This hearing can also be viewed live at https://www.youtube.com/@committeeonhousingdc.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

MONDAY, APRIL 21, 2025 - Room 123 (Hybrid)	
Time	**Agency**
9:30 a.m. - 3:00 p.m.	Department of Public Works

This hearing can be viewed live at https://brianneknadeau.com/live/.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

TUESDAY, APRIL 22, 2025 - Room 500 (Hybrid)	
Time	**Agency**
3:00 p.m. - 6:00 p.m.	Office on Zoning

This hearing will also be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

WEDNESDAY, APRIL 23, 2025 - Room 500 (Hybrid)	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Office of Unified Communications
	Office of Victim Services and Justice Grants

This hearing will also be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, APRIL 23, 2025 - Room 412 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Office of the State Superintendent of Education

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON HOUSING **Chairperson Robert C. White, Jr.**

WEDNESDAY, APRIL 23, 2025 - Room 123	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Department of Housing and Community Development
	Housing Production Trust Fund
	Rental Housing Commission
	DC Housing Finance Agency

This hearing can also be viewed live at https://www.youtube.com/@committeeonhousingdc.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

WEDNESDAY, APRIL 23, 2025 - Room 120 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:00 a.m. - 11:45 a.m.	Department of Motor Vehicles

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

WEDNESDAY, APRIL 23, 2025 - Room 120 (Hybrid)	
Time	**Agency**
Noon - 6:00 p.m.	Office of Cable Television, Film, Music, and Entertainment
	Office on Latino Affairs
	Office on Asian and Pacific Islander Affairs

This hearing can be viewed live at https://www.youtube.com/@cmfrumin/streams.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

THURSDAY, APRL 24, 2025 - Room 500 (Hybrid)	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	Department of Human Services

This hearing will also be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, APRIL 24, 2025 - Room 412 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	University of the District of Columbia
	District of Columbia Public Charter School Board
	Deputy Mayor for Education
	State Board of Education
	Office of the State Advocate
	Ombudsman for Education
	District of Columbia State Athletic Association

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

THURSDAY, APRIL 24, 2025 - Room 123 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
Noon - 6:00 p.m.	DC Department of Health

This hearing can be viewed live at https://www.ChristinaHendersonDC.com/live.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

THURSDAY, APRIL 24, 2025 - Room 120 (Hybrid)	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Board of Ethics and Government Accountability
	Office of Police Complaints
	Metropolitan Police Department

This hearing can be viewed live at https://www.youtube.com/@cmbrookepinto.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

FRIDAY, APRIL 25, 2025 - Room 500 (Hybrid)	
Time	**Agency**
9:00 a.m. - 2:45 p.m.	Mayor's Office of Community Affairs
	Office of Human Rights

This hearing will also be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE ON FACILITIES **Chairperson Janeese Lewis George**

FRIDAY, APRIL 25, 2025 - Room 500 (Hybrid)	
Time	**Agency**
3:00 p.m. - 6:00 p.m.	Mayor's Office of Caribbean Community Affairs
	Mayor's Office of Deaf, Deafblind and Hard of Hearing

This hearing will also be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, APRIL 25, 2025 - Room 412 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - 6:00 p.m.	District of Columbia Public Schools

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

FRIDAY, APRIL 25, 2025 - Room 123 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:00 a.m. - 3:00 p.m.	Department of Energy and the Environment
	Green Finance Authority

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

FRIDAY, APRIL 25, 2025 - Room 120 (Hybrid)	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 3:00 p.m.	Department of Behavioral Health

This hearing can be viewed live at https://www.ChristinaHendersonDC.com/live.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

MONDAY, APRIL 28, 2025 - Room 500 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - 6:00 p.m.	District Department of Transportation

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

MONDAY, APRL 28, 2025 - Room 412 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - 3:00 p.m.	Department of Behavioral Health

This hearing can be viewed live at https://www.ChristinaHendersonDC.com/live.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

MONDAY, APRIL 28, 2025 - Room 123 (Hybrid)	
Time	**Agency**
9:00 a.m. - 11:45 a.m.	Office of Contracting and Procurement
	Contract Appeals Board

This hearing can be viewed live at https://www.brianneknadeau.com/committee.

COMMITTEE ON EXECUTIVE ADMINISTRATION & LABOR **Chairperson Anita Bonds**

MONDAY, APRIL 28, 2025 - Room 123 (Hybrid)	
Time	**Agency**
Noon - 6:00 p.m.	TBD

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

MONDAY, APRIL 28, 2025 - Room 120 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:00 a.m. - 6:00 p.m.	Office of Neighborhood Safety and Engagement
	Office of Attorney General

This hearing can be viewed live at https://www.youtube.com/@cmbrookepinto.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

TUESDAY, APRIL 29, 2025 - Room 500 (Hybrid)	
Time	**Agency**
11:00 a.m. - 6:00 p.m.	TBD
	TBD

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

TUESDAY, APRIL 29, 2025 - Room 412 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
11:00 a.m. - 6:00 p.m.	Department of Human Services

This hearing can be viewed live at https://www.youtube.com/@cmfrumin/streams.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

TUESDAY, APRIL 29, 2025 - Room 123 (Hybrid)	
Time	**Agency**
11:00 a.m. - 6:00 p.m.	Office of the Chief Medical Examiner
	Department of Forensic Sciences

This hearing can be viewed live at https://www.youtube.com/@cmbrookepinto.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

TUESDAY, APRIL 29, 2025 - Room 120 (Hybrid)	
Time	**Agency**
11:00 a.m. - 6:00 p.m.	Office of Risk Management
	Office of the Chief Technology Officer

This hearing can be viewed live at https://www.brianneknadeau.com/committee.

COMMITTEE ON EXECUTIVE ADMINISTRATION & LABOR **Chairperson Anita Bonds**

WEDNESDAY, APRIL 30, 2025 - Room 500 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	TBD

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

WEDNESDAY, APRIL 30, 2025 - Room 412 (Hybrid)	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Criminal Code Reform Commission
	Corrections Information Council
	Department of Corrections

This hearing can be viewed live at https://www.youtube.com/@cmbrookepinto.

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

WEDNESDAY, APRIL 30, 2025 - Room 123 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - 3:00 p.m.	Office of Lottery and Gaming
	Alcoholic Beverage and Cannabis Administration
	Department of Small and Local Business Development

This hearing can be viewed live at https://www.youtube.com/channel/UCbFwXXcbCuQk3-zlwqe97mA/streams.

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

THURSDAY, MAY 1, 2025 - Room 500 (Hybrid)	
Time	**Agency (Government Witnesses Only)**
9:00 a.m. - 3:00 p.m.	Deputy Mayor for Planning and Economic Development
	Office of the Chief Financial Officer

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

DMV

COMMITTEE ON FACILITIES **Chairperson Janeese Lewis George**

THURSDAY, MAY 1, 2025 - Room 412 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Department of General Services

This hearing can be viewed live at https://www.janeeseward4.com/live.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

THURSDAY, MAY 1, 2025 - Room 123 (Hybrid)	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Deputy Mayor for Operations and Infrastructure
	Department of Motor Vehicles

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, MAY 2, 2025 - Room 500 (Hybrid)	
Time	**Agency**
10:00 a.m. - 1:30 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2026 Local Budget Act of 2025," "Fiscal Year 2026 Federal Portion Budget Request Act of 2025" "Fiscal Year 2026 Budget Support Act of 2025," and "Fiscal Year 2025 Revised Local Budget Emergency Adjustment Act of 2025"

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

COMMITTEE MARK-UP SCHEDULE

These markups will be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

WEDNESDAY, MAY 7, 2025 - Room 500 (Hybrid)

Time	Committee
10:30 a.m. - 11:30 a.m.	Youth Affairs
11:45 p.m. - 12:45 p.m.	Human Services
1:30 p.m. - 2:30 p.m.	Public Works
2:45 p.m. - 3:45 p.m.	Judiciary

THURSDAY, MAY 8, 2025 - Room 500 (Hybrid)

Time	Committee
10:30 a.m. - 11:30 a.m.	Facilities
11:45 p.m. - 12:45 p.m.	Housing
1:30 p.m. - 2:30 p.m.	Health
2:45 p.m. - 3:45 p.m.	Executive Administration

FRIDAY, MAY 9, 2025 - Room 500 (Hybrid)

Time	Committee
10:30 a.m. - 11:30 a.m.	Transportation and the Environment
11:45 a.m. - 12:45 p.m.	Business and Economic Development
1:30 p.m. - 2:30 p.m.	Committee of the Whole

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

COUNCILMEMBER CHRISTINA HENDERSON, CHAIRPERSON
COMMITTEE ON HEALTH
ANNOUNCES A PUBLIC ROUNDTABLE

ON

PR26-0110 Board of Integrative Healthcare Dr. Keita Vanderpool Confirmation Resolution of 2025;
PR26-0111 Board of Integrative Healthcare Dr. Nancy Aboulmouna Confirmation Resolution of 2025;
PR26-0112 Board of Integrative Healthcare Dr. Stephanie Johnson Confirmation Resolution of 2025;
PR26-0113 Board of Integrative Healthcare Dr. Shannan Walker Confirmation Resolution of 2025;
PR26-0117 Board of Integrative Healthcare Kamilah Martin-Proctor Confirmation Resolution of 2025;
PR26-0116 Board of Integrative Healthcare Dr. Gavin Elliott Confirmation Resolution of 2025;

And

PR26-0114 Board of Integrative Healthcare Terrance Hunter Confirmation Resolution of 2025

ON

Thursday, March 20, 2025, 3:00 P.M.
Hybrid in Room 123 and Virtual via Zoom
To Watch Live:
https://dccouncil.gov/council-videos/
https://www.christinahendersondc.com/live
https://www.youtube.com/@cmchenderson

Councilmember Christina Henderson, Chair of the Committee on Health, announces a public roundtable on PR26-0110,Board of Integrative Healthcare Dr. Keita Vanderpool Confirmation Resolution of 2025; PR26-0111,Board of Integrative Healthcare Dr. Nancy Aboulmouna Confirmation Resolution of 2025; PR26-0112,Board of Integrative Healthcare Dr. Stephanie Johnson Confirmation Resolution of 2025; PR26-0113,Board of Integrative Healthcare Dr. Shannan Walker Confirmation Resolution of 2025; PR26-0117, Board of Integrative Healthcare Kamilah Martin-Proctor Confirmation Resolution of 2025; PR26-0116, Board of Integrative Healthcare Dr. Gavin Elliott Confirmation Resolution of 2025; and PR26-

0114, Board of Integrative Healthcare Terrance Hunter Confirmation Resolution of 2025. The roundtable will be held on **Thursday March 20, 2025, 3:00 P.M.**, hybrid in Room 123 of the John A. Wilson Building, and Virtual via Zoom.

The stated purpose of PR26-0110 is to appoint Dr. Keita Vanderpool to the Board of Integrative Healthcare. The stated purpose of PR26-0111 is to appoint Dr. Nancy Aboulmouna to the Board of Integrative Healthcare. The stated purposed of PR26-0112 is to appoint Dr. Stephanie Johnson to the Board of Integrative Healthcare. The stated purpose of PR26-0113 is to appoint Dr. Shannan Walker to the Board of Integrative Healthcare. The stated purpose of PR26-0117 is to appoint Kamilah Martin-Proctor to the Board of Integrative Healthcare. The stated purpose of PR26-0116 is to appoint Dr. Gavin Elliott to the Board of Integrative Healthcare. And Finally, the stated purpose of PR26-0114 is to appoint Terrance Hunter to the Board of Integrative Healthcare.

Witnesses may appear either in-person or virtually using the Zoom platform. Unless otherwise stated in pre-hearing instructions, witnesses will have 5 minutes to speak if they are representing an organization, and 3 minutes if they are speaking for themselves. The public should sign up at https://lims.dccouncil.gov/Hearings by 5pm on Tuesday, March 18. **Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding.** We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. If you have additional questions, please email Ashley Strange, Legislative Assistant at astrange@dccouncil.gov.

Testimony should be submitted through the Council's Hearing Management System https://lims.dccouncil.gov/hearings in advance of the roundtable. Testimony will be publicly accessible upon Committee review. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted through the Hearing Management System at the link above. The record will close at 5:00pm on Monday March 24, 2025.

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 26-0010 Grant Budget Modification as of February 20, 2025

RECEIVED: 14-day review begins March 11, 2025

GBM 26-0011 Grant Budget Modifications as of March 5, 2025

RECEIVED: 14-day review begins March 12, 2025

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025
License No.:	ABRA-125919
Licensee:	Ace of Spades Lounge, LLC
Trade Name:	Ace Lounge
License Class:	Retailer's Class "C" Tavern
Address:	1817 7th Street, N.W.
Contact:	Adanech Gebremeskel: (240) 491-1145, adiworku349@gmail.com

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 19, 2025, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE
Request for a Change of Hours to extend operation hours.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

CURRENT HOURS OF LIVE ENTERTAINMENT
Sunday – Thursday 11am – 2am, Friday and Saturday 11am – 3am

PROPOSED HOURS OF OPERATION
Sunday through Saturday 8am – 6am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025
Protest Hearing Date:	June 25, 2025

License No.:	ABRA-130821
Licensee:	Columbia La La Juice Corp.
Trade Name:	Apple Dream Shop Columbia
Registration/License Type:	Medical Cannabis Retailer
Address:	1748 Columbia Road N.W.
Retailer Contact:	Ali Rizki: (202) 848-8564; alirizkidc20@gmail.com

WARD 1 ANC 1C SMD 1C07

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at 915 5th Street N.W. Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for May 19, 2025, at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. The **Protest Hearing date** is scheduled for **June 25, 2025, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations at 1748 Columbia Road N.W. The proposed facility with approximately 1,041 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday-Saturday 9am – 11pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday-Thursday 10am-10pm, Friday-Saturday 10am – 10pm

HOURS OF DELIVERY

Sunday-Saturday 9am – 9pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025
License No.:	ABRA-131402
Licensee:	BB & R USA, LLC
Trade Name:	Berry Bros. & Rudd
License Class:	Retailer's Class "A" Liquor Store
Address:	888 17th Street, N.W.
Contact:	Stephen O'Brien: (202) 625-7700, sobrien@malliosobrien.com

WARD 2 ANC 2C SMD 2C02

Notice is hereby given that this licensee has requested to transfer their license to a new location under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 19, 2025 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF OPERATION

Applicant requests to Transfer License from 1309 5th Street, N.E. to a new location at 888 17th Street, N.W. Licensee is a Retailer Class "A" Liquor Store with a Tasting Permit Endorsement and Off-Site Storage Permit.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 6am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025

License No.:	ABRA-075607
Licensee:	Central Resto, LLC
Trade Name:	Central-Michel Richard
License Class:	Retailer's Class "C" Restaurant
Address:	1001 Pennsylvania Avenue, N.W.
Contact:	Manalle Mahmoud: (202) 625-7700, mmahmoud@malliosobrien.com

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 19, 2025, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE
Request for an Entertainment Endorsement Inside Premises.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES
Sunday 10am – 10:30pm, Monday through Thursday 10am – 12am, Friday 10am – 1am, Saturday 10am –1:30am

PROPOSED HOURS OF LIVE INDOOR ENTERTAINMENT
Sunday 10am – 10:30pm, Monday through Thursday 10am – 12am,
Friday and Saturday 10am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-075870 **License Class/Type: C Restaurant**
Applicant: Al Tiramisu, Inc.
Trade Name: Al Tiramisu
SMD: 2B02

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

2014 P STREET NW, WASHINGTON, DC 20036

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	12pm - 11pm	12pm - 11pm
Monday:	12pm - 11pm	12pm - 11pm
Tuesday:	12pm - 11pm	12pm - 11pm
Wednesday:	12pm - 11pm	12pm - 11pm
Thursday:	12pm - 11pm	12pm - 11pm
Friday:	12pm - 11pm	12pm - 11pm
Saturday:	12pm - 11pm	12pm - 11pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-025084 **License Class/Type: C Restaurant**
Applicant: 1801 Corporation
Trade Name: Pupatella
SMD: 2B01

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

1801 18TH STREET NW, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 12 am	8 am - 12 am	-
Monday:	7 am - 12 am	8 am - 12 am	-
Tuesday:	7 am - 12 am	8 am - 12 am	-
Wednesday:	7 am - 12 am	8 am - 12 am	-
Thursday:	7 am - 12am	8 am - 12 am	-
Friday:	8 am - 1 am	8 am - 1 am	-
Saturday:	8 am - 1 am	8 am - 1 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 11 pm	8 am - 11 pm
Monday:	8 am - 11 pm	8 am - 11 pm
Tuesday:	8 am - 11 pm	8 am - 11 pm
Wednesday:	8 am - 11 pm	8 am - 11 pm
Thursday:	8 am - 11 pm	8 am - 11 pm
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-025198 **License Class/Type: C Multipurpose**
Applicant: H H Leonards Associates
Trade Name: The Mansion on O Street
SMD: 2B05

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

2020 O STREET NW, WASHINGTON, DC 20036

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 11:30 pm	10 am - 11:30 pm	-
Monday:	8 am - 11:30 pm	8 am - 11:30 pm	-
Tuesday:	8 am - 11:30 pm	8 am - 11:30 pm	-
Wednesday:	8 am - 11:30 pm	8 am - 11:30 pm	-
Thursday:	8 am - 11:30 pm	8 am - 11:30 pm	-
Friday:	8 am - 1 am	8 am - 1 am	-
Saturday:	8 am - 1 am	8 am - 1 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-025796 **License Class/Type: C Restaurant**
Applicant: Chinatown Garden, Inc.
Trade Name: Chinatown Garden Restaurant
SMD: 2C01

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

618 H STREET NW, WASHINGTON, DC 20001

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10:20 am - 2 am	10:20 am - 2 am	-
Monday:	10:20 am - 2 am	10:20 am - 2 am	-
Tuesday:	10:20 am - 2 am	10:20 am - 2 am	-
Wednesday:	10:20 am - 2 am	10:20 am - 2 am	-
Thursday:	10:20 am - 2 am	10:20 am - 2 am	-
Friday:	10:20 am - 3 am	10:20 am - 3 am	7pm - 3am
Saturday:	10:20 am - 3 am	10:20 am - 3 am	8pm - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-060352 **License Class/Type: C Restaurant**
Applicant: Two Amys LLC
Trade Name: Two Amys
SMD: 3A03

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

3715 MACOMB STREET NW, WASHINGTON, DC 20016

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

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

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	11 am - 12 am	11 am - 12 am
Monday:	11 am - 12 am	11 am - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-006447 **License Class/Type: C Multipurpose**
Applicant: JJB & DHW, Inc.
Trade Name: Best Vending
SMD: 2A01

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

1776 D STREET NW, WASHINGTON, DC 20006

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-060065 **License Class/Type: C Restaurant**
Applicant: India Palace, LLC
Trade Name: Taj of India
SMD: 2E06

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

2807 M ST NW, Washington, DC 20007

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

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

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	11 am - 11:30pm	11 am - 11:30pm
Monday:	11 am - 11:30pm	11 am - 11:30pm
Tuesday:	11 am - 11:30pm	11 am - 11:30pm
Wednesday:	11 am - 11:30pm	11 am - 11:30pm
Thursday:	11 am - 11:30pm	11 am - 11:30pm
Friday:	11 am - 12:00am	11 am - 12:00am
Saturday:	11 am - 12:00am	11 am - 12:00am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-060476 **License Class/Type: C Multipurpose**
Applicant: Circle I Productions, Inc.
Trade Name: Black Cat
SMD: 1B08

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

1811 14TH STREET NW, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-007930 **License Class/Type: C Restaurant**
Applicant: Steaks Unlimited, Inc.
Trade Name: Annie's Paramount Steak House
SMD: 2B04

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

1609 17TH STREET NW, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	-
Monday:	8 am - 2 am	8 am - 2 am	-
Tuesday:	8 am - 2 am8	8 am - 2 am	-
Wednesday:	8 am - 2 am	8 am - 2 am	-
Thursday:	8 am - 2 am	8 am - 2 am	-
Friday:	24 hours	8 am - 3 am	-
Saturday:	24 hours	8 am - 3 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	24 hours	8 am - 3 am
Saturday:	24 hours	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-008004 **License Class/Type: C Restaurant**
Applicant: Melben Inc.
Trade Name: Flavio
SMD: 2E05

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

1069 31ST NW, Washington, DC 20007

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 1:30 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 1:30 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 1:30 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 1:30 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 1:30 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 2:30 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 2:30 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 12 am	11 am - 12 am
Monday:	11 am - 12 am	11 am - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-000114 **License Class/Type: C Club**
Applicant: The Army & Navy Club
Trade Name: The Army & Navy Club
SMD: 2C02

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

901 17TH STREET NW, WASHINGTON, DC 20006

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hours	11:30 am - 1 am	-
Monday:	24 hours	11:30 am - 1 am	-
Tuesday:	24 hours	11:30 am - 1 am	-
Wednesday:	24 hours	11:30 am - 1 am	-
Thursday:	24 hours	11:30 am - 1 am	-
Friday:	24 hours	11:30 am - 1 am	-
Saturday:	24 hours	11:30 am - 1 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-000168 **License Class/Type: C Restaurant**
Applicant: G and G Investments, Inc.
Trade Name: Trio Rest & Fox & Hounds Lounge
SMD: 2B04

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

1537 17TH STREET NW, WASHINGTON, DC 20036

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	10 am - 2 am	-
Monday:	8 am - 2 am	8 am - 2 am	-
Tuesday:	8 am - 2 am	8 am - 2 am	-
Wednesday:	8 am - 2 am	8 am - 2 am	-
Thursday:	8 am - 2 am	8 am - 2 am	-
Friday:	8 am - 3 am	8 am - 3 am	-
Saturday:	8 am - 3 am	8 am - 3 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 12 am	10 am - 12 am
Monday:	8 am - 12 am	8 am - 12 am
Tuesday:	8 am - 12 am	8 am - 12 am
Wednesday:	8 am - 12 am	8 am - 12 am
Thursday:	8 am - 12 am	8 am - 12 am
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-083047 **License Class/Type: C Restaurant**
Applicant: Carmine's DC, LLC
Trade Name: Carmine's
SMD: 2C03

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

425 7TH STREET NW, WASHINGTON, DC 20004

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	10 am - 2 am	-
Monday:	7 am - 2 am	8 am - 2 am	-
Tuesday:	7 am - 2 am	8 am - 2 am	-
Wednesday:	7 am - 2 am	8 am - 2 am	-
Thursday:	7 am - 2 am	8 am - 2 am	-
Friday:	7 am - 2 am	8 am - 2 am	-
Saturday:	7 am - 2 am	8 am - 2 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 11:30 pm	11 am - 11:30 pm
Monday:	11 am - 11:30 pm	11 am - 11:30 pm
Tuesday:	11 am - 11:30 pm	11 am - 11:30 pm
Wednesday:	11 am - 11:30 pm	11 am - 11:30 pm
Thursday:	11 am - 11:30 pm	11 am - 11:30 pm
Friday:	11 am - 12:30 am	11 am - 12:30 am
Saturday:	11 am - 12:30 am	11 am - 12:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-085084 **License Class/Type: C Restaurant**
Applicant: Mandu LLC
Trade Name: Mandu
SMD: 6E02

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

453 K STREET NW, WASHINGTON, DC 20001

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	11am - 2am	11am - 2am
Monday:	11am - 2am	11am - 2am
Tuesday:	11am - 2am	11am - 2am
Wednesday:	11am - 2am	11am - 2am
Thursday:	11am - 2am	11am - 2am
Friday:	11am - 3am	11am - 3am
Saturday:	11am - 3am	11am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-085654 **License Class/Type: C Hotel**
Applicant: Sunstone K9 Lessee, Inc.
Trade Name: The Westin Washington DC Downtown
SMD: 2C04

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

999 9TH STREET NW, WASHINGTON, DC 20001

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hr - 24 hr	10 am - 2 am	6 pm - 1:30 am
Monday:	24 hr - 24 hr	8 am - 2 am	6 pm - 1:30 am
Tuesday:	24 hr - 24 hr	8 am - 2 am	6 pm - 1:30 am
Wednesday:	24 hr - 24 hr	8 am - 2 am	6 pm - 1:30 am
Thursday:	24 hr - 24 hr	8 am - 2 am	6 pm - 1:30 am
Friday:	24 hr - 24 hr	8 am - 3 am	6 pm - 1:30 am
Saturday:	24 hr - 24 hr	8 am - 3 am	6 pm - 1:30 am

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	10 am - 12 am	10 am - 12 am
Monday:	8 am - 12 am	8 am - 12 am
Tuesday:	8 am - 12 am	8 am - 12 am
Wednesday:	8 am - 12 am	8 am - 12 am
Thursday:	8 am - 12 am	8 am - 12 am
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-085865 **License Class/Type: C Restaurant**
Applicant: A.C. Adams LLC
Trade Name: Namak
SMD: 1C03

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

1811 - 1813 COLUMBIA ROAD NW, #A, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	10 am - 2 am	6 pm - 1 am
Monday:	7 am - 2 am	8 am - 2 am	6 pm - 1 am
Tuesday:	7 am - 2 am	8 am - 2 am	6 pm - 1 am
Wednesday:	7 am - 2 am	8 am - 2 am	6 pm - 1 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 1 am
Friday:	7 am - 3 am	8 am - 3 am	6 pm - 2 am
Saturday:	7 am - 3 am	8 am - 3 am	6 pm - 2 am

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	8 am - 11 pm	10 am - 11 pm
Monday:	8 am - 11 pm	8 am - 11 pm
Tuesday:	8 am - 11 pm	8 am - 11 pm
Wednesday:	8 am - 11 pm	8 am - 11 pm
Thursday:	8 am - 11 pm	8 am - 11 pm
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-088243 **License Class/Type: C Restaurant**
Applicant: Parc Deux Restaurant Partners, LLC
Trade Name: Le Diplomate
SMD: 2F02

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

1601 14TH STREET NW, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 1 am	8 am - 1 am	10 am - 12 am
Monday:	8 am - 1 am	8 am - 1 am	8 am - 1 am
Tuesday:	8 am - 1 am	8 am - 1 am	8 am - 1 am
Wednesday:	8 am - 1 am	8 am - 1 am	8 am - 1 am
Thursday:	8 am - 1 am	8 am - 1 am	8 am - 1 am
Friday:	8 am - 1:45 am	8 am - 1:45 am	8 am - 1:45 am
Saturday:	8 am - 1:45 am	8 am - 1:45 am	10 am - 1:45 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 1 am	8 am - 1 am
Monday:	8 am - 1 am	8 am - 1 am
Tuesday:	8 am - 1 am	8 am - 1 am
Wednesday:	8 am - 1 am	8 am - 1 am
Thursday:	8 am - 1 am	8 am - 1 am
Friday:	8 am - 1:45 am	8 am - 1:45 am
Saturday:	8 am - 1:45 am	8 am - 1:45 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-092083 **License Class/Type: C Restaurant**
Applicant: Morini DC LLC
Trade Name: Osteria Morini/Nicoletta/Morini Piccolo
SMD: 8F02

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

301 WATER STREET SE, WASHINGTON, DC 20003

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Summer Garden

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

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	8am - 1am	8am - 1am
Monday:	8am - 1am	8am - 1am
Tuesday:	8am - 1am	8am - 1am
Wednesday:	8am - 1am	8am - 1am
Thursday:	8am - 1am	8am - 1am
Friday:	8am - 2am	8am - 2am
Saturday:	8am - 2am	8am - 2am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-092843 **License Class/Type: D Restaurant**
Applicant: Giant of Maryland LLC
Trade Name: Giant #2376
SMD: 2G02

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

1400 7TH STREET NW, WASHINGTON, DC 20001

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-094290 **License Class/Type: C Restaurant**
Applicant: Hilltop Hospitality, LLC
Trade Name: Mission
SMD: 2B02

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

1606 20TH STREET NW, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	8 am - 3 am	10 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 2AM	11am - 2am
Monday:	11AM - 2AM	11am - 2am
Tuesday:	11AM - 2AM	11am - 2am
Wednesday:	11AM - 2AM	11am - 2am
Thursday:	11AM - 2am	11am - 2am
Friday:	11am - 3am	11am - 3am
Saturday:	11am - 3am	11am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-095376 **License Class/Type: D Restaurant**
Applicant: Giant of Maryland LLC
Trade Name: Giant #2379
SMD: 3A03

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

3336 WISCONSIN AVENUE NW, WASHINGTON, DC 20016

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24Hrs	11am - 10pm	-
Monday:	24Hrs	11am - 10pm	-
Tuesday:	24Hrs	11am - 10pm	-
Wednesday:	24hrs	11am - 10pm	-
Thursday:	24Hrs	11am - 10pm	-
Friday:	24Hrs	11am - 10pm	-
Saturday:	24Hrs	11am - 10pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-098029 **License Class/Type: C Restaurant**
Applicant: Agora Inc
Trade Name: Agora
SMD: 2B07

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

1523 17TH STREET NW, WASHINGTON, DC 20036

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	10am - 11pm	10am - 11pm
Monday:	10am - 11pm	10am - 11pm
Tuesday:	10am - 11pm	10am - 11pm
Wednesday:	10am - 12am	10am - 12am
Thursday:	10am - 12am	10am - 12am
Friday:	10am - 12am	10am - 12am
Saturday:	10am - 12am	10am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-099532 **License Class/Type: C Hotel**
Applicant: Capital Riverfront Hotel LLC
Trade Name: Hampton Inn & Suites Washington D.C./Navy Yard Area
SMD: 8F02

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

1265 1ST STREET SE, WASHINGTON, DC 20003

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hours	8am - 12am	-
Monday:	24 hours	8am - 12am	-
Tuesday:	24 hours	8am - 12am	-
Wednesday:	24 hours	8am - 12am	-
Thursday:	24 hours	8am - 12am	-
Friday:	24 hours	8am - 2am	-
Saturday:	24 hours	8am - 2am	-

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	8am - 12am	24 hours -
Monday:	8am - 12am	24 hours -
Tuesday:	8am - 12am	24 hours -
Wednesday:	8am - 12am	24 hours -
Thursday:	8am - 12am	24 hours -
Friday:	8am - 2am	24 hours -
Saturday:	8am - 2am	24 hours -

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-101370 **License Class/Type: C Restaurant**
Applicant: Bhujn, LLC
Trade Name: Himalayan Heritage Restaurant and Bar
SMD: 1C07

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

2305 18TH STREET NW, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 1 am	11:30 am - 1 am	-
Monday:	11:30 am - 1 am	11:30 am - 1 am	-
Tuesday:	11:30 am - 1 am	11:30 am - 1 am	-
Wednesday:	11:30 am - 1 am	11:30 am - 1 am	-
Thursday:	11:30 am - 1 am	11:30 am - 1 am	-
Friday:	10 am - 2 am	10 am - 2 am	-
Saturday:	10 am - 2 am	10 am - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-103680 **License Class/Type: C Restaurant**
Applicant: TS5 Hospitality, LLC
Trade Name: The Smith
SMD: 2C01

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

901 F STREET NW, WASHINGTON, DC 20004

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 1 am	8 am - 1 am	6 pm - 1 am
Monday:	7 am - 1 am	8 am - 1 am	6 pm - 1 am
Tuesday:	7 am - 1 am	8 am - 1 am	6 pm - 1 am
Wednesday:	7 am - 1 am	8 am - 1 am	6 pm - 1 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Saturday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	9 am - 11 pm	9 am - 11 pm
Monday:	9 am - 11 pm	9 am - 11 pm
Tuesday:	9 am - 11 pm	9 am - 11 pm
Wednesday:	9 am - 11 pm	9 am - 11 pm
Thursday:	9 am - 11 pm	9 am - 11 pm
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-105729 **License Class/Type: C Restaurant**
Applicant: Silver Cathedral Commons, LLC
Trade Name: Silver
SMD: 3A03

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

3404 WISCONSIN AVENUE NW, WASHINGTON, DC 20016

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 12 am	8 am - 12 am	-
Monday:	7 am - 12 am	8 am - 12 am	-
Tuesday:	7 am - 12 am	8 am - 12 am	-
Wednesday:	7 am - 12 am	8 am - 12 am	-
Thursday:	7 am - 12 am	8 am - 12 am	4 pm - 10 pm
Friday:	7 am - 2 am	8 am - 2 am	4 pm - 10 pm
Saturday:	7 am - 2 am	8 am - 2 am	4 pm - 10 pm

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 12 am	8 am - 12 am
Saturday:	7 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-106496 **License Class/Type: C Restaurant**
Applicant: Chiko Capitol Hill, LLC
Trade Name: Chiko
SMD: 6B03

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

423 8TH STREET SE, WASHINGTON, DC 20003

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-106709 **License Class/Type: C Restaurant**
Applicant: Shemp, LLC
Trade Name: St. Anselm
SMD: 5D01

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

1250 5TH STREET NE, WASHINGTON, DC 20002

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

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

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-107968 **License Class/Type: C Restaurant**
Applicant: Sushi Nakazawa DC, LLC
Trade Name: Sushi Nakazawa DC
SMD: 2C03

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

1100 PENNSYLVANIA AVENUE NW, WASHINGTON, DC 20004

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-109270 **License Class/Type: C Restaurant**
Applicant: Toryumon Japanese House, Inc.
Trade Name: Toryumon Japanese House
SMD: 2C02

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

1901 PENNSYLVANIA AVENUE NW, WASHINGTON, DC 20006

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 10 pm	12 pm - 10 pm	-
Monday:	11 am - 10 pm	11 am - 10 pm	-
Tuesday:	11 am - 10 pm	11 am - 10 pm	-
Wednesday:	11 am - 10 pm	11 am - 10 pm	-
Thursday:	11 am - 10 pm	11 am - 10 pm	-
Friday:	11 am - 11 pm	11 am - 11 pm	-
Saturday:	11 am - 11 pm	11 am - 11 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-110211 **License Class/Type: C Restaurant**
Applicant: Letta DC, LLC
Trade Name: Cucina Morini
SMD: 6E03

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

901 4TH STREET NW, WASHINGTON, DC 20001

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe

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

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 11 pm	8 am - 11 pm
Monday:	8 am - 11 pm	8 am - 11 pm
Tuesday:	8 am - 11 pm	8 am - 11 pm
Wednesday:	8 am - 11 pm	8 am - 11 pm
Thursday:	8 am - 11 pm	8 am - 11 pm
Friday:	8 am - 11 pm	8 am - 11 pm
Saturday:	8 am - 11 pm	8 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-111655 **License Class/Type: C Restaurant**
Applicant: Greenleaf Buzzard, LLC
Trade Name: The Point Fish House/The Point
SMD: 6D07

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

2100 2ND STREET SW, WASHINGTON, DC 20024

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	7 am - 12 am	8 am - 12 am
Monday:	7 am - 12 am	8 am - 12 am
Tuesday:	7 am - 12 am	8 am - 12 am
Wednesday:	7 am - 12 am	8 am - 12 am
Thursday:	7 am - 12 am	8 am - 12 am
Friday:	7 am - 2 am	8 am - 2 am
Saturday:	7 am - 2 am	8 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-112647 **License Class/Type: C Restaurant**
Applicant: CHIKO Dupont Circle, LLC
Trade Name: CHIKO Dupont
SMD: 2B02

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

2029 P STREET NW, WASHINGTON, DC 20036

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-113525 **License Class/Type: C Restaurant**
Applicant: Hine Restaurants LLC
Trade Name: The Duck & The Peach/The Wells/La Collina
SMD: 6B02

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

300 7TH STREET SE, WASHINGTON, DC 20003

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-114281 **License Class/Type: C Restaurant**
Applicant: Mission Group Four, LLC
Trade Name: The Admiral
SMD: 2B02

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

1 DUPONT CIRCLE NW, WASHINGTON, DC 20036

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 2 am	10 am - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-114561 **License Class/Type: C Restaurant**
Applicant: Charoen DC, Inc
Trade Name: Absolute Noodle
SMD: 2C01

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

772 5TH STREET NW, WASHINGTON, DC 20001

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 AM - 12 AM	11 AM - 10:30PM	-
Monday:	11 AM - 12 AM	11 AM - 10:30PM	-
Tuesday:	11 AM - 12 AM	11AM - 10:30PM	-
Wednesday:	11 AM - 12 AM	11 AM - 10:30PM	-
Thursday:	11 AM - 12 AM	11 AM - 10:30PM	-
Friday:	11 AM - 2 AM	11 AM - 11 PM	-
Saturday:	11 AM - 2 AM	11 AM - 11 PM	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	12 PM - 10 PM	12 PM - 10 PM
Monday:	11 AM - 10 PM	11 AM - 10 PM
Tuesday:	11 AM - 10 PM	11 AM - 10 PM
Wednesday:	11 AM - 10 PM	11 AM - 10 PM
Thursday:	11 AM - 10 PM	11 AM - 10 PM
Friday:	11 AM - 10 PM	11 AM - 10 PM
Saturday:	12 PM - 10 PM	12 PM - 10 PM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-116336 **License Class/Type: C Hotel**
Applicant: BSREP III DC Hotel TRS, LLC, ATTN: DIRECTOR OF FINANCE
Trade Name: Sofitel Lafayette Square Washington DC
SMD: 2C02

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

806 15TH STREET NW, WASHINGTON, DC 20005

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 2 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 2 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	10 am - 11:30pm	10 am - 11:30pm
Monday:	8 am - 10:30pm	8 am - 10:30pm
Tuesday:	8 am - 10:30pm	8 am - 10:30pm
Wednesday:	8 am - 10:30pm	8 am - 10:30pm
Thursday:	8 am - 10:30pm	8 am - 10:30pm
Friday:	8 am - 10:30pm	8 am - 10:30pm
Saturday:	8 am - 11:30 pm	8 am - 11:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-120105 **License Class/Type: C Restaurant**
Applicant: Silver Diner Half Street, LLC
Trade Name: Silver Diner/ Silver Social
SMD: 8F02

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

1250 HALF STREET SE, WASHINGTON, DC 20003

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

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

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 2 am	7 am - 2 am
Saturday:	7 am - 2 am	7 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-120217 **License Class/Type: C Restaurant**
Applicant: YEREVANDC LLC
Trade Name: Yerevan
SMD: 1C03

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

2204 18TH STREET NW, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

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

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	10am - 8pm	10am - 8pm
Monday:	10am - 8pm	10am - 8pm
Tuesday:	10am - 8pm	10am - 8pm
Wednesday:	10am - 8pm	10am - 8pm
Thursday:	10am - 8pm	10am - 8pm
Friday:	10am - 10pm	10am - 10pm
Saturday:	10am - 10pm	10am - 10pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-120995 **License Class/Type: C Restaurant**
Applicant: DC Narveer, LLC
Trade Name: Cafe of India
SMD: 3E03

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

4909 WISCONSIN AVENUE NW, WASHINGTON, DC 20016

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 10 pm	12 pm - 10 pm	-
Monday:	12 pm - 11 pm	12 pm - 10 pm	-
Tuesday:	12 pm - 11 pm	12 pm - 10 pm	-
Wednesday:	12 pm - 11 pm	12 pm - 10 pm	-
Thursday:	12 pm - 11 pm	12 pm - 10 pm	-
Friday:	12 pm - 12 am	12 pm - 11 pm	-
Saturday:	12 pm - 12 am	12 pm - 11 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-121351 **License Class/Type: C Restaurant**
Applicant: Yoso Hospitality, LLC
Trade Name: Love, Makoto
SMD: 6E08

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

200 MASSACHUSETTS AVENUE NW, STE 150, WASHINGTON, DC 20001

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-121435 **License Class/Type: C Restaurant**
Applicant: RD2 Cap Hill, LLC
Trade Name: Pupatella Pizza
SMD: 6C02

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

301 MASSACHUSETTS AVENUE NE, WASHINGTON, DC 20002

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 11 pm	8 am - 11 pm	10 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm	10 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm	10 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm	10 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm	10 am - 11 pm
Friday:	8 am - 12 am	8 am - 12 am	10 am - 11 pm
Saturday:	8 am - 12 am	8 am - 12 am	10 am - 11 pm

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 10 pm	8 am - 10 pm
Monday:	8 am - 10 pm	8 am - 10 pm
Tuesday:	8 am - 10 pm	8 am - 10 pm
Wednesday:	8 am - 10 pm	8 am - 10 pm
Thursday:	8 am - 10 pm	8 am - 10 pm
Friday:	8 am - 11 pm	8 am - 11 pm
Saturday:	8 am - 11 pm	8 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-121618 **License Class/Type: C Hotel**
Applicant: Clover M Street, LLC
Trade Name: Chef Geoff's West End
SMD: 2A06

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

2201 M STREET NW, WASHINGTON, DC 20037

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 12 am	8 am - 12 am
Saturday:	7 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-122182 **License Class/Type: C Restaurant**
Applicant: Olio DC, LLC
Trade Name: Olio e Piu
SMD: 2C01

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

699 14TH STREET NW, WASHINGTON, DC 20005

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-123684 **License Class/Type: C Restaurant**
Applicant: Ala1320, LLC
Trade Name: ALA
SMD: 2B05

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

1320 19TH STREET NW, WASHINGTON, DC 20036

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 12 am	8 am - 12 am	-
Monday:	7 am - 1 am	8 am - 1 am	-
Tuesday:	7 am - 1 am	8 am - 1 am	-
Wednesday:	7 am - 1 am	8 am - 1 am	-
Thursday:	7 am - 1 am	8 am - 1 am	-
Friday:	7 am - 1 am	8 am - 1 am	-
Saturday:	7 am - 1 am	8 am - 1 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 12 am	8 am - 12 am
Monday:	7 am - 12 am	8 am - 12 am
Tuesday:	7 am - 12 am	8 am - 12 am
Wednesday:	7 am - 12 am	8 am - 12 am
Thursday:	7 am - 12 am	8 am - 12 am
Friday:	7 am - 12 am	8 am - 12 am
Saturday:	7 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-123774 **License Class/Type: C Restaurant**
Applicant: Amelie Wine Bar, LLC
Trade Name: Amelie
SMD: 2F04

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

1315 14TH STREET NW, WASHINGTON, DC 20005

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	11am - 12am	11am - 12am
Monday:	11am - 12am	11am - 12am
Tuesday:	11am - 12am	11am - 12am
Wednesday:	11am - 12am	11am - 12am
Thursday:	11am - 12am	11am - 12am
Friday:	11am - 1am	11am - 1am
Saturday:	11am - 1am	11am - 1am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-124054 **License Class/Type: C Restaurant**
Applicant: I Egg You CH, LLC
Trade Name: I Egg You
SMD: 6B03

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

517 8TH STREET SE, WASHINGTON, DC 20003

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 1 am	8 am - 1 am
Monday:	8 am - 1 am	8 am - 1 am
Tuesday:	8 am - 1 am	8 am - 1 am
Wednesday:	8 am - 1 am	8 am - 1 am
Thursday:	8 am - 1 am	8 am - 1 am
Friday:	8 am - 1 am	8 am - 1 am
Saturday:	8 am - 1 am	8 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-124100 **License Class/Type: C Restaurant**
Applicant: Taichi DC, LLC
Trade Name: Taichi Bubble Tea
SMD: 2E03

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

1357 WISCONSIN AVENUE NW, WASHINGTON, DC 20007

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-125353 **License Class/Type: C Restaurant**
Applicant: Avenue Dining, Inc.
Trade Name: Alara
SMD: 2E05

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

1303 WISCONSIN AVENUE NW, WASHINGTON, DC 20007

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 1:30 am	8 am - 1:30 am	10 am - 1:30 am
Monday:	8 am - 1:30 am	8 am - 1:30 am	12 pm - 1:30 am
Tuesday:	8 am - 1:30 am	8 am - 1:30 am	12 pm - 1:30 am
Wednesday:	8 am - 1:30 am	8 am - 1:30 am	12 pm - 1:30 am
Thursday:	8 am - 1:30 am	8 am - 1:30 am	12 pm - 1:30 am
Friday:	8 am - 2:30 am	8 am - 2:30 am	12 pm - 2:30 am
Saturday:	8 am - 2:30 am	8 am - 2:30 am	10 am - 2:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-125656 **License Class/Type: C Club**
Applicant: The Congressional Club Museum and Foundation, Inc.
Trade Name: The Congressional Club Museum and Foundation
SMD: 1B07

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

2001 NEW HAMPSHIRE AVENUE NW, WASHINGTON, DC 20009

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-126024 **License Class/Type: C Restaurant**
Applicant: Conduit Road, LLC
Trade Name: Conduit Road
SMD: 3D04

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

5125 MACARTHUR BOULEVARD NW, WASHINGTON, DC 20016

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 11 pm	10 am - 11 pm	-
Monday:	6 am - 11 pm	10 am - 11 pm	-
Tuesday:	6 am - 11 pm	10 am - 11 pm	-
Wednesday:	6 am - 11 pm	10 am - 11 pm	-
Thursday:	6 am - 11 pm	10 am - 11 pm	-
Friday:	6 am - 12 am	10 am - 12 am	-
Saturday:	6 am - 12 am	10 am - 12 am	-

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	8 am - 11 pm	10 am - 11 pm
Monday:	8 am - 11 pm	10 am - 11 pm
Tuesday:	8 am - 11 pm	10 am - 11 pm
Wednesday:	8 am - 11 pm	10 am - 11 pm
Thursday:	8 am - 11 pm	10 am - 11 pm
Friday:	8 am - 12 am	10 am - 12 am
Saturday:	8 am - 12 am	10 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-126411 **License Class/Type: C Restaurant**
Applicant: Luam Mit, LLC
Trade Name: Baan Mae
SMD: 2G02

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

1604 7TH STREET NW, WASHINGTON, DC 20001

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

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

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	11 am - 11 pm	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-126598 **License Class/Type: C Restaurant**
Applicant: Himalayan Doko, LLC
Trade Name: Himalayan Doko
SMD: 2C01

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

1108 K STREET NW, WASHINGTON, DC 20005

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

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

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	11am - 11:30am	11am - 11pm
Monday:	11am - 11:30am	11am - 11pm
Tuesday:	11am - 11:30am	11am - 11pm
Wednesday:	11am - 11:30am	11am - 11pm
Thursday:	11am - 11:30am	11am - 11pm
Friday:	11am - 11:30am	11am - 11pm
Saturday:	11am - 11:30am	11am - 11pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-127857 **License Class/Type: C Hotel**
Applicant: Washington Capitol Hill Operations,LLC/Sushi by Bou DC Wharf, LLC
Trade Name: citizenM/Sushi by Bou
SMD: 6D02

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

550 SCHOOL STREET SW, WASHINGTON, DC 20024

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hrs - 24 hrs	8 am - 2 am	8 am - 2 am
Monday:	24 hrs - 24 hrs	8 am - 2 am	8 am - 2 am
Tuesday:	24 hrs - 24 hrs	8 am - 2 am	8 am - 2 am
Wednesday:	24 hrs - 24 hrs	8 am - 2 am	8 am - 2 am
Thursday:	24 hrs - 24 hrs	8 am - 2 am	8 am - 2 am
Friday:	24 hrs - 24 hrs	8 am - 3 am	8 am - 3 am
Saturday:	24 hrs - 24 hrs	8 am - 3 am	8 am - 3 am

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
3/14/2025

Notice is hereby given that:
License Number: ABRA-128845 **License Class/Type: C Restaurant**
Applicant: True International Inc.
Trade Name: Rue Cafe
SMD: 4C04

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

3906 14TH STREET NW, WASHINGTON, DC 20011

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

4/28/2025

A HEARING WILL BE HELD ON:
5/19/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 11 pm	9 am - 11 pm	-
Monday:	9 am - 11 pm	9 am - 11 pm	-
Tuesday:	8 am - 11 pm	9 am - 11 pm	-
Wednesday:	9 am - 11 pm	9 am - 11 pm	-
Thursday:	8 am - 11 pm	9 am - 11 pm	-
Friday:	8 am - 11 pm	9 am - 11 pm	-
Saturday:	8 am - 11 pm	9 am - 11 pm	-

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	8 am - 11 pm	9 am - 11 pm
Monday:	8 am - 11 pm	9 am - 11 pm
Tuesday:	8 am - 11 pm	9 am - 11 pm
Wednesday:	8 am - 11 pm	9 am - 11 pm
Thursday:	8 am - 11 pm	9 am - 11 pm
Friday:	8 am - 11 pm	9 am - 11 pm
Saturday:	8 am - 11 pm	9 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT****

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025
Protest Hearing Date:	June 25, 2025

License No.:	ABRA-130767
Licensee:	Greenwell LLC
Trade Name:	N/A
Registration/License Type:	Medical Cannabis Retailer
Address:	4427 Wisconsin Avenue N.W.
Contact:	Matthew Shotwell:415-444-6974; matthewshotwell@gmail.com

WARD 3 ANC 3E SMD 3E05

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **4427 Wisconsin Avenue N.W**. Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for April 14, 2025, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **May 21, 2025, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations **4427 Wisconsin Avenue N.W**. The proposed facility with approximately 400 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery and education tasting endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 7 am – 11 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 7 am – 11 pm

HOURS OF DELIVERY FOR RETAILER

Sunday – Saturday 7 am – 11 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND****

Placard Posting Date:	February 7, 2025
Protest Petition Deadline:	March 24, 2025
Roll Call Hearing Date:	April 14, 2025
Protest Hearing Date:	May 21, 2025

License No.:	ABRA-130767
Licensee:	Greenwell LLC
Trade Name:	N/A
Registration/License Type:	Medical Cannabis Retailer
Address:	4427 Wisconsin Avenue N.W.
Contact:	Matthew Shotwell:415-444-6974; matthewshotwell@gmail.com

WARD 3 ANC 3E SMD 3E05

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **4427 Wisconsin Avenue N.W**. Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for April 14, 2025, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **May 21, 2025, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations **4427 Wisconsin Avenue N.W**. The proposed facility with approximately 400 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery and education tasting endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 7 am – 11 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 7 am – 11 pm

HOURS OF DELIVERY FOR RETAILER

Sunday – Saturday 7 am – 11 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025
License No.:	ABRA-093202
Licensee:	It's My Theatre, LLC
Trade Name:	Lincoln Theater
License Class:	Retailer's Class "CX" Multipurpose Facility
Address:	1215 U Street, N.W.
Contact:	Cameron Mixon: (202) 686-7600, cmixon@theveritaslawfirm.com

WARD 1 ANC 1B SMD 1B08

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 19, 2025, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE
Request for a Change of Hours.

CURRENT HOURS OF OPERATION
Sunday through Saturday 10am – 3am

CURRENT HOURS OF ALCOHOLIC BEVERGAE SALES, SERVICE, AND CONSUMPTION
Sunday through Saturday 2pm – 2am

PROPOSED HOURS OF OPERATION
Sunday through Saturday 12am – 12am (24-hour operations)

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday through Thursday 6am – 2am, Friday and Saturday 6am – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025
Protest Hearing Date:	June 25, 2025
License No.:	ABCA-128502
Licensee:	Mr Green LLC
Trade Name:	MrGreen DC
Registration/License Type:	Medical Cannabis Retailer
Address:	4302 Connecticut Avenue N.W.
Contact:	Zeshan Riaz:(703) 945-6060; mrgreenlegacy@@gmail.com

WARD 3 ANC 3F SMD 3F05

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at 4302 Connecticut Avenue N.W. Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for May 19, 2025 at 10 a.m., 4th Floor, 899 North Capitol Street, N.E., Washington, DC 20002**. The **Protest Hearing date** is scheduled for **June 25, 2025, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations at 4302 Connecticut Avenue N.W. The proposed facility with approximately 2850 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery and education tasting endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday through Saturday 9:00am – 9:00pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday through Saturday 9:00am – 9:00pm

HOURS OF DELIVERY

Sunday through Saturday 9:00am – 9:00pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISMENT**

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025
Protest Hearing Date:	June 25, 2025

License No.:	ABRA-127549
Licensee:	Street Lawyer Services DC, LLC
Trade Name:	Street Lawyer Services
Registration/License Type:	Medical Cannabis Retailer
Address:	3400 Connecticut Avenue N.W.
Contact:	Lonny Bramzon; 646-270-4174; lonny79@aol.com

WARD 3 ANC 3C SMD 3C05

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **3400 Connecticut Avenue N.W.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for May 19, 2025, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **June 25, 2025, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations at **3400 Connecticut Avenue N.W.** The proposed facility with approximately 1,500 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 10 am – 9 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 10 am – 9 pm

HOURS OF DELIVERY FOR RETAILER

Sunday – Saturday 10 am – 9 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	March 14, 2025
Protest Petition Deadline:	April 28, 2025
Roll Call Hearing Date:	May 19, 2025
Protest Hearing Date:	June 25, 2025
License No.:	ABRA-127610
Licensee:	Hush Boutique LLC
Trade Name:	WVC Wellness
Registration/License Type:	Medical Cannabis Retailer
Address:	1412 9th Street N.W.
Contact:	Carlos Fields; 240-233-4012; carlosfields1510@yahoo.com

WARD 2 ANC 2G SMD 2G02

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **1412 9th Street N.W.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for May 19, 2025, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **June 25, 2025, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations at **1412 9th Street N.W.** The proposed facility with approximately 952 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 11 am – 11 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 11 am – 11pm

HOURS OF DELIVERY FOR RETAILER

Sunday – Saturday 11 am –11 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND****

Placard Posting Date:	January 10, 2025
Protest Petition Deadline:	February 24, 2025
Roll Call Hearing Date:	March 17, 2025
Protest Hearing Date:	April 30, 2025
License No.:	ABRA-130742
Licensee:	Hush Boutique LLC
Trade Name:	WVC Wellness
Registration/License Type:	Medical Cannabis Retailer
Address:	1412 9th Street N.W.
Contact:	Carlos Fields; 240-233-4012; washingtonvapeco@gmail.com

WARD 2 ANC 2G SMD 2G02

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **1412 9th Street N.W.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for March 17, 2025, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **April 30, 2025, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations at **1412 9th Street N.W.** The proposed facility with approximately 952 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 9 am – 10 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 10 am – 9 pm

HOURS OF DELIVERY FOR RETAILER

Sunday – Saturday 10 am – 9 pm

DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC HEARING

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03, the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Thursday, April 17, 2025, at 5:00 p.m. at DHCD's Housing Resource Center, 1909 Martin Luther King Avenue, SE, Washington, DC 20020, to consider the proposed disposition of the property noted below.

SSL	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
0363: Lot: 0003	905 R St, NW	Vacant Lot	2	RF-1	Yes	Shaw

The above property was offered as part of a Solicitation for Offer (SFO). The parcel was Solicited on December 9, 2022. The SFO sought proposals for the acquisition and development of the subject property. The competitive process resulted in the selection of the Neighborhood Development Corporation, the "Developer", who has been awarded the property. The offer was approved by DHCD management, and the Public Hearing is scheduled for Thursday, April 17, 2025.

The public hearing is being conducted to ensure that citizens are informed about the disposing and development of the properties identified above to the named Developer, and to ensure that all citizens can present publicly their views concerning such disposition.

If you would like to present oral testimony, you are encouraged to register in advance either by e-mailing Ms. Chantese Rogers, chantese.rogers@dc.gov or by calling 202-478-1355. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter and language translation services are available upon request by calling Pamela Hillsman at 202-442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. Deadline for requiring services of an interpreter is 7 days prior to the hearing. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted at the hearing, or until 4:45 p.m., Thursday, April 17, 2025, and should be addressed to: Colleen Green, Director, DC Department of Housing and Community Development, ATTN: PADD, 1909 Martin Luther King Jr. Avenue, SE, Washington, DC 20020.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF PUBLIC HEARING REGARDING
DISPOSITION RESOLUTION PURSUANT TO D.C. OFFICIAL CODE § 10-801

Pursuant to D.C. Official Code §10-801, the Office of the Deputy Mayor for Planning and Economic Development will conduct a public disposition hearing regarding real property known as the "Chevy Chase Civic Site," located at 5601 Connecticut Avenue NW and 5625 Connecticut Avenue NW (Square 1866, Lot 0823) (the "Property"), to obtain community input on the proposed use of the Property.

The Property is approximately 73,390 square feet in the Chevy Chase neighborhood. It is the location of two District-owned facilities, the Chevy Chase Library and the Chevy Chase Community Center. The Property is located in Ward 3 and in ANC 3/4G SMD 05 and is bounded by Connecticut Avenue NW to the west, Northampton Street NW to the north, and McKinley Street NW to the south.

The public hearing will be held in-person at the date, time, and location listed below. In consideration of the health, safety, and welfare of the residents of the District of Columbia, the public hearing will include an online option for those members of the public who wish to attend virtually.

The date, time, and location of the public disposition hearing is:

Date: **Saturday, March 29, 2025**
Time: **9:00 a.m. – 5:00 p.m.**

Location: **Chevy Chase Community Center**
Auditorium
5601 Connecticut Avenue NW, Washington, DC 20015

Virtual Option:
https://forms.gle/pobMACFdak2rvfVeA

For the virtual option, please register in advance using the link above. Please feel free to contact Daniel Lyons at (202) 445-9765 or daniel.lyons@dc.gov if you have questions or concerns.

Please note that written comments and suggestions will be accepted by U.S. Mail or email for sixty (60) days after the hearing until May 28, 2025. Mail can be sent to:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004
Attention: Daniel Lyons

Email can be sent to: daniel.lyons@dc.gov

BOARD OF ZONING ADJUSTMENT
REVISED NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, April 30, 2025, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA04-30-2025
Via Telephone: 202-860-2110 Access Code: 2315 754 1838
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

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.

WARD SIX

Application of:	**1355-1359, LLC**
Case No.:	**21254**
Address:	1359 H Street N.E., 1355 H Street N.E, 1355 Rear H Street N.E, 1357 H Street N.E. and 1361 Linden Court N.E. (Square 1027, Lots 136, 139, 140, 144, and 163)
ANC:	**6A**
Relief:	Special Exceptions from: • the matter-of-right uses of Subtitle U § 512 (pursuant to Subtitle U § 513.1(f) and Subtitle X § 901.2) • the matter-of-right uses of Subtitle H § 6003.1 (pursuant to Subtitle H § 6007.1(e)(2) and Subtitle X § 901.2) • the minimum vehicle parking requirements of Subtitle C § 701 (pursuant to Subtitle C § 703.2 and Subtitle X § 901.2) • the rear yard requirements of Subtitle G § 207.1 (pursuant to Subtitle G § 207.14, Subtitle G § 5200.1, and Subtitle X § 901.2) Area Variance from: • the floor area ratio requirements of Subtitle H § 903.1 (pursuant to Subtitle X § 1002)
Project:	To combine five lots and convert to a retail and eating and drinking establishment use, an existing, semi-detached, mixed-use building in the NMU-4/HA and MU-4 Zones.

WARD EIGHT

Application of:	**SIM DEVELOPMENT, LLC**
Case No.:	**21264**
Address:	3343 Martin Luther King Jr. Avenue S.E. (Square 6004, Lot 5)
ANC:	**8C**
Relief:	Special Exception under: • the health care facility use requirements of Subtitle U § 203.1(j) (pursuant to Subtitle X § 901.2)
Project:	To permit a health care facility use in an existing, detached, three-story with cellar building in the R-2 Zone.

WARD EIGHT

Application of:	**Sennai Ghezae**
Case No.:	**21265**
Address:	3341 Martin Luther King Jr. Avenue S.E. (Square 6004, Lot 4)
ANC:	**8C**
Relief:	Special Exception under: • the health-care facility use requirements of Subtitle U § 203.1(j) (pursuant to Subtitle X § 901.2)
Project:	To permit a health-care facility use in an existing, detached, three-story with cellar building in the R-2 Zone.

WARD FOUR

Application of:	**HSMG Properties, LLC**
Case No.:	**21275**
Address:	4401 16th Street N.W. (Square 2701, Lot 809)
ANC:	**4E**
Relief:	Special Exception under: • the daytime care uses of Subtitle U § 203.1(h) (pursuant to Subtitle X § 901.2)
Project:	To permit a child development center for 108 children and 20 staff, in a detached, three-story building in the R-1B Zone.

WARD SEVEN

Application of:	**Erica Spencer**
Case No.:	**21277**
Address:	1513 D Street S.E. (Square 1075, Lot 76)
ANC:	**7D**
Relief:	Special Exception from: • the lot occupancy requirements of Subtitle E § 210.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a third story and a three-story rear addition, to an existing, attached, three-story, principal dwelling unit in the RF-1 Zone.

PLEASE NOTE:

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

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.

To review an application and exhibits in the case record, visit the Interactive Zoning Information System ("IZIS") at https://dcoz.dc.gov/CaseRecord.

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

Individuals and organizations may also submit written comments to the Board by uploading submissions via IZIS at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance.

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

Do you need assistance to participate?

Amharic
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ 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
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

FREDERICK L. HILL, CHAIRPERSON
CARL BLAKE, VICE-CHAIRPERSON
LORNA L. JOHN, MEMBER,
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY, BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

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

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, May 14, 2025, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA05-14-2025
Via Telephone: 202-860-2110 Access Code: 2302 277 1268
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

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.

WARD FIVE

Application of:	**ARP Morse, LLC**
Case No.:	**21279**
Address:	400 Morse Street N.E. (Square 3589, Lot 29)
ANC:	**5D**
Relief:	Special Exception under: • the eating and drinking establishment uses of Subtitle U § 802.1(c) (pursuant to and Subtitle X § 901.2)
Project:	To permit an eating and drinking establishment with live performance use, in an existing, detached building in the PDR-1 Zone.

WARD THREE

Application of:	**Matthew Littleton and Christine Rocchio**
Case No.:	**21281**
Address:	4525 River Road N.W. (Square 1574, Lot 18)
ANC:	**3E**
Relief:	Special Exceptions from: • the lot occupancy requirements of Subtitle D § 210.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2) • the accessory building area requirements of Subtitle D § 5003.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2) • the accessory building rear yard requirements of Subtitle D § 5004.1(a) (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a detached, accessory garage, to an existing, detached, two-story with basement, principal dwelling unit in the R-1B Zone.

WARD FIVE

Application of:	**Shilja Nair and Vijayalakshmi Vellayan**
Case No.:	**21288**
Address:	Channing Street N.E. (Square 3555, Lot 800)
ANC:	**5F**
Relief:	Special Exceptions from: • the alley lot use requirements of Subtitle U § 601.1(f) (pursuant to Subtitle X § 901.2) • the minimum vehicle parking requirements of Subtitle C § 701 (pursuant to Subtitle C § 703.2 and Subtitle X § 901.2)
Project:	To construct a new, detached, two-story, principal dwelling unit in the R-1B Zone.

WARD THREE

Application of:	**Saam Jahanbeen**
Case No.:	**21289**
Address:	4405 Greenwich Parkway N.W. (Square 1350, Lot 114)
ANC:	**3D**
Relief:	Special Exception under: • the rear addition requirements of Subtitle D § 207.5 (pursuant to Subtitle X § 901.2)
Project:	To construct a one-story with cellar rear addition, to an existing, semi-detached, two-story with cellar, principal dwelling unit in the R-3 Zone.

WARD THREE

Application of:	**HDR Holdings, LLC**
Case No.:	**21291**
Address:	3519 Connecticut Avenue N.W. (Square 2222, Lot 15)
ANC:	**3C**
Relief:	Special Exception under: • the eating and drinking establishment uses of Subtitle H § 6007.1(e)(2)(pursuant to Subtitle X § 901.2)
Project:	To permit a fast-food establishment use in an existing, attached, one-story commercial building in the NMU-4/CP Zone.

PLEASE NOTE:

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

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.

To review an application and exhibits in the case record, visit the Interactive Zoning Information System ("IZIS") at https://dcoz.dc.gov/CaseRecord.

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

Individuals and organizations may also submit written comments to the Board by uploading submissions via IZIS at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance.

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

Do you need assistance to participate?

Amharic
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ 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
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

FREDERICK L. HILL, CHAIRPERSON
CARL BLAKE, VICE-CHAIRPERSON
LORNA L. JOHN, MEMBER,
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY, BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

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

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

TIME AND PLACE: **May 5, 2025 @ 4:00 pm**
Via WebEx: http://dcoz.dc.gov/ZC20-08D (to participate & watch)
Via Telephone: 1-650-479-3208 **Access code:** 2308 759 2144 (audio participation & listen)
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning (to watch)
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-08D (GS Development Services NE, LLC – Further Processing of the Howard University 2020-2030 Central Campus Plan @ 2301 Georgia Avenue, N.W. (Square 3064, Lot 44))

THIS CASE IS OF INTEREST TO ANC 1E

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/service/sign-testify - see below: *How to participate as a witness – oral statement.* **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.

- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – *see below: How to participate as a witness – written statements.*

GS Development Services NE, LLC (the "Applicant"), as authorized by Howard University ("Howard"), filed an application (the "Application") on November 27, 2024, requesting further processing of the Howard University 2020-2030 Central Campus Plan (the "Campus Plan"). The Application was filed pursuant to Subtitle X §§ 101 and 106.1 and Subtitle Z § 302 (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). The Zoning Commission's approval of the Application would authorize the redevelopment of the property located at 2301 Georgia Avenue, N.W. (Lot 44 in Square 3064) (the "Property") with a new mixed-use building consisting of student housing and services, retail, and recreation uses, which the Campus Plan identifies as the Fusion Building (the "Project").

Additionally, to enable the proposed development, the Applicant is requesting special exception relief from (i) the plaza requirement in the MU-10 zone set forth in Subtitle G § 212.1; and (ii) the minimum short-term bicycle parking required for education use (college / university) set forth in Subtitle C § 802.1.

The Property, which the Campus Plan refers to as the Wonder Plaza site, is located along the western boundary of Howard's central campus and consists of approximately 69,313 square feet of land area. The Property is bordered by Georgia Avenue, N.W. to the west, Bryant Street, N.W.

to the south, Downing Hall (Howard University College of Engineering and Architecture) to the north, and various university buildings to the east, including the Bunche Center and Howard's Power Plant. The surrounding area consists of various institutional and commercial uses.

Consistent with the guidance of the Campus Plan, the Project will provide approximately 280 student housing units (approximately 592 beds), ground floor retail, a student dining hall and a new, comprehensive wellness center. The Project will consist of approximately 315,040 square feet of GFA, which amounts to a floor area ratio of 4.52, and have a maximum building height of 90 feet. The Project also includes the construction of an underground parking garage consisting of approximately 158 parking spaces.

The complete record in the case, including the Applicant's filings, can be viewed online at the Office of Zoning's website, through the Interactive Zoning Information System (IZIS) at: https://app.dcoz.dc.gov/Home/ViewCase?case_id=20-08D.

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

How to participate as a witness – oral presentation

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

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

1.	Applicant and parties in support	60 minutes collectively
2.	Parties in opposition to	60 minutes collectively
3.	Organizations	5 minutes each
4.	Individuals	3 minutes each

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

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that all written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing**, unless approved by the Zoning

Commission at the public hearing. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

How to participate as a party

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

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

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

"Great weight" to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time 0 the date of a Zoning Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

ANTHONY J. HOOD, ROBERT E. MILLER, GWEN MARCUS WRIGHT, JOSEPH S. IMAMURA, AND TAMMY STIDHAM————————ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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

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

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

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

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

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health ("DBH" or "Department"), pursuant to the authority set forth in §§ 5113, 5115, 5117, and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07), hereby gives notice of the adoption of the following amendments to Chapter 34 (Mental Health Rehabilitation Services (MHRS) Provider Certification Standards) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations ("DCMR").

By this rulemaking, DBH is updating the Assertive Community Treatment ("ACT") reimbursement methodology. ACT is an intensive, integrated, rehabilitative, crisis, treatment, and community-based service provided by an interdisciplinary team to adults with serious and persistent mental illness, as well as complicating factors such as homelessness, co-occurring substance use disorders, recidivism, and physical health conditions. ACT is a critical component of the Department's community-based service continuum treating individuals at risk of hospitalization in the least restrictive setting. Historically, the District reimbursed ACT providers through a fee-for-service model billed in fifteen (15) minute units.

After issuing an Emergency and Proposed Rulemaking, which was published in the *District of Columbia Register* on September 1, 2023, at 70 DCR 011646, the Department, in conjunction with the Department of Health Care Finance ("DHCF"), issued a Final Rule that was published in the *District of Columbia Register* on December 29, 2023, at 70 DCR 016660, replacing the fee-for-service model with a monthly rate for ACT services that required eight (8) contacts with a consumer per calendar month. This rule also defined the services that constitute a contact and established standards for the types of contacts that a provider must deliver to receive the monthly payment. These changes were intended to reduce provider administrative burden and encourage greater fidelity to the ACT service model.

Following publication of this rule, the Department worked with the provider network to implement the new reimbursement methodology. The Department and DHCF also met with the provider network and reviewed the status of the implementation and current literature on effective ACT implementation in other jurisdictions. As a result of this process, the Department determined that the eight (8) contacts with a consumer per calendar month were overly prescriptive and negatively affecting the providers' ability to comply with the rule and obtain reimbursement. Moreover, a minimum of eight (8) contacts is not required to maintain fidelity to the evidenced based practice model for ACT. An essential requirement of ACT and what separates ACT from less intensive services is the effective utilization of a multi-disciplinary team-based approach to delivering services. When proper teaming is utilized, the quality of individual contacts is a more effective measure of ACT fidelity versus the quantity of individual contacts. Therefore, the Department published an Emergency and Proposed Rulemaking in the *District of Columbia Register* on December 13, 2024, at 71 DCR 015250, which reduced the number of required monthly contacts to five (5). The Department also modified the type of contacts that count towards the monthly

requirement, by increasing from one (1) to two (2) the number of contacts with licensed clinicians and reducing from three (3) to two (2) the number of contacts that may be delivered via telehealth. Additionally, in response to comments from the District of Columbia Behavioral Health Association and provider community, the Department increased the number of audio-only telemedicine units that a provider may bill for Community Support. The Department maintained the limit of six (6) audio-only units for Community Support services provided directly to consumers, however, will authorize an additional twenty (20) units of audio-only units for collateral contacts.

The Department did not receive any comments in response to the December 13, 2024 Emergency and Proposed Rulemaking.

This rule was adopted as final by the Director of DBH on February 28, 2025 and will be effective on the date of publication of this notice in the *District of Columbia Register*.

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

Section 3421, COMMUNITY SUPPORT, is amended as follows:

Subsection 3421.10 is amended to read as follows:

3421.10 Community Support services shall be provided:

(a) At the MHRS provider's service site;

(b) In natural settings, including the consumer's home or community settings;

(c) In a residential facility of sixteen (16) beds or fewer unless otherwise stated by the Department pursuant to the Department's billing manual; or

(d) Via audio-only or audio-visual telemedicine pursuant to 29 DCMR § 910. Audio-only telemedicine services are limited to six (6) units per one hundred eighty (180) day period, unless otherwise authorized by the Department pursuant to the Department's billing manual. A provider may bill an additional twenty (20) units of audio-only telemedicine services for collateral contacts, per one hundred eighty (180) day period.

Section 3426, ASSERTIVE COMMUNITY TREATMENT, is amended as follows:

Subsection 3426.19 is amended to read as follows:

3426.19 ACT providers shall be reimbursed at a monthly rate established by the Department of Health Care Finance on the Medicaid Fee Schedule (available at

https://dhcf.dc.gov/). ACT providers must document a minimum of five (5) contacts delivered to or on behalf of a consumer per calendar month and meet the requirements of § 3426.20 through § 3426.23 to receive the monthly rate for the consumer. ACT providers must document all services delivered to a consumer pursuant to § 3413.19, including those in excess of five (5) contacts per calendar month. ACT providers may submit up to (2) contacts per day in support of the five (5) contacts per calendar month.

Subsection 3426.21 is amended to read as follows:

3426.21 The provider must ensure that the five (5) contacts per calendar month to or on behalf of a consumer, as specified in § 3426.19, that are submitted in support of the provider's billing meet the following:

(a) A minimum of three (3) contacts must be delivered to a consumer in person.

(b) A minimum of two (2) contacts must be delivered by a qualified practitioner either in person or via audio or audio-visual telehealth pursuant to 29 DCMR § 910.

(c) A maximum of two (2) collateral contacts may be delivered in a month. Collateral contacts may be delivered via audio or audio-visual telehealth pursuant to 29 DCMR § 910.

Subsection 3426.22 is amended to read as follows:

3426.22 Reimbursement for ACT services shall be contingent on the following:

(a) The provider must document at least five (5) contacts provided to or on behalf of a consumer during a calendar month;

(b) The service must be prior authorized by the payer;

(c) The service must be medically necessary;

(d) The service must be delivered by an ACT provider certified by the Department of Behavioral Health;

(e) All services must be delivered by qualified practitioners pursuant to § 3426.17 or credentialed staff pursuant to § 3426.18;

(f) The service must be delivered in accordance with the consumer's Individual Plan of Care; and

(g) The service must be delivered in accordance with all applicable provisions of this Chapter.

Section 3434, REIMBURSABLE SERVICES, is amended as follows:

Subsection 3434.4 is amended to read as follows:

3434.4 Reimbursement shall be limited as follows:

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
Diagnostic Assessment	• One (1) every one hundred eighty (180) calendar days. • Additional units allowable when there is a significant change in the consumer's mental health status. • Shall not be billed the same day as ACT. • Provided only in an MHRS provider's service site, home or community setting, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Per occurrence.
Medication/ Somatic Treatment	• No annual limits. • Shall not be billed the same day as ACT or IDT. • Provided only in an MHRS provider's service site, home or community setting, via telemedicine, or in a residential facility of sixteen (16) beds or less unless otherwise stated by the Department.	Session length is as follows: For new patients: (a) Fifteen (15) to twenty-nine (29) minutes; (b) Thirty (30) to forty-four (44) minutes; (c) Forty-five (45) to fifty-nine (59) minutes; and (d) Sixty (60) to seventy-four (74) minutes. For existing patients: (a) Under ten (10) minutes; (b) Ten (10) to nineteen (19) minutes; (c) Twenty (20) to

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
		twenty-nine (29) minutes: (d) Thirty (30) to thirty-nine (39) minutes; and (e) Forty (40) to fifty-four (54) minutes.
Counseling	• One hundred sixty (160) units per twelve (12) month period. • Additional units allowable with prior authorization. • Shall not be billed the same day as IDT, CBI, ACT, TF-CBT, or TST. • Shall not be billed during a Rehabilitation Day Services encounter. • May be provided in individual on-site, individual off-site, or group settings. • Provided only in an MHRS provider's service site, home or community setting, via telemedicine, or in a residential facility of sixteen (16) beds or less unless otherwise stated by the Department.	Fifteen (15) minutes
Community Support	• Two hundred (200) units per one hundred eighty (180) calendar days. Additional units require the Department's authorization. • Shall not be billed on the same day as ACT. • Individual Community Support shall not be billed during a Rehabilitation Day Services encounter. • Group Community Support shall not be billed on the same day as Rehabilitation Day Services. • Provided only in an MHRS provider's service site, home or community setting, or residential facility of sixteen (16) beds or less unless otherwise authorized by the Department. • Audio-only telemedicine shall be limited to six (6) units per one hundred eighty (180) day period, unless otherwise authorized by the Department. A provider may bill an additional 20 units of audio-only for collateral contacts, per one hundred eighty (180) day period,	Fifteen (15) minutes
Crisis/ Emergency	• No annual limits. • ACT providers shall not bill Crisis/Emergency	Fifteen (15) minutes

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
Services	Services when provided to one of their current consumers. • Provided only in an MHRS provider's service site, home or community setting, or via telehealth. • Provided by a Core Service Agency to their enrolled consumers.	
Rehabilitation Day Services	• Ninety (90) units within a twelve (12) month period. • Additional units allowable with prior authorization; each authorization cannot exceed ninety (90) units per twelve (12) month period. • Shall not be billed on the same day as Group Community Support, ACT, IDT, TF-CBT, TREM, TST, or Clubhouse. • Shall not be billed during a Counseling or Individual Community Support encounter. • Provided only in an MHRS provider's service site.	One (1) day (which shall consist of at least three (3) hours of service, excluding appropriate time for breaks and administrative functions).
IDT	• Prior authorization required. Initial and subsequent authorizations shall not exceed seven (7) days at a time. • Shall not be billed on the same day as Medication/Somatic Treatment, Counseling, Rehabilitation Day Services, ACT, TF-CBT, TREM, TST, Clubhouse, or Supported Employment Services as defined in Title 22-A DCMR Chapter 37. • Provided only in an MHRS provider's service site.	One (1) day (which shall consist of at least five (5) hours of IDT services, excluding appropriate time for breaks and administrative functions)
CBI	• Prior authorization required for enrollment and continued stay (*see* § 3425 for details). • Shall not be billed on the same day as Counseling, ACT, FFT, or TF-CBT. • CBI Level II and III shall not be billed on the same day as TREM. • Provided only in an MHRS provider's service site, or home or community setting.	Fifteen (15) minutes
ACT	• Prior authorization required. Initial and subsequent authorizations shall not exceed six (6) calendar months. • Shall not be billed on the same day as Diagnostic Assessment, Medication/Somatic Treatment, Counseling, Community Support, Rehabilitation	Monthly rate

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
	Day Services, IDT, CBI, FFT, TF-CBT, TREM, or TST. • ACT providers shall not bill Crisis/Emergency Services if provided to one of their current consumers. • ACT providers must deliver five (5) contacts per calendar month as defined in § 3426.19 and meet the requirements of § 3426.20 through § 3426.23 to receive the monthly rate.	
CPP	• May be provided without prior authorization. • Shall not be billed on the same day as TF-CBT or TST. • Provided only in an MHRS provider's service site, home or community setting, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes up to ninety (90) minutes once (1) per week
TF-CBT	• May be provided without prior authorization. • Shall not be billed the same day as Counseling, Rehabilitation Day Services, IDT, CBI, FFT, ACT, CPP, or TST. • Provided only in an MHRS provider's service site, home or community setting, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes up to ninety (90) minutes once (1) per week
TREM	• May be provided without prior authorization. • Shall not be billed on the same day as Rehabilitation Day Services, IDT, CBI Levels II and III, or ACT. • Provided only in an MHRS provider's service site or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes
TST	• May be provided without prior authorization. • Shall not be billed on the same day as Counseling, Rehabilitation Day Services, IDT, FFT, ACT, CPP, or TF-CBT.	Fifteen (15) minutes
FFT	• May be provided without prior authorization. • Shall not be billed on the same day as CBI, Community Support, TF-CBT or TST.	Fifteen (15) minutes
CCC	• No annual limits. • May be provided without prior authorization. • ACT providers shall not bill CCC when provided to one of their current consumers.	Fifteen (15) minutes

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
	• May be provided in an MHRS provider's service site, home or community setting, or via telehealth. • A provider may only claim one service if multiple clinicians from that provider agency participate in the CCC service.	
ICC	• Prior authorization required. • May be provided at the ICC provider's service site; or in natural settings, including at the child/youth's home or community settings; or at an out-of-home placement where the child/youth is pending discharge to the community.	Monthly rate

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING

Water Quality Standards and Ground Water Standards Update for the Triennial Review 2021

The Director of the Department of Energy and Environment (DOEE), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01, *et seq*.), Sections 5 and 21 of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.04 and 8-103.20, and Mayor's Order 98-50, dated April 15, 1998, as amended by Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of his adoption of the following amendments to Chapter 11 (Water Quality Standards) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

DOEE conducted the 2021 triennial review of the District of Columbia's Water Quality Standards ("WQS") regulations as required by Section 5(a) of the Water Pollution Control Act (D.C. Official Code § 8-103.04(a)), and Section 303(c) of the federal Clean Water Act (33 U.S.C. § 1313(c)). The purpose of the WQS triennial review is to evaluate the District's WQS regulations and adopt or revise WQS to be consistent with the requirements of the Clean Water Act.

Pursuant to this rulemaking, DOEE is adding a numeric equivalent for ambient turbidity, adopting numeric criteria for diazinon, and deleting hexavalent chromium from the list of referenced conversion factors. DOEE is also updating the groundwater standard and early warning values for arsenic, and correcting the note for the detection limit, minimum level of quantitation, and the Environmental Protection Agency (EPA) method for the silver ground water criterion.

DOEE published the draft 2021 water quality standards in a Notice of Proposed Rulemaking published in the *District of Columbia Register* on July 7, 2023, at 70 DCR 009462. A public hearing was held on August 23, 2023, and a 60-day public comment period ended September 8, 2023. DOEE received three (3) sets of comments.

A summary of the comments received, and of DOEE's responses to the comments, are provided in the following section.

Comment Summary

Commenter 1 suggested adding hexavalent chromium and mercury to Subsection 1105.10 along with a conversion factor. However, hexavalent chromium and mercury are deleted from the list of metals requiring an EPA conversion in Section 1105.10 because hexavalent chromium and mercury criteria are already expressed as a dissolved metal in Table 2 of Section 1104.8.

Commenter 1 also recommended adopting EPA's recommended 2012 Recreational Water Quality Criteria and the recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin (EPA 822-R-19-001) for

consideration in a future triennial review. DOEE agrees and intends to consider inclusion of the EPA criteria in a future triennial review.

Commenters 2 and 3 questioned the data and method used to calculate the ambient numeric turbidity levels. In proposing this data and method, DOEE consulted with EPA to determine how to calculate ambient turbidity for District surface waters. DOEE used EPA's recommended methodology found in EPA's guidance document, "Ambient Water Quality Criteria Recommendations, Information Supporting the Development of State and Tribal Nutrient Criteria, Rivers and Streams in Nutrient Ecoregion IX (EPA 822-B-00-019)" (EPA Rivers and Streams Guidance, 2000), available at https://www.epa.gov/sites/default/files/documents/rivers9.pdf.

The District is located within two ecoregions, the coastal plain and the piedmont. EPA's methodology recommends that "[b]ecause some parts of the country have naturally higher soil and parent material enrichment, and different precipitation regimes, the application of the criterion development process has to be adjusted by region." (EPA Rivers and Streams Guidance, p. 3).

To find ambient turbidity in the District's waters, EPA recommends using reference streams. The District does not have reference streams, as all thirty-nine (39) miles of surface waters in the District are impaired (DOEE, 2020, Integrated Report). In absence of reference streams, EPA states, "When reference streams are not identified, the second method is to determine the lower twenty-fifth (25^{th}) percentile of the population of all streams within a region." (EPA Rivers and Streams Guidance, p. 11).

Following this guidance, DOEE took twenty (20) years of data for turbidity and performed an analysis to identify outliers. Values greater than forty-one (41) nephelometric turbidity units (NTUs) were identified as outliers. Approximately seven percent (7%) of the data set were identified as outliers. Rather than delete outliers, DOEE kept outliers in the data set, but censored data greater than 800 NTU which represented one-tenth of one percent (0.1%) of the data set. (DOEE, Study on the Socioeconomic, Institutional, Technological, and Environmental (SITE) Impacts of Applying and Enforcing Updates to Water Quality Standards (2021) (SITE Study), p. 9). The main river stems and their tributaries were grouped together by their ecoregions: coastal plain or piedmont. Statistical analyses to find the lower twenty-fifth (25^{th}) percentile were then performed on the datasets for each ecoregion.

The twenty-fifth (25^{th}) percentile of the turbidity values for the District's waterbodies in the piedmont ecoregion was calculated to be six and thirty-nine hundredths (6.39) NTUs, which rounds to six (6) NTUs. The twenty-fifth (25^{th}) percentile of the turbidity values for the District's waterbodies in the coastal plain ecoregion was calculated to be one and eleven hundredths (1.11) NTUs, which rounds to one (1) NTU. The criteria remain twenty (20) NTU above ambient.

Commenter 3 requested a separate assessment and analysis for ambient wet weather events during which total suspended solid (TSS) levels regularly increase. However, DOEE finds a wet weather analysis for ambient wet weather events is not required since "ambient" is defined in Section 1199.1 of the Water Quality Standards as "those conditions existing before or upstream of a source or incidence of pollution."

The turbidity criteria will continue to be used for construction and dredging activities. Other water clarity criteria, like TSS, take into account seasonality and/or wet weather and will continue to be used in the Combined Sewer Overflow (CSO) Program and the District's Municipal Separate Storm Sewer System (MS4) program. In any event, discussions of TSS are outside of the scope of this rulemaking.

Commenter 3 stated that the SITE Study did not address changes to CSO controls and the MS4 that may be required. However, DOEE is not proposing to rewrite the turbidity criteria, which were adopted in 1981, but solely to clarify the meaning of "ambient turbidity" by adding a numeric equivalent option. The turbidity criteria remain at twenty (20) NTU above ambient. The intent in providing a narrative equivalent is for permit and certification writers of discharges from construction and dredging activities to have as an option either 1) upstream and downstream ambient measurement for a water-dependent project or 2) ambient numeric equivalent in the appropriate ecoregion, whichever is situationally best. Historically, National Pollutant Discharge Elimination System (NPDES) permits have used total suspended solids (TSS), not turbidity, to establish discharge and monitoring requirements. Additionally, TSS is outside of the scope of these proposed changes.

Commenter 2 urged DOEE to clarify that the newly proposed numeric ambient values, rather than an onsite sample upstream of a permitted site, must be used for determining compliance with the turbidity standard. The ambient numeric equivalent is established to provide permit and certification writers with two options, whichever is situationally best: 1) upstream and downstream ambient measurement for a water-dependent project, or 2) ambient numeric equivalent in the appropriate ecoregion. DOEE's wetlands program depends on upstream and downstream measurements to determine ambient for instream projects. As stated above, the turbidity standard is intended to be used for construction and dredging projects to reduce the turbidity levels from the effects of the localized impairment.

Commenter 2 requested that DOEE account for seasonality in its calculation of the ambient reference values for each ecoregion. According to the commenter, such an assessment would result in a lowering of the reference value for the piedmont ecoregion from one (1) NTU to zero (0) NTUs. EPA Rivers and Streams Guidance states that "EPA does not recommend identifying nutrient concentrations that must be met at all times, rather a seasonal or annual averaging period (e.g., based on weekly measurements) is considered appropriate. However, these seasonal or annual central tendency measures should apply each season or each year, except under the most extraordinary of conditions (e.g., a 100 year flood)." Id., p. 6. The turbidity criteria are year-round criteria not based on seasonality, therefore, the EPA-approved annual method is best.

Commenter 2 requested that DOEE strengthen the standard of twenty (20) NTUs above ambient to a threshold of ten (10) NTUs above ambient. As stated above, the turbidity standard is to be used for construction and dredging projects to reduce the turbidity levels from the effects of the localized impairment. Currently DOEE is not proposing to rewrite the turbidity criteria, which was adopted in 1981, but merely to provide "ambient" with a numeric equivalent option to reduce misinterpretations of the criteria. The recommendation to make the current turbidity criteria more stringent is noted. DOEE has reviewed the comment/recommendation and will evaluate it for inclusion in future updates.

Commenter 2 urged DOEE to adopt either EPA's recommended numeric criteria for nitrogen and phosphorous or to develop its own standard based on scientifically defensible methods. DOEE has reviewed the recommendation and will evaluate it for inclusion in future triennial updates.

Commenter 2 urged DOEE to adopt a higher fish consumption rate as part of its water quality standards. DOEE has reviewed the recommendation and will evaluate it for inclusion in future triennial updates.

Commenter 1 pointed out typographical errors in Table 2's numbering in Subsection 1104.8, which DOEE corrects in this final rule. Specifically;

- DOEE revised the incorrect table references in footnotes g and h to Table 2.
- Table 2e was incorrectly labeled as such and is now corrected to be Table 2c.
- Footnote g incorrectly referenced Table 2e when the correct reference is Table 2c.
- Footnote h(b) to Table 2 incorrectly referenced Tables 2b and 2c. The correct references are Tables 2d and 2e.
- Table 2c was incorrectly labeled as such and is now corrected to be Table 2d.
- Table 2d was incorrectly labeled as such and is now corrected to be Table 2e.

No other changes have been made to the provisions in the proposed rules.

The SITE Study that describes DOEE's rationale for proposing WQS updates and considers the impacts of applying and enforcing the updates, which is required pursuant to D.C. Official Code § 8-103.04(c), has been updated to reflect the provisions of this rulemaking. The revised SITE Study may be viewed at: https://doee.dc.gov/node/1643336.

The Director of DOEE adopted this final rulemaking on March 6, 2025, and these rules shall become effective on the date of their publication in the *District of Columbia Register*.

Chapter 11, WATER QUALITY STANDARDS, of Title 21, WATER AND SANITATION, of the DCMR is amended as follows:

Section 1104, STANDARDS, is amended as follows:

Subsection 1104.8 is amended to read as follows:

1104.8 Unless otherwise stated, the numeric criteria that shall be met to attain and maintain designated uses are as follows in Tables 1 through 3:

Table 1: Conventional Constituents Numeric Criteria

Constituent	Class A	Class B	Class C
Chlorophyll *a*[a,b] (*μ*g/L)(seasonal segment average)			
July 1 through September 30	—	—	25
Dissolved Oxygen (mg/L)			
Instantaneous minimum (year-round)[c]	—	—	5.0

Constituent	Class A	Class B	Class C
February 1 through May 31[a,b]			
7-day mean	—	—	6.0
Instantaneous minimum	—	—	5.0
June 1 through January 31[a,b]			
30-day mean	—	—	5.5
7-day mean	—	—	4.0
Instantaneous minimum[d]	—	—	3.2
E. coli[e] (MPN/100 mL)			
Single Sample Value	410	—	—
Geometric mean (Geometric mean of 5 samples over a maximum period of 30 days)	126	—	—
Hydrogen sulfide (maximum μg/L)	—	—	2.0
Oil and grease (mg/L)	—	—	10.0
pH			
Greater than	6.0	6.0	6.0
And less than	8.5	8.5	8.5
Secchi depth[a,b] (m)(seasonal segment average)			
April 1 through October 31	—	—	0.8
Temperature (°C)			
Maximum	—	—	32.2
Maximum change above ambient	—	—	2.8
Total dissolved gases (maximum % saturation)	—	—	110
Turbidity Increase above Ambient (NTU)[f]	20	20	20

Notes:

[a] Attainment of the dissolved oxygen, water clarity and chlorophyll *a* water quality criteria that apply to tidally influenced Class C waters will be determined following the guidelines documented in the 2003 Environmental Protection Agency publication: Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll *a* for the Chesapeake Bay and its Tidal Tributaries, EPA 903-R-03-002 (April 2003, Region III Chesapeake Bay Program Office, Annapolis, Maryland); 2004 Addendum, EPA 903-R-04-005 (October 2004); 2007 Addendum, EPA 903-R-07-003 CBP/TRS 285/07 (July 2007); 2007 Chlorophyll Criterion Addendum, EPA 903-R-07-005 CBP/TRS 288-07 (November 2007); 2008 Addendum, EPA 903-R-08-001 CBP/TRS 290-08 (September 2008); and 2010 Criterion Addendum, EPA 903-R-10-002 CBP/TRS-301-10 (May 2010).

[b] This criterion shall apply to only tidally influenced waters.

[c] This criterion shall apply to only non-tidal waters.

[d] An instantaneous minimum dissolved oxygen concentration of 4.3 mg/L shall apply in tidally influenced waters at temperatures greater than 29°C.

[e] The geometric mean criterion shall be used for assessing water quality trends and for permitting. The single sample value criterion shall be used for assessing water quality trends only.

[f] The ambient turbidity equivalent for Piedmont river mainstems and tributaries (Potomac River northwest of the Theodore Roosevelt Bridge and its tributaries, and Rock Creek) is 1 NTU. The ambient equivalent for Coastal Plain river mainstems and tributaries (Potomac River east of the Theodore Roosevelt Bridge and Anacostia River and its tributaries) is 6 NTU.

Table 2: Trace Metals and Inorganics Numeric Criteria

Constituent[a] Trace metals and inorganics in μg/L, except where stated otherwise (see Notes below)	**CAS Number**	**Class C**		**Class D[b]**
		CMC 1-Hour Avg (Acute)	**CCC 4-Day Avg (Chronic)**	**30-Day Avg**
Ammonia, total ammonia nitrogen (in mg N/L)	7664417	See Footnote g	See Footnote h	—
Antimony, total recoverable	7440360	—	—	640
Arsenic, dissolved	7440382	340	150	0.14[c]
Cadmium, dissolved	7440439	See Footnotes d and e	See Footnotes d and e	—
Chlorine, total residual	7782505	19	11	—
Chromium, hexavalent, dissolved	18540299	16[e]	11[e]	—
Chromium, trivalent, dissolved	16065831	See Footnotes d and e	See Footnotes d and e	—
Copper, dissolved	7440508	See Footnotes d and e	See Footnotes d and e	—
Cyanide, free	57125	22	5.2	400
Iron, dissolved	7439896	—	1,000	—
Lead, dissolved	7439921	See Footnotes d and e	See Footnotes d and e	—
Manganese	7439965	—	—	100
Mercury, dissolved	7439976	1.4[e]	0.77[e]	0.15
Methylmercury (mg/kg, fish tissue residue)	22967926	—	—	0.3
Nickel, dissolved	7440020	See Footnotes d and e	See Footnotes d and e	4,600
Selenium, total recoverable	7782492	20	5	4,200
Silver, dissolved	7440224	See Footnotes d and e	—	65,000

Constituent[a] Trace metals and inorganics in μg/L, except where stated otherwise (see Notes below)	**CAS Number**	**Class C**		**Class D[b]**
		CMC 1-Hour Avg (Acute)	**CCC 4-Day Avg (Chronic)**	**30-Day Avg**
Thallium, dissolved	7440280	—	—	0.47
Zinc, dissolved	7440666	See Footnotes d and e	See Footnotes d and e	26,000

Notes:

[a] If there are no numeric criteria listed for a constituent, the criteria to attain and maintain designated uses shall be the narrative criteria for toxics contained in these water quality standards.

[b] The Class D human health criteria for metals are based on total recoverable metals.

[c] The criteria is based on carcinogenicity of 10^{-6} risk level.

[d] The formulas for calculating the criterion for the hardness dependent constituents indicated above are as follows:

Table 2a: Formulas for Hardness-Dependent Constituents[e]

Constituent	**CMC (Acute)**	**CCC (Chronic)**
Cadmium	$e^{(0.9789[\ln(\text{hardness})] - 3.866)}$	$e^{(0.7977[\ln(\text{hardness})] - 3.909)}$
Chromium III	$e^{(0.8190[\ln(\text{hardness})] + 3.7256)}$	$e^{(0.8190[\ln(\text{hardness})] + 0.6848)}$
Copper	$e^{(0.9422[\ln(\text{hardness})] - 1.700)}$	$e^{(0.8545[\ln(\text{hardness})] - 1.702)}$
Lead	$e^{(1.2730[\ln(\text{hardness})] - 1.460)}$	$e^{(1.2730[\ln(\text{hardness})] - 4.705)}$
Nickel	$e^{(0.8460[\ln(\text{hardness})] + 2.255)}$	$e^{(0.8460[\ln(\text{hardness})] + 0.0584)}$
Silver	$e^{(1.7200[\ln(\text{hardness})] - 6.590)}$	—
Zinc	$e^{(0.8473[\ln(\text{hardness})] + 0.884)}$	$e^{(0.8473[\ln(\text{hardness})] + 0.884)}$

[e] The criterion is multiplied by the EPA conversion factor which converts the total recoverable metal to dissolved metal in Table 2b as specified in §1105.10:

Table 2b: Conversion Factors from Total Recoverable to Dissolved Metals[f]

Constituent	**CMC (Acute)**	**CCC (Chronic)**
Cadmium	1.136672 − [(ln hardness)(0.041838)]	1.101672 − [(ln hardness)(0.041838)]
Chromium III	0.316	0.860
Chromium VI	0.982	0.962
Copper	0.960	0.960
Lead	1.46203 − [(ln hardness)(0.145712)]	1.46203 − [(ln hardness)(0.145712)]
Mercury	0.85	0.85
Nickel	0.998	0.997

Constituent	CMC (Acute)	CCC (Chronic)
Silver	0.85	—
Zinc	0.978	0.986

[f] Hardness in Tables 2a and 2b shall be measured as mg/L of calcium carbonate ($CaCO_3$). The allowed hardness value range shall be 25 – 400 mg/L as $CaCO_3$, even if the actual ambient water hardness is outside of that range.

[g] Criterion Maximum Concentration (CMC) for total ammonia nitrogen (in mg N/L):

(a) Shall be the one (1)-hour average concentration for total ammonia nitrogen, computed for a design flow specified in §1105.5.

(b) Shall account for the influence of the pH as shown in Table 2c.

(c) Is calculated using the following formula, which shall be used to calculate unlisted values: CMC = $[(0.411/(1+10^{7.204-pH})] + [58.4/(1+ 10^{pH-7.204})]$.

Table 2c: Total Ammonia Nitrogen (in mg N/L) CMC for Various pH

pH	CMC	pH	CMC	pH	CMC	pH	CMC
6.50	48.8	7.20	29.5	7.90	10.1	8.60	2.65
6.60	46.8	7.30	26.2	8.00	8.40	8.70	2.20
6.70	44.6	7.40	23.0	8.10	6.95	8.80	1.84
6.80	42.0	7.50	19.9	8.20	5.72	8.90	1.56
6.90	39.1	7.60	17.0	8.30	4.71	9.00	1.32
7.00	36.1	7.70	14.4	8.40	3.88		
7.10	32.8	7.80	12.1	8.50	3.20		

[h] Criterion Continuous Concentration (CCC) for total ammonia nitrogen (in mg TAN/L):

(a) Shall be the thirty (30)-day average concentration for total ammonia computed for a design flow specified in §1105.5.

(b) Shall account for the influence of the pH and temperature as shown in Table 2d and Table 2e. The highest four (4)-day average within the thirty (30)-day period shall not exceed 2.5 times the CCC.

(c) Is, for the period March 1 through June 30, calculated using the following formula, which shall be used to calculate unlisted values: CCC = $[(0.0577/(1+10^{7.688-pH})) + (2.487/(1+ 10^{pH-7.688}))] \times MIN(2.85, 1.45 \times 10^{0.028 \times (25-T)})]$, where MIN indicates the lesser of the two values $(2.85, 1.45 \times 10^{0.028 \times (25-T)})$ separated by a comma, as shown in Table 2c

(d) Is, for the period July 1 through February 28/29, calculated using the following formula, which shall be used to calculate unlisted values: CCC = $[(0.0577/(1+10^{7.688-pH})) + (2.487/(1+ 10^{pH-7.688}))] \times [1.45 \times 10^{0.028 \text{ X } (25-MAX(T,7)}]$,

where MAX indicates the greater of the two values (T,7) separated by a comma, as shown in Table 2d.

Table 2d: Total Ammonia Nitrogen (in mg N/L) CCC for Various pH and Temperatures for March 1 through June 30

	Temperature (°C)									
pH	**0**	**14**	**16**	**18**	**20**	**22**	**24**	**26**	**28**	**30**
6.50	6. 67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.60	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.70	6.44	6.44	5.86	5.15	4.52	3.98	3.42	3.00	2.64	2.32
6.80	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.90	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.00	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.10	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.20	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.30	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.40	4.73	4.73	4.30	3.97	3.49	3.06	2.69	2.37	2.08	1.83
7.50	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.60	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.70	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.80	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.90	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.00	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.10	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.20	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.30	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.40	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.50	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.60	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.70	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.80	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.208
8.90	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.00	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

Table 2e: Total Ammonia Nitrogen (in mg N/L) CCC Criterion for Various pH and Temperatures for July 1 through February 28/29

	Temperature (°C)									
pH	**0-7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15***	**16***
6.50	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46	6.06
6.60	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36	5.97
6.70	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25	5.86
6.80	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10	5.72

	Temperature (°C)									
pH	**0-7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15***	**16***
6.90	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93	5.56
7.00	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73	5.37
7.10	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49	5.15
7.20	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22	4.90
7.30	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92	4.61
7.40	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59	4.30
7.50	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23	3.97
7.60	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85	3.61
7.70	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47	3.25
7.80	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
7.90	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71	2.54
8.00	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36	2.21
8.10	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03	1.91
8.20	2.91	2.73	2.56	2.4	2.25	2.11	1.98	1.85	1.74	1.63
8.30	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48	1.39
8.40	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25	1.17
8.50	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06	0.990
8.60	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951	0.892	0.836
8.70	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805	0.754	0.707
8.80	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684	0.641	0.601
8.90	0.917	0.860	0.806	0.756	0.709	0.664	0.623	0.584	0.548	0.513
9.00	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503	0.471	0.442

*At 15°C and above, the criterion for July 1 through February 28/29 is the same as the criterion for March 1 through June 30.

Table 3: Organic Constituents Numeric Criteria

Organic Constituent[a] (*µg*/L)	**CAS Number**	**Class C**		**Class D**
		CMC 1-Hour Avg (Acute)	**CCC 4-Day Avg (Chronic)**	**30-Day Avg**
Acrolein	107028	3.0	3.0	400
Acrylonitrile	107131	—	700.0	7.0, [b]
Aldrin	309002	3.0	0.4	0.00000077, [b]
Benzene	71432	—	1000	16, [b]
Benzidine	92875	—	250	0.011, [b]
Carbamates	—	—	—	—
Carbaryl (Sevin)	63252	2.1	2.1	—
Carbon Tetrachloride	56235	—	1000	5, [b]

Organic Constituent[a] (*µg*/L)	CAS Number	Class C		Class D
		CMC 1-Hour Avg (Acute)	CCC 4-Day Avg (Chronic)	30-Day Avg
Chlordane	57749	2.4	0.0043	0.00032, [b]
Chlorinated Benzenes (except Di)	—	—	25.0	—
Chlorobenzene	108907	—	—	800
1,2-Dichlorobenzene	95501	—	200	3,000
1,3-Dichlorobenzene	541731	—	200	10
1,4-Dichlorobenzene	106467	—	200	900
Hexachlorobenzene	118741	—	—	0.000079, [b]
Pentachlorobenzene	608935	—	—	0.1
1,2,4,5-Tetrachlorobenzene	95943	—	—	0.03
1,2,4-Trichlorobenzene	120821	—	—	0.076
Chlorinated Ethanes	—	—	50	—
1,2-Dichloroethane	107062	—	—	650, [b]
Hexachloroethane	67721	—	—	0.1, [b]
1,1,2,2-Tetrachloroethane	79345	—	—	3, [b]
1,1,1-Trichloroethane	71556	—	—	200,000
1,1,2-Trichloroethane	79005	—	—	8.9, [b]
Chlorinated Naphthalenes	—	—	—	—
2-Chloronaphthalene	91587	—	200	1000
Chlorinated Phenols	—	—	—	—
2-Chlorophenol	95578	—	100	800
2,4-Dichlorophenol	120832	—	200	60
Pentachlorophenol	87865	Footnote c	Footnote c	0.04, [b]
2,4,5-Trichlorophenol	95954	—	—	600
2,4,6-Trichlorophenol	88062	—	—	2.8, [b]
3-Methyl-4-Chlorophenol	59507	—	—	2,000
Chloroalkyl Ethers	—	—	1000	—
Bis(2-Chloroethyl) Ether	111444	—	—	2.2, [b]
Bis(2-Chloro-1-methylethyl) Ether	108601	—	—	4,000
Bis(Chloromethyl) Ether	542881	—	—	0.017, [b]
Chlorophenoxy Herbicide (2,4-D)	94757	—	—	12,000
Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]	93721	—	—	400
3,3-Dichlorobenzidine	91941	—	10	0.15, [b]
Dichloroethylenes	—	—	1000	—
1,1-Dichloroethylene	75354	—	—	20,000
Trans-1,2-Dichloroethylene	156605	—	—	4,000
1,2-Dichloropropane	78875	—	2000	31, [b]

Organic Constituent[a] (*µg*/L)	CAS Number	Class C		Class D
		CMC 1-Hour Avg (Acute)	CCC 4-Day Avg (Chronic)	30-Day Avg
Dichloropropenes	—	—	400	—
1,3-Dichloropropene	542756	—	—	12, [b]
Dieldrin	60571	0.24	0.056	0.0000012, [b]
2,4-Dimethylphenol	105679	—	200	3000
2,4-Dinitrotoluene	121142	—	33	1.7, [b]
Dioxin (2,3,7,8-TCDD)	1746016	—	—	0.0000000051, [b]
1,2-Diphenylhydrazine	122667	—	30	0.2, [b]
Endosulfan	—	0.22	0.056	89
alpha-Endosulfan	959988	0.22	0.056	30
beta-Endosulfan	33213659	0.22	0.056	40
Endosulfan Sulfate	1031078	—	—	40
Endrin	72208	0.086	0.036	0.03
Endrin Aldehyde	7421934	—	—	1
Ethylbenzene	100414	—	40	130
Halomethanes	—	—	1000	—
Bromoform	75252	—	—	120, [b]
Chloroform	67663	—	3000	2000
Chlorodibromomethane	124481	—	—	21, [b]
Dichlorobromomethane	75274	—	—	27, [b]
Methyl Bromide	74839	—	—	10,000
Methylene Chloride	75092	—	—	1,000, [b]
Heptachlor	76448	0.52	0.0038	0.0000059, [b]
Heptachlor Epoxide	1024573	0.52	0.0038	0.000032, [b]
Hexachlorobutadiene	87683	—	10	0.01, [b]
Hexachlorocyclohexane (HCH)-Technical	608731	—	—	0.010, [b]
alpha-Hexachlorocyclohexane (HCH)	319846	—	—	0.00039, [b]
beta-Hexachlorocyclohexane (HCH)	319857	—	—	0.014, [b]
gamma-Hexachlorocyclohexane (HCH) [Lindane]	58899	0.95	0.08	4.4
Hexachlorocyclopentadiene	77474	—	0.5	4
Isophorone	78591	—	1000	1,800, [b]
Methoxychlor	72435	—	0.03	0.02
Mirex	2385855	—	0.001	—
Nitrobenzene	98953	—	1000	600
Nitrophenols	—	—	20	—

Organic Constituent[a] (*µg*/L)	CAS Number	Class C		Class D
		CMC 1-Hour Avg (Acute)	CCC 4-Day Avg (Chronic)	30-Day Avg
2-Methyl-4,6- Dinitrophenol	534521	—	—	30
2,4-Dinitrophenol	51285	—	—	300
Dinitrophenols	25550587	—	—	1,000
Nitrosamines	—	—	600	1.24, [b]
N-Nitrosodibutylamine	924163	—	—	0.22 [b]
N-Nitrosodiethylamine	55185	—	—	1.24, [b]
N-Nitrosodimethylamine	62759	—	—	3.0, [b]
N-Nitrosodi-n-Propylamine	621647	—	—	0.51, [b]
N-Nitrosodiphenylamine	86306	—	—	6.0, [b]
N-Nitrosopyrrolidine	930552	—	—	34, [b]
Nonylphenol	84852153	28	6.6	—
Organochlorides	—	—	—	—
4,4'-DDD	72548	1.1	0.001	0.00012, [b]
4,4'-DDE	72559	1.1	0.001	0.000018, [b]
4,4'-DDT	50293	1.1	0.001	0.000030, [b]
Organophosphates	—	—	—	—
Diazinon	333415	0.3397	0.1699	—
Guthion	86500	—	0.01	—
Malathion	121755	—	0.1	—
Parathion	56382	0.065	0.013	—
Phenol	108952	—	—	300,000
Phthalate Esters	—	—	100	—
Bis(2-Ethylhexyl) Phthalate	117817	—	—	0.37, [b]
Butylbenzyl Phthalate	85687	—	—	0.10, [b]
Diethyl Phthalate	84662	—	—	600
Dimethyl Phthalate	131113	—	—	2,000
Di-n-Butyl Phthalate	84742	—	—	30
Polychlorinated Biphenyls (PCB)[d]	—	—	0.014	0.000064, [b]
Polynuclear aromatic hydrocarbons (PAH)	—	—	—	—
Acenaphthene	83329	—	50	90
Acenaphthylene	208968	—	—	—
Anthracene	120127	—	—	400
Benzo(a)anthracene	56553	—	—	0.0013, [b]
Benzo(a)pyrene	50328	—	—	0.00013, [b]
Benzo(b)fluoranthene	205992	—	—	0.0013, [b]
Benzo(k)fluoranthene	207089	—	—	0.013, [b]
Chrysene	218019	—	—	0.13, [b]

Organic Constituent[a] (*μg*/L)	CAS Number	Class C		Class D
		CMC 1-Hour Avg (Acute)	CCC 4-Day Avg (Chronic)	30-Day Avg
Dibenzo(a,h)anthracene	53703	—	—	0.00013, [b]
Fluoranthene	206440	—	400	20
Fluorene	86737	—	—	70
Indeno(1,2,3-cd)pyrene	193395	—	—	0.0013, [b]
Naphthalene	91203	—	600	—
Pyrene	129000	—	—	30
Tetrachloroethylene	127184	—	800	29, [b]
Toluene	108883	—	600	520
Toxaphene	8001352	0.73	0.0002	0.00071, [b]
Tributyltin (TBT)	—	0.46	0.072	—
Trichloroethylene	79016	—	1000	7, [b]
Vinyl chloride	75014	—	—	1.6, [b]

Notes:

[a] For constituents with blank numeric criteria, EPA has not made a criteria recommendation under CWA 304(a) at this time. However, permit authorities will address these constituents in NPDES permit actions using the narrative criteria for toxics.

[b] The criteria are based on carcinogenicity of 10^{-6} risk level.

[c] The formulas for calculating the concentrations of substances indicated above are as follows:

Pentachlorophenol CMC (*μg*/L)	Pentachlorophenol CCC (*μg*/L)
$e^{(1.005(pH) - 4.869)}$	$e^{(1.005(pH) - 5.134)}$

[d] The polychlorinated biphenyls (PCB) criterion applies to total PCBs (*e.g.*, the sum of all congener, isomer, homolog, or Aroclor analyses.)

Section 1105, IMPLEMENTATION AND APPLICABILITY, is amended as follows:

Subsection 1105.10 is amended to read as follows:

1105.10 The numerical criteria for dissolved cadmium, trivalent chromium, copper, lead, nickel, silver, and zinc shall be calculated by multiplying the criteria for these metals as specified in Table 2 of §1104.8 by the EPA Conversion Factors specified in Appendix A of the EPA National Recommended Water Quality Criteria: 2002, EPA-822-R-02-047, November 2002. This conversion is required to convert the metal criteria from total recoverable metals to dissolved metals.

Section 1155, GROUND WATER STANDARDS, is amended as follows:

Subsection 1155.3 is amended to read as follows:

1155.3 Numerical criteria for Class G1 ground waters shall be the most restrictive and are as follows:

Constituent	Criterion	Early Warning Value
Trace Metals & Inorganics (maximum mg/L unless noted otherwise)		
Primary		
Arsenic	0.01	0.002 **
Barium	1.0	0.2 **
Cadmium	0.005	0.002 **
Chromium, hexavalent	0.1	0.01 **
Chromium, trivalent	0.1	0.01 **
Cyanide, free	0.2	0.04 **
Fluoride	4.0	0.4 **
Lead	0.05	0.01 **
Mercury	0.002	0.0005 ‡
Nitrates	10.0	2.0 **
Nitrite	1.0	0.5 *
Selenium	0.05	0.002 **
Silver	0.05	0.05
Secondary		
Turbidity (NTU)	5.0	NA
Chloride	250.0	125.0 *
Copper	1.0	0.5 *
Iron	0.3	0.15 *
Manganese	0.05	0.025 *
Sulfate	250.0	125.0 *
Total dissolved solids	500.0	250.0 *
Zinc	5.0	2.5 *
Organics (maximum µg/L)		
Benzene	5.0	2.0 +
Carbon tetrachloride	5.0	1.0 +
Dichlorobenzene (para)	75.0	2.0 +
Dichloroethylene (1,1-)	7.0	1.0 +
Dichloroethylene (cis-1,2-)	70.0	1.0 +
Dichloroethylene (trans-1,2)	100.0	1.0 +
Endrin	0.2	0.1 +
Ethylbenzene	700.0	2.0 +
Hexachlorocyclohexane (Lindane)	4.0	0.2 +
Methoxychlor	100.0	2.0 +
1,1,1-Trichloroethane	200.0	5.0 +

Constituent	Criterion	Early Warning Value
1.2-Dichloroethane	5.0	0.5 +
Tetrachloroethylene	5.0	0.5 +
Toluene	1,000.0	2.0 +
Total Trihalomethanes	100.0	0.5 +
Toxaphene	5.0	2.0 +
Trichloroethylene	5.0	1.0 +
2,4-D	100.0	10.0 +
2,4,5-TP Silvex	10.0	2.0 +
Vinyl chloride	2.0	2.0 +
Xylenes	10,000.0	5.0 +
Radionuclides (maximum activity, pCi/L)		
Combined Radium-226 & Radium-228	5.0	1.0 **
Gross alpha particle activity	15.0	3.0 **
Gross beta particle activity	50.0	10.0 **
Microbiological (maximum organisms/ml)		
Fecal Coliform	1.0	NA
Acidity (allowable range, standard units)		
pH	6.5 to 8.5	NA

Notes:
**: Early Warning Value is 20% of criterion.

*: Early Warning Value is 50% of criterion.

+: Early Warning Value for synthetic chemicals that have no natural source is at the practical quantitation limit.

‡: The detection limit and minimum level of quantitation using EPA Method 1631.E, usually are dependent on the level of interferences rather than instrument limitations. The method detection limit (MDL; 40 CFR 136, Appendix B) for mercury has been determined to be 0.2 nanogram per liter (ng/L) when no interferences are present. The minimum level of quantitation (ML) has been established as 0.5 ng/L. An MDL as low as 0.05 ng/L can be achieved for low mercury samples by using a larger sample volume, a lower bromium chloride level (0.2%), and extra caution in sample handling (EPA Method 1631.E, Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry EPA-821-R-02-019 dated August 2002 at https://www.epa.gov/sites/default/files/2015-08/documents/method_1631e_2002.pdf).

NA: Not Applicable.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Licensing and Consumer Protection, pursuant to the authority set forth in D.C. Official Code § 47-2853.10(a)(12); Mayor's Order 2000-70, dated May 2, 2000; and Mayor's Order 2022-149, dated September 29, 2022, hereby gives notice of her intent to adopt the following amendments to Chapter 23 (Real Estate Appraisers) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days after the publication of this notice in the *District of Columbia Register*.

The proposed rulemaking follows a recommendation and vote in support by the District of Columbia Board of Real Estate Appraisers (Board) to amend the real estate appraiser licensure requirements, as set forth in 17 DCMR § 2300, *et seq*., to align with the modifications to the Real Property Qualification Criteria (Criteria) adopted by the Appraiser Qualification Board (AQB) on June 22, 2023, which the AQB will incorporate into the 2026 edition of the Criteria with an effective date of January 1, 2026. The Board approved the proposed changes by a majority vote during its meeting on November 20, 2024.

The District of Columbia real estate appraiser licensure requirements have historically aligned with the Criteria. The proposed rulemaking would continue this practice by incorporating the recent modifications to the Criteria. The AQB and its Criteria exist under the provisions of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, approved on August 9, 1989 (103 Stat. 183, 12 U.S.C. 3331 et seq.) (Title XI) and its resultant real property appraisal regulatory framework. Pursuant to § 1116 of Title XI (12 U.S.C. 3345), a state appraiser regulatory agency must have licensure requirements that are no less strict than the Criteria issued by the AQB for those appraisers that the agency certifies to be considered by the AQB as "state-certified real estate appraisers." Also, pursuant to D.C. Official Code § 47-2853.152(b), the requirements to obtain licensure as a real estate appraiser in the District shall meet or exceed any applicable federal requirements that are necessary for the federal financial institution's regulatory agencies to recognize and accept licenses for real estate appraisers that the Board licenses.

On June 22, 2023, the AQB adopted modifications to the Criteria, with an effective date of January 1, 2026. The modifications require that real estate appraisers take a Valuation Bias and Fair Housing Laws and Regulations Course and receive education on the topics of valuation bias and fair housing laws and regulations. The AQB adopted a Valuation Bias and Fair Housing Laws and Regulations Course Outline to summarize the content requirements for the Valuation Bias and Fair Housing Laws and Regulations Course. The Appraisal Foundation published the Course Outline in its Summary of Actions: July 2026 Criteria. Course providers are required to follow the Course Outline when developing their Valuation Bias and Fair Housing Laws and Regulations Course for the Course to fulfill the requirement under the modified Criteria.

Aspiring real estate appraisers must complete an eight (8)-hour (*i.e.*, a seven (7)-hour course and a one (1)-hour exam) Valuation Bias and Fair Housing Laws and Regulations Course as part of their qualifying education. The eight (8)-hour course is an exception to the requirement that qualifying education courses be a minimum length of fifteen (15) hours. The AQB updated the "AQB Guide Note 1 (GN-1)", its guidelines for the content of the required core curriculum content, to include the Valuation Bias and Fair Housing Laws and Regulations Course Outline in this

abbreviated format. The Appraisal Foundation published the updated "AQB Guide Note 1 (GN-1)" in its Summary of Actions: July 2026 Criteria. *See* https://appraisalfoundation.sharefile.com/share/view/s71e32f9d7e9445d9bf49424afb5c7ea2.

Under the updated AQB Criteria, Trainee Real Property Appraisers must complete eighty-three (83) classroom hours of qualifying education, and Licensed Residential Real Property Appraisers must complete one hundred and fifty-eight (158) classroom hours of qualifying education, which includes the new eight (8)-hour course. The eighty-three (83) classroom hours required to be a Trainee Real Property Appraiser may be applied to the classroom hour requirements to be a Certified Residential Real Property Appraiser and a Certified General Real Property Appraiser. To be a Certified Residential Real Property Appraiser and a Certified General Real Property Appraiser, aspiring appraisers must also complete twelve (12) hours and twenty-two (22) hours of appraisal subject matter electives, respectively. This is eight (8) fewer hours of electives to accommodate the new eight (8)-hour Valuation Bias and Fair Housing Laws and Regulations Course requirement.

Also under the updated AQB Criteria, appraisers must complete a continuing education course that meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations Course Outline. The first time an appraiser completes the continuing education requirement for this course, an appraiser must complete a seven (7)-hour course. An appraiser who has completed an eight (8)-hour course (*i.e.*, a seven (7)-hour course and a one (1)-hour exam) as part of their qualifying education satisfies the requirement. Every two (2) calendar years thereafter, the course length must be at least four (4) hours.

The AQB also modified the Criteria to change the names of two (2) topics in the continuing education requirements. It changed "valuation bias, fair housing, and/or equal opportunity course" to "valuation bias and fair housing laws and regulations" to be consistent with the name of the Valuation Bias and Fair Housing Laws and Regulations Course. It also changed the name of the "7-Hour National USPAP Update Course" to the "7-Hour National USPAP Continuing Education Course" to better reflect the course's purpose and content.

The proposed rulemaking would update the District's real estate appraiser prelicensure education requirements to align with the modifications to the Criteria. It would amend 17 DCMR § 2302.10 to require the prelicensure core curriculum for an Appraisal Trainee, a Licensed Residential Real Property Appraiser, a Certified Residential Real Property Appraiser, and a Certified General Real Property Appraiser to include an eight (8)-hour Valuation Bias and Fair Housing Laws and Regulations Course. It would also amend 17 DCMR § 2302.5 and 17 DCMR § 2323.2(c) to establish the eight (8)-hour course as an exception to the fifteen (15)-hour minimum course length requirement. Amendments to 17 DCMR § 2302.10 and 17 DCMR § 2302.12 would add that the prelicensure core curriculum must comply with the Valuation Bias and Fair Housing Laws and Regulations Course Outline. Additionally, the rulemaking would amend 17 DCMR § 2302.2 and 17 DCMR § 2323.1(a) to increase the total number of classroom hours to be a Licensed Residential Real Property Appraiser and an Appraisal Trainee by eight (8) hours to align with the Criteria. Lastly, the rulemaking would amend 17 DCMR § 2302.10(c) and (d) to reduce the number of hours of appraisal subject matter electives to be a Certified Residential Real Property Appraiser and a Certified General Real Property Appraiser to be consistent with the Criteria.

The rulemaking would also incorporate the AQB's modifications to the continuing education requirements and the topic and course names. It would amend 17 DCMR § 2310.2(e) to require licensees to complete a course that meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations Course Outline to align the District's continuing education requirements with the Criteria. With respect to the changes to the two (2) names in the Criteria, the proposed rulemaking would amend 17 DCMR § 2310.2(d) and 17 DCMR§ 2310.8 to reflect the "7-Hour National USPAP Continuing Education Course" name. It would also amend 17 DCMR § 2312.2 to add "valuation bias and fair housing laws and regulations" as an approved continuing education topic.

In addition, the proposed rulemaking would make five (5) conforming amendments. The first two (2) conforming amendments would update the District's real estate appraiser prelicensure education requirements. Specifically, 17 DCMR§ 2302.3(a) and 17 DCMR§ 2302.4(b) would be amended to add that the updated eighty-three (83) credit hours to be an Appraisal Trainee may count towards the classroom hours to be a Certified Residential Real Property Appraiser and a Certified General Property Appraiser. Currently, 17 DCMR § 2302.3(a) and 17 DCMR § 2302.4(b) omit such provisions for applying credit hours to the classroom hours requirement, although it is District practice that an aspiring real estate appraiser may apply seventy-five (75) classroom hours and a course of instruction covering the requirements and responsibilities of supervisory appraisers and appraiser trainees.

The remaining three (3) conforming amendments would align the list of Board-approved continuing education topics in 17 DCMR § 2312.2 with the Criteria. The Criteria provides that the Board may approve continuing education offerings that include, but are not limited to, seventeen (17) real estate-related appraisal topics. Currently, 17 DCMR § 2312.2 omits three (3) of these topics: (1) "developing opinions of real property value in appraisals that also includes personal property and/or business value"; (2) "seller concessions and impact on value"; and (3) "energy-efficient items and 'green building' appraisals". While the Board currently accepts educational offerings that include these topics, this proposed rulemaking would update 17 DCMR § 2312.2 to reflect the Board's practice.

Lastly, the proposed rulemaking would make technical amendments to the District's real estate appraiser licensure requirements. It would remove the terms "Appraisal Qualifications Board" and "Uniform Standards of Professional Appraisal Practice" from 17 DCMR § 2302.7, given that 17 DCMR § 2399.1 defines "AQB" as "Appraisal Qualifications Board" and "USPAP" as "Uniform Standards of Professional Appraisal Practice". It would replace "AQP" with "AQB" in 17 DCMR § 2302.10, 17 DCMR § 2302.14, and 17 DCMR § 2302.15 so that each provides the correct acronym, AQB, for the Appraisal Qualifications Board. It would replace "Required Core Curriculum Content Guide Note" with "AQB Guide Note 1 (GN-1)" in 17 DCMR § 2302.12 to reflect the updated name of the Guide Note in the Appraisal Foundation's Summary of Actions: July 2026 Criteria. It would also amend 17 DCMR § 2302.3(b)(3) and 17 DCMR § 2302.3(b)(4) to clarify that the thirty (30) semester hours of college-level courses and the thirty (30) semester hours of College Level Examination Program are in the topic areas that the AQB has specified in the Criteria.

Directions for submitting comments are provided at the end of this notice.

Chapter 23, REAL ESTATE APPRAISERS, of Title 17, BUSINESS, OCCUPATIONS AND PROFESSIONALS, of the District of Columbia Municipal Regulations is amended as follows:

Section 2302, PRELICENSURE EDUCATION REQUIREMENTS, is amended as follows:

Subsections 2302.2, 2302.3, 2302.4, and 2302.5 are amended to read as follows:

2302.2 (a) Until January 1, 2026, applicants for the Licensed Residential Real Property Appraiser classification shall have obtained one hundred fifty (150) classroom hours of courses in subjects related to real estate appraisal as specified in § 2302.10(b). The one hundred fifty (150) classroom hours may include the seventy-five (75) classroom hour requirement for the Appraisal Trainee classification.

(b) Effective January 1, 2026, applicants for the Licensed Residential Real Property Appraiser classification shall have obtained one hundred fifty-eight (158) classroom hours of courses in subjects related to real estate appraisal as specified in § 2302.10(b). The one hundred fifty-eight (158) classroom hours may include the eighty-three (83) classroom hour requirement for the Appraisal Trainee classification.

2302.3 Applicants for the Certified Residential Real Property Appraiser classification shall have obtained the following education:

(a) Until January 1, 2026:

(1) Two hundred (200) classroom hours in subjects related to real estate appraisal as specified in § 2302.10(c). The two hundred (200) classroom hours may include the one hundred fifty (150) classroom hour requirement for the Licensed Real Property Appraiser classification; and

(2) Successful completion of one of the following:

(A) A baccalaureate degree or higher, in any field of study, from an accredited college or university;

(B) An associate's degree in a field of study related to business administration, accounting, finance, economics, or real estate;

(C) Thirty (30) semester hours of college-level courses in the topic areas specified by the AQB in the Criteria; or

(D) Thirty (30) semester hours of College Level Examination Program in the topic areas specified by the AQB in the Criteria.

(b) Effective January 1, 2026:

(1) Two hundred (200) classroom hours in subjects related to real estate appraisal as specified in § 2302.10(c). The two hundred (200) classroom hours may include the eighty-three (83) classroom hour requirement for the Appraisal Trainee classification or the one hundred fifty-eight (158) classroom hour requirement for the Licensed Real Property Appraiser classification; and

(2) Successful completion of one of the following:

(A) A baccalaureate degree or higher, in any field of study, from an accredited college or university;

(B) An associate's degree in a field of study related to business administration, accounting, finance, economics, or real estate;

(C) Thirty (30) semester hours of college-level courses in the topic areas specified by the AQB in the Criteria; or

(D) Thirty (30) semester hours of College Level Examination Program in the topic areas specified by the AQB in the Criteria.

2302.4 Applicants for the Certified General Real Property Appraiser classification shall have obtained the following education:

(a) Until January 1, 2026:

(1) A baccalaureate degree or higher, in any field of study, from an accredited college or university; and

(2) Three hundred (300) classroom hours of courses in subjects related to real estate appraisal as specified in § 2302.10(d). The three hundred (300) hours may include the one hundred fifty (150) classroom hours required for the Licensed Residential Appraiser classification or the two hundred (200) classroom hours required for the Certified Residential Real Property Appraiser classification.

(b) Effective January 1, 2026:

(1) A baccalaureate degree or higher, in any field of study, from an accredited college or university; and

(2) Three hundred (300) classroom hours of courses in subjects related to real estate appraisal as specified in § 2302.10(d). The three hundred (300) hours may include the eighty-three (83) classroom

hours required for the Appraisal Trainee classification, the one hundred fifty-eight (158) classroom hours required for the Licensed Residential Appraiser classification**,** or the two hundred (200) classroom hours required for the Certified Residential Real Property Appraiser classification.

2302.5 (a) Until January 1, 2026, the Board shall not grant credit toward the prelicensure classroom hour requirement unless the length of a class is at least fifteen (15) hours and the individual passes an examination pertinent to that class.

(b) Effective January 1, 2026, except for the Valuation Bias and Fair Housing Laws and Regulations Course, the Board shall not grant credit toward the prelicensure classroom hour requirement unless the length of a class is at least fifteen (15) hours, and the individual passes an examination pertinent to that class.

Subsection 2302.7 is amended to read as follows:

2302.7 Prelicensure education credit for the fifteen (15)-Hour National USPAP Course shall only be awarded to licensees completing a USPAP course taught by an AQB-certified instructor who is also a certified appraiser.

Subsection 2302.10 is amended to read as follows:

2302.10 (a) Until January 1, 2026, the required prelicensure core curriculum for each license classification shall meet or exceed the requirements that the AQP establishes. Course content shall substantially comply with the AQB's guidelines for curriculum content as indicated in the AQB required core curriculum, "AQB Guide Note 1 (GN-1)." The prelicensure core curriculum for each license classification shall be as follows:

(1) Appraisal Trainee (total – seventy-five (75) hours):

(A) Basic appraisal principles – thirty (30) hours;

(B) Basic appraisal procedures – thirty (30) hours; and

(C) The fifteen (15)-Hour National USPAP Course or its equivalent;

(2) Licensed Residential Real Property Appraiser classification shall include coverage of the following topics (total – one hundred fifty (150) hours):

(A) Basic appraisal principles – thirty (30) hours;

(B) Basic appraisal procedures – thirty (30) hours;

(C) The fifteen (15)-Hour National USPAP Course or its equivalent – fifteen (15) hours;

(D) Residential market analysis and highest and best use – fifteen (15) hours;

(E) Residential appraiser site valuation and cost approach – fifteen (15) hours;

(F) Residential sales comparison and income approaches – thirty (30) hours; and

(G) Residential report writing and case studies – fifteen (15) hours;

(3) Certified Residential Real Property Appraiser (total – two hundred (200) hours):

(A) Basic appraisal principles – thirty (30) hours;

(B) Basic appraisal procedures – thirty (30) hours;

(C) The fifteen (15)-Hour National USPAP Course or its equivalent – fifteen (15) hours;

(D) Residential market analysis and highest and best use – fifteen (15) hours;

(E) Residential appraiser site valuation and cost approach – fifteen (15) hours;

(F) Residential sales comparison and income approaches – thirty (30) hours;

(G) Residential report writing and case studies – fifteen (15) hours;

(H) Statistics, modeling, and finance – fifteen (15) hours;

(I) Advanced residential applications and case studies – fifteen (15) hours; and

(J) Appraisal subject matter electives – twenty (20) hours (may include hours over minimum shown above in other modules); and

(4) Certified General Real Property Appraiser (total – three hundred (300) hours):

(A) Basic appraisal principles – thirty (30) hours;

(B) Basic appraisal procedures – thirty (30) hours;

(C) The fifteen (15)-Hour National USPAP Course or its equivalent – fifteen (15) hours;

(D) General appraiser market analysis and highest and best use – thirty (30) hours;

(E) Statistics, modeling, and finance – fifteen (15) hours;

(F) General appraiser sales comparison approach – thirty (30) hours;

(G) General appraiser site valuation and cost approach – thirty (30) hours;

(H) General appraiser income approach – sixty (60) hours;

(I) General appraiser report writing and case studies – thirty (30) hours; and

(J) Appraisal subject matter electives – thirty (30) hours (may include hours over minimum shown above in other modules).

(b) Effective January 1, 2026, the required prelicensure core curriculum for each license classification shall meet or exceed the requirements established by the AQB. Course content shall substantially comply with the AQB's guidelines for curriculum content as indicated in the AQB required core curriculum, "AQB Guide Note 1 (GN-1)", and the Course Outline for the Valuation Bias and Fair Housing Laws and Regulations Course, published by the Appraisal Foundation in its Summary of Actions: July 2026 Criteria. The prelicensure core curriculum for each license classification shall be as follows:

(1) Appraisal Trainee (total - eighty-three (83) hours):

(A) Basic appraisal principles - thirty (30) hours;

(B) Basic appraisal procedures - thirty (30) hours;

(C) The fifteen (15)-Hour National USPAP Course or its equivalent; and

(D) The Valuation Bias and Fair Housing Laws and Regulations Course - eight (8) hours;

(2) Licensed Residential Real Property Appraiser classification shall include coverage of the following topics (total - one hundred fifty-eight (158) hours):

(A) Basic appraisal principles - thirty (30) hours;

(B) Basic appraisal procedures - thirty (30) hours;

(C) The fifteen (15)-Hour National USPAP Course or its equivalent - fifteen (15) hours;

(D) The Valuation Bias and Fair Housing Laws and Regulations Course - eight (8) hours;

(E) Residential market analysis and highest and best use - fifteen (15) hours;

(F) Residential appraiser site valuation and cost approach - fifteen (15) hours;

(G) Residential sales comparison and income approaches - thirty (30) hours; and

(H) Residential report writing and case studies - fifteen (15) hours;

(3) Certified Residential Real Property Appraiser (total - two hundred (200) hours):

(A) Basic appraisal principles - thirty (30) hours;

(B) Basic appraisal procedures - thirty (30) hours;

(C) The fifteen (15)-Hour National USPAP Course or its equivalent - fifteen (15) hours;

(D) The Valuation Bias and Fair Housing Laws and Regulations Course - eight (8) hours;

(E) Residential market analysis and highest and best use - fifteen (15) hours;

(F) Residential appraiser site valuation and cost approach - fifteen (15) hours;

(G) Residential sales comparison and income approaches - thirty (30) hours;

(H) Residential report writing and case studies - fifteen (15) hours;

(I) Statistics, modeling, and finance - fifteen (15) hours;

(J) Advanced residential applications and case studies - fifteen (15) hours; and

(K) Appraisal subject matter electives - twelve (12) hours, which may include hours over minimum shown above in other modules; and

(4) Certified General Real Property Appraiser (total - three hundred (300) hours):

(A) Basic appraisal principles - thirty (30) hours;

(B) Basic appraisal procedures - thirty (30) hours;

(C) The fifteen (15)-Hour National USPAP Course or its equivalent - fifteen (15) hours;

(D) The Valuation Bias and Fair Housing Laws and Regulations Course - eight (8) hours;

(E) General appraiser market analysis and highest and best use - thirty (30) hours;

(F) Statistics, modeling, and finance - fifteen (15) hours;

(G) General appraiser sales comparison approach - thirty (30) hours;

(H) General appraiser site valuation and cost approach - thirty (30) hours;

(I) General appraiser income approach - sixty (60) hours;

(J) General appraiser report writing and case studies - thirty (30) hours; and

(K) Appraisal subject matter electives - twenty-two (22) hours, which may include hours over minimum shown above in other modules.

Subsection 2302.12 is amended to read as follows:

2302.12 (a) Until January 1, 2026, curriculum content for each course listed in § 2302.10 shall comply with the applicable portions of the "Required Core Curriculum Content Guide Note" published by the Appraisal Foundation and the AQB as part of the Real Property Appraiser Qualification Criteria. The Board may add additional requirements to the curriculum of any license classification if the Board's additions substantially comply with AQB criteria. Additions to the curriculum content shall be effective only after the Department publishes a Notice of Final Rulemaking in the *District of Columbia Register*.

(b) Effective January 1, 2026, curriculum content for each course listed in § 2302.10 shall comply with the applicable portions of the "AQB Guide Note 1 (GN-1)" and the Course Outline for the Valuation Bias and Fair Housing Laws and Regulations Course, published by the Appraisal Foundation in its Summary of Actions: July 2026 Criteria, and the AQB as part of the Real Property Appraiser Qualification Criteria.

Subsections 2302.14 and 2302.15 are amended to read as follows:

2302.14 If the AQB modifies the education or experience requirements for any license classification, and the modifications increase the education or experience requirements beyond the requirements established in this chapter, it is the intent of the Department to amend this chapter to reflect the AQB modifications. Such amendments shall be effective only after the Department publishes a Notice of Final Rulemaking in the *District of Columbia Register*.

2302.15 Amendments to the pre-licensing education and experience requirements shall not affect the status of licensees possessing current active licenses unless the AQB otherwise requires.

Section 2310, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 2310.2 is amended to read as follows:

2310.2 (a) Until January 1, 2026, an applicant for renewal or reinstatement of a real estate appraiser license, or renewal of an appraiser trainee license, shall be required to satisfactorily complete continuing education courses according to the following schedule:

(1) Applicants obtaining a license one hundred eighty-five (185) days or less from the renewal date required by the license cycle are not required to complete any hours of continuing education for that license cycle;

(2) Applicants obtaining a license during the last twelve (12) months of a license cycle, but before the one hundred eighty-five (185) day period must complete fourteen (14) hours of continuing education for that license cycle;

(3) All other licensees must complete the full twenty-eight (28) hours of continuing education for the license cycle; and

(4) All licensees must complete the seven (7)-Hour National USPAP Update Course as part of the twenty-eight (28) hours of continuing education.

(b) Effective January 1, 2026, an applicant for renewal or reinstatement of a real estate appraiser license, or renewal of an appraiser trainee license, shall be required to satisfactorily complete continuing education courses according to the following schedule:

(1) Applicants obtaining a license one hundred eighty-five (185) days or less from the renewal date required by the license cycle are not required to complete any hours of continuing education for that license cycle;

(2) Applicants obtaining a license during the last twelve (12) months of a license cycle, but before the one hundred eighty-five (185) day period, shall complete fourteen (14) hours of continuing education for that license cycle;

(3) All other licensees shall complete the full twenty-eight (28) hours of continuing education for the license cycle;

(4) Licensees shall complete the seven (7)-Hour National USPAP Continuing Education Course as part of the twenty-eight (28) hours of continuing education; and

(5) Licensees shall complete a course that meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations Course Outline within the two (2) previous calendar years as part of the twenty-eight (28) hours of continuing education as follows:

(A) The first time a licensee completes the continuing education requirement for this course, the course length shall be seven (7) hours, unless a licensee has completed a seven (7)-hour course (plus a one (1)-hour exam) as part of a licensee's pre-licensing education; and

(B) Every two (2) calendar years thereafter, the course length shall be at least four (4) hours.

Subsection 2310.8 is amended to read as follows:

2310.8 (a) Until January 1, 2026, continuing education credit for the National USPAP Update Course shall only be awarded to licensees completing USPAP continuing education courses taught by an AQB-certified instructor who is also a certified appraiser.

(b) Effective January 1, 2026, continuing education credit for the seven (7)-Hour National USPAP Continuing Education Course shall only be awarded to licensees completing USPAP continuing education courses taught by an AQB-certified instructor who is also a certified appraiser in good standing.

Section 2312, APPROVED CONTINUING EDUCATION PROGRAMS, is amended as follows:

Subsection 2312.2 is amended to read as follows:

2312.2 (a) Until January 1, 2026, the Board may approve educational offerings that include, but are not limited to, the following real estate related appraisal topics:

(1) Ad valorem taxation;

(2) Arbitration, dispute resolution;

(3) Courses related to the practice of real estate appraisal or consulting;

(4) Development cost estimating;

(5) Ethics and standards of professional practice, USPAP;

(6) Land use planning, zoning;

(7) Management, leasing, timesharing;

(8) Property development, partial interests;

(9) Real estate law, easements, and legal interests;

(10) Real estate litigation, damages, condemnation;

(11) Real estate financing and investment;

(12) Real estate appraisal related computer applications; and

(13) Real estate securities and syndication.

(b) Effective January 1, 2026, the Board may approve educational offerings that include the following real estate related appraisal topics:

(1) Ad valorem taxation;

(2) Arbitration, dispute resolution;

(3) Courses related to the practice of real estate appraisal or consulting;

(4) Development cost estimating;

(5) Ethics and standards of professional practice, USPAP;

(6) Valuation bias and fair housing laws and regulations;

(7) Land use planning, zoning;

(8) Management, leasing, timesharing;

(9) Property development, partial interests;

(10) Real estate law, easements, and legal interests;

(11) Real estate litigation, damages, condemnation;

(12) Real estate financing and investment;

(13) Real estate appraisal-related computer applications;

(14) Real estate securities and syndication;

(15) Developing opinions of real property value in appraisals that also include personal property and/or business value;

(16) Seller concessions and impact on value; and

(17) Energy-efficient items and "green building" appraisals.

Section 2323, APPRAISER TRAINEE, is amended as follows:

Subsections 2323.1 and 2323.2 are amended to read as follows:

2323.1 The Board may issue an appraiser trainee license to an applicant who has completed prelicensure education as follows:

(a) Until January 1, 2026:

(1) Seventy-five (75) classroom hours of instruction that shall include thirty (30) hours in basic appraisal principles, thirty (30) hours in basic appraisal procedures, and the fifteen (15)-Hour National USPAP Course or its equivalent; and

(2) A course of instruction, approved by the Board, which covers the requirements and responsibilities of supervisory appraisers and appraiser trainees.

(b) Effective January 1, 2026:

(1) Eighty-three (83) classroom hours of instruction that shall include thirty (30) hours in basic appraisal principles, thirty (30) hours in basic appraisal procedures, the fifteen (15)-Hour National USPAP Course or its equivalent, and the eight (8)-Hour Valuation Bias and Fair Housing Laws and Regulations Course; and

(2) A course of instruction, approved by the Board, which covers the requirements and responsibilities of supervisory appraisers and appraiser trainees.

2323.2 The Board shall approve prelicensure education that meets the following requirements:

(a) Until January 1, 2026:

(1) The content of the curriculum offered in the courses, seminars, workshops, or conferences used by an applicant to meet the prelicensure education requirements shall follow the guidelines established by the AQB in the publication, "AQB Guide Note 1 (GN-1)."

(2) A classroom hour is equal to fifty (50) minutes of each sixty (60) minute segment and includes time devoted to tests which are considered to be part of the course;

(3) The minimum length of the educational offering is fifteen (15) hours and the individual successfully completes an examination pertinent to that educational offering;

(4) All qualifying education shall have been obtained from, and certified by, one or more of the following:

(A) Colleges or universities;

(B) Community or junior colleges;

(C) Real estate appraisal or real estate related organizations;

(D) State or federal agencies or commissions;

(E) Proprietary schools; or

(F) Other providers approved by the Board or the Educational Licensure Commission; and

(5) All qualifying education shall have been obtained within the five (5)-year period immediately preceding application for licensure.

(b) Effective January 1, 2026:

(1) The content of the curriculum offered in the courses, seminars, workshops, or conferences used by an applicant to meet the prelicensure education requirements shall follow the guidelines established by the AQB in the publication, "AQB Guide Note 1 (GN-1)" published by the Appraisal Foundation in its Summary of Actions: July 2026 Criteria.

(2) A classroom hour is equal to fifty (50) minutes of each sixty (60) minute segment and includes time devoted to tests, which are considered to be part of the course;

(3) Except for the Valuation Bias and Fair Housing Laws and Regulations Course, the minimum length of the educational offering shall be fifteen (15) hours, and the individual shall complete an examination pertinent to that educational offering;

(4) All qualifying education shall have been obtained from, and certified by, one (1) or more of the following:

(A) Colleges or universities;

(B) Community or junior colleges;

(C) Real estate appraisal or real estate-related organizations;

(D) State or federal agencies or commissions;

(E) Proprietary schools; or

(F) Other providers approved by the Board or the Educational Licensure Commission; and

(5) All qualifying education shall have been obtained within the five (5)-year period immediately preceding application for licensure.

All persons desiring to comment on the subject matter of these proposed regulations should submit comments in writing to the Department of Licensing and Consumer Protection by email to April R. Randall, Legislative Director, at april.randall2@dc.gov no later than thirty (30) days after publication of this notice in the *District of Columbia Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-8062. Copies of the proposed regulations can be obtained at www.dcregs.dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING

RM40-2024-01, IN THE MATTER OF 15 DCMR CHAPTER 40 – DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES,

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code Sections 2-505 and 34-802,[1] hereby gives notice of its intent to amend Chapter 40 (District of Columbia Small Generator Interconnection Rules) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the publication of this Notice in the *District of Columbia Register*.

2. On November 22, 2024, the Commission published a Notice of Proposed Rulemaking (NOPR) initiated by Order No. 22312 in the *District of Columbia Register* (71 DCR 014226) amending 15 DCMR 4005.6. The following revisions have been made in response to comments on the first NOPR: inclusion of a cost estimate and cost responsibilities in Subsection 4005.6, clarity about the level of detail required in cost estimates and final invoices; an explanation of the cost responsibility for costs above the cost estimate and construction timeline; details to be included in the invoices and Detailed Accounting Discrepancy Reports; and additional reporting requirements governing late invoices and late Detailed Accounting Discrepancy Reports.

The proposed modifications to Section 4005 are shown by **underline** and the deletions by ~~**strikethrough**~~.

Chapter 40, DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Subsection 4005.6 of Section 4005, LEVEL 2 INTERCONNECTION REVIEWS, is amended to read as follows:

…

4005.6 Modifications to Level 2 Interconnection Review Process:

(a) If the Interconnection Request requires only the addition of Interconnection Facilities to the Electric Distribution System, a ~~**non-binding good faith**~~ cost estimate and construction schedule for such upgrades, along with an Approval to Install, shall be provided **by the EDC** within fifteen (15) business days after notification of the Level 2 Interconnection Review results. **The cost estimate and construction schedule shall include a**

[1] D.C. Official Code §§ 2-505 and 34-802.

timeline for the expected completion of the addition of Interconnection Facilities to the Electric Distribution System and an itemization of estimated costs that, at a minimum, includes a breakdown of labor, operations and maintenance, and capital expenditures for each job activity and proposed piece of equipment.

(b) If the Interconnection Request requires more than the addition of Interconnection Facilities to the Electric Distribution System the EDC ~~**may elect to**~~ **shall** either provide a ~~**non-binding good faith**~~ cost estimate and construction schedule for such upgrades within thirty (30) business days after notification of the Level 2 Interconnection Review results, or ~~**the EDC may**~~ notify the Interconnection Customer **within thirty (30) business days** that the EDC will need to complete a Facilities Study under Subsection 4007.2, paragraphs (d)(3), to determine the necessary Distribution System Upgrades and **to** complete the construction. **The cost estimate shall include an expected timeline for the completion of the Interconnection Facilities and/or Distribution System Upgrades, and an itemization of estimated costs that, at a minimum, includes a breakdown of labor, operations and maintenance, and capital expenditures for each job activity and proposed piece of equipment.**

…

(d) The EDC shall provide the following information to the Interconnection Customer regarding the Interconnection Facilities or Distribution System Upgrade costs:

(1) The invoice containing actual unit costs of the Interconnection Facilities and Distribution System Upgrades shall be sent to the Interconnection Customer within 90 days of the completion of the Interconnection Facilities and/or Distribution System Upgrades. The invoice to the Interconnection Customer shall include an itemization of costs that at a minimum includes the exact breakdown of labor, operations and maintenance, and capital expenditures for each job activity and installed piece of equipment.

(2) The EDC shall send the Interconnection Customer a final detailed accounting report on the discrepancy between the initial cost estimate and the actual costs incurred within 90 days after the completion of the Interconnection Facilities and/or Distribution System Upgrades. The Detailed Accounting Discrepancy Report shall include an itemization of costs that at a minimum includes the exact breakdown of labor, operations and maintenance, and capital expenditures for each job activity

and installed piece of equipment. The Detailed Accounting Discrepancy Report shall be prepared at the EDC's expense.

(3) For each late invoice and/or late Detailed Accounting Discrepancy Report, the EDC shall be fined a penalty under D.C. Code § 34-706.

(e) The Interconnection Customer shall be responsible for the actual costs of Interconnection Facilities and/or Distribution System Upgrades up to twenty-five (25) percent above the cost estimate governed by Subsection 4005.6 (a-b).

(f) The EDC may track cost overruns, exceeding twenty-five (25) percent of the cost estimate, and request recovery of the account balance in a Rate Case, subject to the Commission's review. The EDC may be able to recover from ratepayers the net cost overruns if the Commission determines that such costs were prudently incurred. Net cost overruns deemed imprudently incurred shall not be recovered from District ratepayers.

Subsections 4008.4 and 4008.5 of Section 4008, TECHNICAL REQUIREMENTS, is amended to read as follows:

4008.4 The EDC shall maintain records of the following for a minimum of three (3) years:

…

(f) All itemized cost estimates and actual itemized costs in invoices for completed Level 2, Level 3, and Level 4 interconnections. For each interconnection request where actual costs are more than twenty-five (25) percent above the cost estimate, the EDC shall include a description of the cause(s) for the inaccurate estimate and an explanation of how the EDC has or will mitigate this discrepancy.

(g) The number of late invoices and/or number of late Detailed Accounting Discrepancy Reports, the number of days the invoices and/or reports were delayed, and any explanation for why a delay was outside the EDC's control, as applicable.

4008.5 The EDC shall provide a report to the Commission containing the information required in Subsection 4008.4, paragraphs (a)-(**g**) within ninety (90) calendar days of the close of each year.

Subsection 4099.1 of Section 4099, DEFINITIONS, is amended to read as follows:

4099.1 When used in this chapter, the following terms and phrases shall have the following meaning:

"Detailed Accounting Discrepancy Report" – means a report prepared by the EDC and sent to the Interconnection Customer that provides itemized detail on the discrepancies between cost estimate and the actual costs incurred for the addition of Interconnection Facilities and/or Distribution System Upgrades.

3. Any person interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than thirty (30) days after publication of this notice in the *District of Columbia Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and sent electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open the "eDocket" tab, click on "Search Current Dockets," and input "RM40" as the case number. Copies may also be purchased at cost by contacting the Commission Secretary at the address provided above. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov. After the comment period has expired, the Commission will take final action on this rulemaking.

A TRUE COPY: **BY DIRECTION OF THE COMMISSION:**

CHIEF CLERK: **BRINDA WESTBROOK-SEDGWICK**
COMMISSION SECRETARY

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Behavioral Health ("DBH" or "Department"), pursuant to the authority set forth in §§ 5113, 5115, 5117, and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07), hereby gives notice of her adoption, on an emergency basis, of the following amendments to Chapter 34 (Mental Health Rehabilitation Services (MHRS) Provider Certification Standards); Chapter 39 (Psychosocial Rehabilitation Clubhouse Certification Standards); Chapter 63 (Certification Standards for Substance Use Disorder (SUD) Treatment and Recovery Providers); and Chapter 80 (Certification Standards for Behavioral Health Stabilization Providers) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

On August 2, 2024, the Department published a Notice of Second Emergency and Proposed Rulemaking in the *District of Columbia Register* at 71 DCR 009713. The rulemaking covered a variety of topics, including Intensive Care Coordination; billing methodologies, and limits for MHRS diagnostic assessments; practitioners eligible to deliver Free Standing Mental Health Clinic ("FSMHC") prescription visits and MHRS Medication/Somatic Treatment and Substance Use Disorder Medication Management services; Motivational Enhancement Therapy and Cognitive Behavioral Therapy; electronic health records systems; Behavioral Health Supplemental Data; FSMHC and MHRS functional assessments; eligibility to bill for the SUD Crisis Intervention service; provider certification periods; and per diem rates.

In response to comments DBH received on the Notice of Second Emergency and Proposed Rulemaking, the Department published a Notice of Final Rulemaking on sections that did not require further changes. Specifically, on November 29, 2024, the Department published a Notice of Final Rulemaking in the *District of Columbia Register* at 71 DCR 014542, which (1) established Intensive Care Coordination (ICC) as a new MHRS for youth; (2) added Motivational Enhancement Therapy and Cognitive Behavioral Therapy as a new SUD service; (3) required Free Standing Mental Health Clinics (FSMHC) to complete functional assessments utilizing the Department's designated functional assessment tools; (4) increased the locally-funded per diem paid to all Department-licensed Mental Health Community Residence Facilities in accordance with their level of licensure; (5) added the definition of a Licensed Practical Nurse to FSMHC and MHRS; (6) required providers to adopt an electronic health records system certified by the U.S. Department of Health and Human Services (HHS) Office of the National Coordinator for Health Information Technology and to transmit Behavioral Health Supplemental Data to DBH; (7) clarified that only providers serving clients who meet American Society of Addiction Medicine Level 1, Outpatient Treatment, through Level 2.5, Day Treatment, are eligible to bill for the SUD Crisis Intervention service; and (8) changed the certification renewal timeline to align with providers' accreditation period.

This rulemaking addresses the remaining portions of the Notice of Second Emergency and Proposed Rulemaking that were not included in the Final Rule, specifically: (1) Section 3418 (Diagnostic Assessment), (2) Section 3419 (Medication/Somatic Treatment), (3) Section 3421

(Community Support), and (4) Section 3434 (Reimbursable Services) of Chapter 34 (Mental Health Rehabilitation Services Provider Certification Standards), and Section 6345 (Specialty Service: Medication Management) of Chapter 63 (Certification Standards for Substance Use Disorder Treatment and Recovery Providers). Furthermore, this rulemaking adds new changes and requirements as set forth below.

In February 2024, the HHS Substance Abuse and Mental Health Services Administration (SAMHSA) published a final rule amending Part 8 of Title 42 of the Code of Federal Regulations (CFR), the federal regulations governing the certification of OTPs. This rulemaking codifies those changes and introduces comprehensive updates to OTP and MAT regulations to align Title 22-A DCMR Chapter 63 with new requirements of 42 CFR Part 8: (5) The Department changed the term Medication-Assisted Treatment (MAT) to Medications for Substance Use Disorder (MSUD), which better aligns with FDA-approved medications for the treatment of SUDs, including OUD. For OTPs, the Department updated MAT to Medications for Opioid Use Disorder (MOUD). The Department has updated Title 22-A DCMR Chapter 34, 63, and 80 to reflect these terminology changes. (6) The Department removed the requirement that clients must receive SUD Counseling/Therapy to receive MSUD and MOUD in accordance with 42 CFR § 8.12 (f)(5)(i). These changes are intended to expand access, increase initiation and retention in treatment. (7) The Department clarified eligibility for MOUD and MSUD to include, *inter alia,* clients at risk of remission or overdose in accordance with 42 CFR § 8.12 (e)(1). (8) The Department clarified that clients may provide verbal informed consent to treatment in accordance with 42 CFR § 8.12 (e)(1). This change is intended to remove barriers to treatment initiation. (9) The Department established a rule allowing clients ages sixteen (16) and seventeen (17) to consent to treatment at an OTP without parental or guardian consent or court authorization under certain conditions, in accordance with 42 CFR § 8.12 (e)(2). (10) The Department permitted MOUD to be administered via mobile unit in accordance with 42 CFR § 8.11 (h)(1). (11) The Department removed the requirement that OTP clients must be evaluated a minimum of once per month for the first year that a client receives MOUD. (12) The Department removed the requirement that OTPs must evaluate a client a minimum of every six (6) months after admission. The Department defers periodic evaluations to each individual client's Plan of Care, however, it requires at least one evaluation annually in accordance with 42 CFR 8.12 (f)(4)(ii). (13) The Department established additional Plan of Care requirements for OTP clients in addition to requirements in § 6339 in accordance with 42 CFR § 8.12 (f)(4)(i).

In addition this rulemaking: (14) updates the qualified practitioners eligible to deliver MHRS Counseling, SUD Counseling/Therapy, MHRS Medication/Somatic Treatment and SUD Medication Management and clarifies which provider types may practice under supervision to align with DC licensing regulations; (15) updates the billing methodologies and limits for MHRS Counseling to per occurrence; (16) removes the prior authorization requirement for MHRS Counseling to increase access to services; (17) updates the billing methodology and limits for Rehabilitation Day Services and Psychosocial Rehabilitation Clubhouse from per diem to hourly with a maximum of six (6) hours billed per day to allow providers to bill for services delivered to consumers who are unable to attend programming for the entirety of the day; (18) updates the prior authorization requirements for Rehabilitation Day Services to require an initial authorization; (19) clarifies that Psychosocial Rehabilitation Clubhouse providers who comply with 22-A DCMR § 3901.2(a) meet the behavioral health accreditation requirement in § 3433.1 to avoid duplication;

and (20) moves SUD Group Counseling Psychoeducation from SUD Counseling/Therapy to Recovery Support Services to more accurately reflects the service components and qualified practitioners eligible to deliver the service.

Additionally, the Department updated § 3421.10 and § 3434.4 to limit Community Support services delivered via audio-only telemedicine to twenty-six (26) units per one hundred eighty (180) day period where six (6) units can be used on direct consumer services and twenty (20) units may be allocated for collateral contacts per consumer per one hundred eighty (180) day period. This provision is intended to promote in person treatment while still allowing providers to perform collateral contacts.

The Department has also amended the frequency by which MHRS providers must complete functional assessments for adult consumers from every one-hundred and eighty (180) days after the initial assessment to every ninety (90) days to align with the standards of the Daily Living Activities-20 (DLA-20), the Department designated functional assessment tool. The DLA-20 requires that providers administer assessments at intake, quarterly, during significant events, and at discharge to measure consumer progress, treatment efficacy, and identify and inform ongoing service needs. Given that changes in life circumstances can significantly impact a person with behavioral health conditions, a one hundred and eighty (180) day reassessment period is too long a timeframe between regularly scheduled assessments as conditions may improve or worsen during this time. This regulatory requirement is consistent with clinical practice standards adopted by other jurisdictions that utilize the DLA-20 as a functional assessment tool.

This rulemaking retains the following provisions of the Second Emergency and Proposed Rulemaking: (1) updates the billing methodologies and limits for MHRS Diagnostic Assessments to per occurrence; (2) mandates MHRS providers to complete a functional assessment for consumers utilizing the Department's designated functional assessment tool to ensure uniformity and quality of care among providers; and (3) updates § 3434.4 to display continuous session length timeframes for billable units of service for MHRS Medication/Somatic treatment.

The Department received comments in response to the Notice of Second Emergency and Proposed Rulemaking from the District of Columbia Behavioral Health Association (DCBHA), which are addressed below.

The DCBHA requested that DBH either: (a) remove restrictions on audio telemedicine for Community Support Services; or (b) offer at least twenty-six (26) units of audio telemedicine per one-hundred and eighty (180) days for Community Support Services. DBH has increased audio-only limits to twenty-six (26) units per one hundred eighty (180) day period where six (6) units can be used on direct consumer services and twenty (20) units may be allocated for collateral contacts per consumer per one hundred eighty (180) day period.

The DCBHA requested that the Department provide updated billable units of service for Rehabilitation Day Services to align with DHCF Transmittal 24-08, which changed the Medicaid fee schedule from a per diem to an hourly rate with a six (6) hour daily maximum. The Department agrees with this recommendation and has updated § 3423.9, § 3423.10, and § 3434.4 accordingly.

The Department carefully reviewed the following recommendations, but respectfully declines to adopt them.

The DCBHA requested that the Department remove the requirement that MHRS providers complete functional assessments at discharge. According to the DCBHA, the functional assessment at discharge may be appropriate but is not necessary, particularly if a consumer discontinues treatment without engaging the provider. The DCBHA also expressed concern that the providers would not be reimbursed given the limitations on frequency of diagnostic evaluation. The Department agrees with DCBHA that a functional assessment is not appropriate if a consumer discontinued treatment without engaging the provider. The requirement to conduct an assessment at discharge applies to a deliberate and voluntary discharge where the consumer is available to participate in the assessment. The Daily Living Activities–20 (DLA-20) and the Child and Adolescent Functional Assessment Scale (CAFAS)/Preschool and Early Childhood Functional Assessment Scale (PECFAS), the Department's designated functional assessment tools, require that providers complete assessments at discharge to measure consumer progress, treatment efficacy, and identify and inform ongoing and future service needs. This regulatory requirement is consistent with clinical practice standards adopted by other jurisdictions that utilize the DLA-20 and CAFAS/PECFAS as functional assessment tools. DBH also reports aggregate functional assessment scores as a part of DBH's Key Performance Indicators and SAMHSA Treatment Episode Data Set. DBH intends to utilize functional assessment data, including from assessments administered at discharge, to evaluate improvement and outcomes.

The DCBHA also requested that the Department either: (a) amend the frequency for completing functional assessments for MHRS providers from every ninety (90) days to every one hundred and eighty (180) days for children and youth to align with their Plans of Care, or (b) require reassessments every ninety (90) days only for intensive child and youth services, such as Multi Systemic Therapy, Community Based Intervention (CBI), Functional Family Therapy (FFT) or ICC. The CAFAS/PECFAS requires assessments for children/youth at all levels of care at intake, quarterly, during significant events that may impact their level of functioning, and at discharge, to determine timely whether they require a change in level of care or services. Life circumstances can significantly impact a person with behavioral health conditions, and one hundred and eighty (180) days is too long a timeframe to reevaluate a consumer's level of functioning, as their condition may significantly improve or worsen during this time. This is particularly true for children and youth, as one hundred and eighty (180) days represent the majority of a school year. A ninety (90) day reassessment requirement aligns with clinical guidelines from other jurisdictions utilizing the CAFAS/PECFAS model.

The DCBHA also expressed concern that providers would not be reimbursed for functional assessments administered quarterly or at discharge given the limitations on frequency of diagnostic evaluation. MHRS providers may bill for time spent conducting functional assessments, including those administered quarterly and at discharge, using the brief screening assessment or the evaluation and management service codes identified at https://dbh.dc.gov/publication/2024-bulletin-137-138-139-140-141-142-143

The DCBHA requested that DBH eliminate all references to telemedicine in § 3434.4, and instead rely solely on Title 29 DCMR § 910 and corresponding DHCF guidance to govern the use of

telemedicine. While DHCF sets conditions of payment relating to telemedicine, DBH's mandate as the state mental health authority (*see* D.C. Official Code § 7-1141.06(3)) requires that it establishes service standards, including limits on telemedicine based on the requirements of evidence-based practices and clinical necessity.

The DCBHA requested that the Department remove restrictions prohibiting billing for Rehabilitation Day, Intensive Day Treatment (IDT), and specialty day program services on the same day as Assertive Community Treatment (ACT). ACT is a comprehensive, integrated, high-acuity service that utilizes an interdisciplinary team to deliver a wide range of intensive community-based mental health services, following the University of North Carolina School of Medicine Tool for Measurement of ACT. Under the ACT model, only the ACT team may provide services, and they are responsible for delivering all mental health care to ACT consumers. All aspects of comprehensive mental health care were included when the ACT rate was established, and all such services for ACT consumers must be billed as ACT.

Emergency action is necessary for the immediate promotion of the health and welfare of District residents. This rulemaking introduces comprehensive updates to OTP regulations that leverage new federal allowances and ease stringent requirements to expand access to MOUD, reduce barriers to treatment, and support clients with OUD to initiate and remain in treatment. This rulemaking is necessary to reduce overdose deaths in the District and promote recovery through patient-centered care.

These emergency rules were adopted by the Director on February 28, 2025, and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days, or until June 28, 2025, unless earlier superseded by a Notice of Final Rulemaking published in the *District of Columbia Register*.

The Director also gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

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

Section 3418, DIAGNOSTIC ASSESSMENT, is amended as follows:

A new subsection, 3418.15 is added to read as follows:

3418.15 MHRS providers shall complete a functional assessment utilizing the Department's designated functional assessment tools for consumers within the following timelines and incorporate its findings into the Plan of Care:

(a) At intake for adults;

(b) For children/youth, within thirty (30) calendar days of intake or by the

fourth (4th) visit, whichever comes first;

(c) Every ninety (90) calendar days after any consumer's initial assessment, and every ninety (90) calendar days thereafter;

(d) Upon events that may affect any consumer's functioning and may require a change in the consumer's treatment plan and/or service acuity; and

(e) For all consumers, at discharge.

Section 3419, MEDICATION/SOMATIC TREATMENT, is amended as follows:

Subsection 3419.9 is amended to read as follows:

3419.9 The following are qualified practitioners of Medication/Somatic Treatment:

(a) Psychiatrists; and

(b) Advanced Practice Registered Nurses (APRNs).

A new Subsection 3419.10 is added to read as follows:

3419.10 The following may deliver evaluation and management service under the direction of a Qualified Practitioner pursuant to § 3419.9:

(a) Physician Assistants (PAs).

(b) Registered Nurses (RNs); or

(c) Licensed Practical Nurses (LPNs).

Section 3420, COUNSELING, is amended as follows:

Subsection 3420.2 is amended to read as follows:

3420.2 No annual limit on units of service shall apply to the provision of counseling services.

Subsection 3420.5 is amended to read as follows:

3420.5 The following are qualified practitioners of Counseling:

(a) Psychiatrists;

(b) Psychologists;

(c) Licensed Independent Clinical Social Workers (LICSWs);

(d) APRNs;

(e) Licensed Professional Counselors (LPCs); and

(f) Licensed Marriage and Family Therapists (LMFTs).

A new subsection 3420.6 is added to read as follows:

3420.6 The following may deliver Counseling under the supervision of a Qualified Practitioner pursuant to § 3420.5:

(a) Licensed Independent Social Workers (LISWs);

(b) Licensed Graduate Social Workers (LGSWs);

(c) Licensed Graduate Professional Counselors (LGPCs); and

(d) Psychology Associates.

Section 3421, COMMUNITY SUPPORT, is amended as follows:

Subsection 3421.6 is amended to read as follows:

3421.6 Community Support services provided in excess of two hundred (200) units within one hundred and eighty (180) calendar days shall require prior authorization from the Department. Each subsequent authorization shall not exceed two hundred (200) units within a one hundred and eighty (180) calendar day period, unless otherwise authorized by the Department.

Subsection 3421.10 is amended to read as follows:

3421.10 Community Support services shall be provided:

(a) At the MHRS provider's service site;

(b) In natural settings, including the consumer's home or community settings;

(c) In a residential facility of sixteen (16) beds or fewer unless otherwise authorized by the Department pursuant to the Department's billing manual; or

(d) Via audio-only or audio-visual telemedicine pursuant to Title 29 DCMR § 910. Audio-only Community Support telemedicine services are limited to six (6) units per one hundred eighty (180) day period, unless otherwise authorized by the Department pursuant to the Department's billing manual.

Notwithstanding the foregoing sentence, providers may bill up to an additional twenty (20) audio-only Community Support telemedicine units per consumer per one hundred eighty (180) day period for collateral contacts.

Section 3423, REHABILITATION DAY SERVICES, is amended as follows:

Subsections 3423.9 and 3423.10 are amended to read as follows:

3423.9 Providers shall deliver at least one (1) hour of Rehabilitation Day Services per day to qualify for reimbursement. The District shall reimburse no more than six (6) hours of Rehabilitation Day services per day.

3423.10 Rehabilitation Day Services shall require prior authorization from the Department. Rehabilitation Day Services in excess of two hundred seventy (270) units within a one hundred eighty (180) day period shall require a subsequent authorization and shall not exceed five hundred and forty (540) units within a twelve-month (12-month) period.

Section 3426, ASSERTIVE COMMUNITY TREATMENT, is amended as follows:

Subsection 3426.4 is amended as follows:

Paragraph (a) is amended to read as follows:

(a) Medication prescription, administration, and monitoring, excluding Medications for Substance Use Disorder.

Section 3433, BEHAVIORAL HEALTH ACCREDITATION, is amended as follows:

A new subsection 3433.4 is added to read as follows:

3433.4 In lieu of the requirement in 3433.1, all Clubhouse providers shall obtain and maintain in good standing Clubhouse International accreditation as set forth in Title 22-A DCMR § 3901.2.

Section 3434, REIMBURSABLE SERVICES, is amended as follows:

Subsection 3434.4 is amended to read as follows:

3434.4 Reimbursement shall be limited as follows:

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
Diagnostic Assessment	• One (1) every one hundred eighty (180) calendar days. • Additional units allowable when there is a significant change in the consumer's mental health status. • Shall not be billed the same day as ACT. • Provided only in an MHRS provider's service site, home or community setting, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Per occurrence.
Medication/ Somatic Treatment	• No annual limits. • Shall not be billed the same day as ACT or IDT. • Provided only in an MHRS provider's service site, home or community setting, via telemedicine, or in a residential facility of sixteen (16) beds or less unless otherwise stated by the Department.	Session length for Individual Medication/Somatic Treatment is as follows: For new patients: (a) Fifteen (15) to twenty-nine (29) minutes; (b) Thirty (30) to forty-four (44) minutes; (c) Forty-five (45) to fifty-nine (59) minutes; and (d) Sixty (60) to seventy-four (74) minutes. For existing patients: (a) Under ten (10) minutes; (b) Ten (10) to nineteen (19) minutes; (c) Twenty (20) to twenty-nine (29) minutes: (d) Thirty (30) to thirty-nine (39) minutes; and (e) Forty (40) to

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
		fifty-four (54) minutes. Session length for Group Medication/Somatic Treatment unit is fifteen (15) minutes.
Counseling	• No annual limits. • Shall not be billed the same day as IDT, CBI, ACT, TF-CBT, or TST. • Shall not be billed during a Rehabilitation Day Services encounter. • Shall be rendered face-to-face, when consumer is present, unless there is adequate documentation to justify why the consumer was not present during the session. • May be provided in individual on-site, individual off-site, or group. • Provided only in an MHRS provider's service site, home or community setting, via telemedicine, or in a residential facility of sixteen (16) beds or less unless otherwise stated by the Department.	Per occurrence
Community Support	• Two hundred (200) units per one hundred eighty (180) calendar days. Additional units require the Department's authorization. Each authorization shall not exceed two hundred (200) units per one hundred eighty (180) calendar days. • Shall not be billed on the same day as ACT. • Individual Community Support shall not be billed during a Rehabilitation Day Services encounter. • Group Community Support shall not be billed on the same day as Rehabilitation Day Services. • Provided only in an MHRS provider's service site, home, community setting or residential facility of sixteen (16) beds or less unless otherwise authorized by the Department. • Audio-only telemedicine shall be limited to six (6) units per one hundred eighty (180) day period, unless otherwise authorized by the Department. A provider may bill an additional 20 units of audio-only for collateral contacts, per one	Fifteen (15) minutes

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
	hundred and eighty (180) day period.	
Crisis/ Emergency Services	• No annual limits. • ACT providers shall not bill Crisis/Emergency Services when provided to one of their current consumers. • Provided only in an MHRS provider's service site, home or community setting or via telehealth. • Provided by a Core Service Agency to their enrolled consumers.	Fifteen (15) minutes
Rehabilitation Day Services	• Prior Authorization required. Two hundred seventy (270) units within a one hundred eighty (180) day period. • Additional units require subsequent authorizations and cannot exceed five hundred and forty (540) units per twelve (12) month period. • Shall not be billed on the same day as Group Community Support, ACT, IDT, TF-CBT, TREM, TST, or Clubhouse. • Shall not be billed during a Counseling or Individual Community Support encounter. • Provided only in an MHRS provider's service site.	One (1) hour. The District will not reimburse more than six (6) hours of service per day.

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
IDT	• Prior authorization required. Initial and subsequent authorizations shall not exceed seven (7) days at a time. • Shall not be billed on the same day as Medication/Somatic Treatment, Counseling, Rehabilitation Day Services, ACT, TF-CBT, TREM, TST, Clubhouse or Supported Employment Services as defined in Title 22-A DCMR Chapter 37. • Provided only in an MHRS provider's service site.	One (1) day (which shall consist of at least five (5) hours of IDT services, excluding appropriate time for breaks and administrative functions)
CBI	• Prior authorization required for enrollment and continued stay (*see* § 3425 for details). • Shall not be billed on the same day as Counseling, ACT, FFT or TF-CBT. • CBI Level II and III shall not be billed on the same day as TREM. • Provided only in an MHRS provider's service site, or home or community setting.	Fifteen (15) minutes
ACT	• Prior authorization required. Initial and subsequent authorizations shall not exceed six (6) calendar months. • Shall not be billed on the same day as Diagnostic Assessment, Medication/Somatic Treatment, Counseling, Community Support, Rehabilitation Day Services, IDT, CBI, FFT, TF-CBT, TREM, or TST. • ACT providers shall not bill Crisis/Emergency Services if provided to one of their current consumers. • ACT providers must deliver five (5) contacts per calendar month as defined in § 3426.19 and meet the requirements of § 3426.20 through § 3426.22 to receive the monthly rate.	Monthly rate
CPP	• May be provided without prior authorization. • Shall not be billed on the same day as TF-CBT or TST. • Provided only in an MHRS provider's service site, home or community setting or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes up to ninety (90) minutes once (1) per week

MHRS	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
TF-CBT	• May be provided without prior authorization. • Shall not be billed the same day as Counseling, Rehabilitation Day Services, IDT, CBI, FFT, ACT, CPP, or TST. • Provided only in an MHRS provider's service site, home or community setting, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes up to ninety (90) minutes once (1) per week
TREM	• May be provided without prior authorization. • TREM shall not be billed on the same day as Rehabilitation Day Services, IDT, CBI Levels II and III, or ACT. • Provided only in an MHRS provider's service site, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes
TST	• May be provided without prior authorization. • TST shall not be billed on the same day as Counseling, Rehabilitation Day Services, IDT, FFT, ACT, CPP, or TF-CBT.	Fifteen (15) minutes
FFT	• May be provided without prior authorization. • Shall not be billed on the same day as CBI, Community Support, TF-CBT or TST.	Fifteen (15) minutes
CCC	• No annual limits. • May be provided without prior authorization. • ACT providers shall not bill CCC when provided to one of their current consumers. • May be provided in an MHRS provider's service site, home or community setting, or via telehealth. • A provider may only claim one service if multiple clinicians from that provider agency participate in the CCC service.	Fifteen (15) minutes
ICC	• Prior authorization required. • May be provided at the ICC provider's service site; or in natural settings, including at the child/youth's home or community settings; or at an out-of-home placement where the child/youth is pending discharge to the community.	Monthly rate

Chapter 39, PSYCHOSOCIAL REHABILITATION CLUBHOUSE CERTIFICATION STANDARDS, of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:

Section 3906, DISTRICT REIMBURSEMENT LIMITATIONS, is amended as follows:

Subsections 3906.2 is amended to read as follows:

3906.2 The District shall reimburse Clubhouse providers for Clubhouse services in fifteen (15) minute-increment units for up to twenty-four (24) units per day. The services will only be reimbursable if the following requirements are met:

(a) The member has engaged in at least fifteen (15) minutes of Clubhouse services per day; and

(b) The provider prepared a daily encounter note documenting the services provided to the member per day in accordance with § 3907.3 of this chapter.

Chapter 63, CERTIFICATION STANDARDS FOR SUBSTANCE USE DISORDER TREATMENT AND RECOVERY PROVIDERS, of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:

Section 6303, PROVIDER CERTIFICATION PROCESS, is amended as follows:

Subsection 6303.3 is amended as follows:

Paragraph (c) is amended to read as follows:

(c) Medications for Substance Use Disorder (MSUD);

Section 6328, LEVELS OF CARE: GENERAL REQUIREMENTS, is amended as follows:

Subsections 6328.7 and 6328.8 are amended to read as follows:

6328.7 A certified provider shall not deny admission for services to an otherwise qualified client because that person is receiving MSUD services even if the MSUD services are provided by a different provider.

6328.8 All providers shall offer all Food and Drug Administration (FDA) approved forms of MSUD to any client who meets the criteria for and selects MSUD as part of their Plan of Care, in accordance with certification under this chapter or other Federal and District laws and regulations. If a provider is not certified to offer the client's choice of medication in accordance with this chapter or under any other Federal and District laws and regulations, then the provider shall refer the client to another provider able to offer MSUD that meets the client's needs.

Section 6330, LEVEL OF CARE: OPIOID TREATMENT PROGRAM, is deleted in its entirety, renamed, and replaced with the following:

6330 LEVEL OF CARE 1: OPIOID TREATMENT PROGRAMS

6330.1 Opioid Treatment Programs (OTPs) provide MOUD and other treatment services for clients that meet diagnostic criteria for:

(a) Active moderate to severe opioid use disorder (OUD);

(b) Being in OUD remission; or

(c) Being at high risk for recurrence or overdose.

6330.2 MOUD are medications, including opioid agonist medications, approved by the FDA, for use in the treatment of OUD. OTPs shall not preclude clients who refuse SUD Counseling/Therapy from receiving MOUD. OTPs shall administer MOUD in accordance with 42 Code of Federal Regulations Part 8.

6330.3 OTPs shall obtain informed consent for MOUD treatment. OTPs shall present the client with information about the proposed medication, including its purpose, side effects, and potential risks and benefits, as well as information about feasible alternative treatments and other medications approved to treat OUD. OTPs shall document a client's written or verbal informed consent in the client's medical records.

6330.4 Minors may consent to MOUD at an OTP without parental or guardian consent or court authorization only under the following circumstances:

(a) If the parent or guardian is not available to consent, and the treating physician determines that the medication is medically necessary and the minor has the capacity to give informed consent;

(b) If requiring parental or guardian consent would jeopardize the health or safety of the minor, and the treating physician determines the minor has the capacity to give informed consent and the medication is medically necessary; or

(c) If the parent or guardian refuses consent, and the treating physician determines the minor has the capacity to give informed consent and the medication is medically necessary. The OTP shall notify the parent or guardian in writing of the decision to administer the medication to the minor under this paragraph.

6330.5 OTPs may administer MOUD in an office, through a mobile unit, or as a take-home regimen. OTPs shall ensure that all MOUD administrations are documented in the medical record and include the unit of medication and therapeutic guidance. For clients receiving a take-home regimen, therapeutic guidance shall include guidance related to storage and self-administration.

6330.6 OTPs shall provide clinically appropriate treatment services tailored to each client's Plan of Care. OTPs shall provide an array of OUD treatment services that include:

(a) Diagnostic Assessment and Plan of Care in accordance with § 6339;

(b) MOUD in accordance with § 6346;

(c) SUD Counseling/Therapy in accordance with § 6342;

(d) CCC in accordance with § 6340;

(e) Drug Screening in accordance with § 6343 and including at least eight (8) random drug screens per year, per client;

(f) Crisis Intervention in accordance with § 6341; and

(g) RSS in accordance with § 6344.

6330.7 Providers shall have a physician, Physician Assistant (PA), Advanced Practice Registered Nurse (APRN), or Registered Nurse (RN) on duty during all clinic hours. A physician shall be available on-call during all clinic hours, if not present on site.

6330.8 An OTP shall provide a mechanism to address a client's medical or psychiatric emergencies occurring outside of program hours of operation, including an emergency system to obtain dosage levels and other pertinent client information, twenty-four (24) hours a day, seven (7) days a week. OTPs shall provide every client an identification card that identifies the pharmacotherapy being administered through the OTP. The card shall include the provider's emergency contact information so that appropriate clinical information and dosing information can be obtained in an emergency.

6330.9 OTPs shall ensure that each client undergoes a complete, fully documented physical and behavioral health evaluation within fourteen (14) calendar days following admission, and at least yearly thereafter and in accordance with the Plan of Care. Evaluations shall include:

(a) Screening for imminent risk of harm to self or others;

(b) Review of patient-identified goals, MOUD dosing, treatment response, and other SUD treatment needs;

(c) Assessment of the client's need for any necessary adjustments to treatment interventions, including MOUD and other relevant physical and psychiatric treatment needs and goals; and

(d) Updates to client's person-centered Plan of Care to incorporate recommendations from these assessments, as needed.

6330.10 OTPs shall address in the client's Plan of Care the client's needs and interests in harm reduction interventions, physical and mental health care, and health-related social supports, including education, vocational training, employment, housing, and other recovery support services. The OTP shall specify the recommended service frequency and update the Plan of Care to address the client's progress, treatment response, and changes in their current life, needs, and interests in medical, psychological, and socio-economic services.

6330.11 An OTP shall provide counseling on preventing exposure to, and the transmission of, HIV for each client admitted or readmitted to the program.

Section 6337, LEVEL OF CARE 3.7-WM: MEDICALLY MONITORED INPATIENT WITHDRAWAL MANAGEMENT (MMIWM), is amended as follows:

Subsection 6337.2 is amended as follows:

Paragraph (c) is amended to read as follows:

(c) MSUD in accordance with § 6346;

Section 6342, CORE SERVICE: SUBSTANCE USE DISORDER COUNSELING/THERAPY, is amended as follows:

Subsections 6342.1, 6342.2, and 6342.3 are amended to read as follows:

6342.1 SUD Counseling/Therapy shall include Individual, Family, and Group Therapy.

6342.2 Providers shall deliver SUD Counseling/Therapy in certified SUD treatment programs or community settings.

6342.3 The following practitioners may provide SUD Counseling/Therapy:

(a) Qualified Practitioners of SUD Counseling/Therapy are:

(1) Psychiatrist;

(2) Physicians;

(3) Psychologists;

(4) Advanced Practice Registered Nurses (APRNs);

(5) Licensed Independent Clinical Social Workers (LICSWs);

(6) Licensed Marriage and Family Therapists (LMFTs); and

(7) Licensed Professional Counselors (LPCs).

(b) The following may deliver SUD Counseling/Therapy under the supervision of a Qualified Practitioner:

(1) Psychology Associates;

(2) Certified Addiction Counselors (CACs) I and II;

(3) Licensed Graduate Social Workers (LGSWs);

(4) Licensed Graduate Professional Counselors (LGPCs); and

(5) Licensed Independent Social Workers (LISWs).

Subsection 6342.8 is deleted and replaced with the following:

6342.8 Family Counseling/Therapy is a planned, goal-oriented therapeutic interaction between a Qualified Practitioner and the client's family, with or without the client present. The aim of Family Counseling/Therapy is to improve the client's functioning with their family and to cultivate the awareness, skills, and supports to facilitate long-term recovery. Family Counseling/Therapy shall address specific issues identified in the client's Plan of Care. Providers delivering Family Counseling/Therapy shall:

(a) Document services using an encounter note. If the client is not present, providers shall note how the session benefited the client;

(b) Document the relationship of the participant(s) to the client in the encounter note; and

(c) Ensure Family Counseling/Therapy participants other than the client meet the definition of "family member" in § 6351.

Subsections 6342.9 and 6342.10 are repealed.

Section 6344, CORE SERVICE: RECOVERY SUPPORT, is amended as follows:

Subsection 6344.2 is amended as follows:

Paragraph (i) is amended by removing the word "and" **at the end.**

Paragraph (j) is amended by removing the period and inserting the phrase "; and" **at the end.**

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

(k) Providing Group SUD Counseling-Psychoeducation sessions including lectures, audio-visual presentations, and handouts to develop coping skills that support recovery and problem-solving strategies for managing SUD. The subject of the counseling must be relevant to the client's needs as identified in their Plan of Care. Providers shall complete an encounter note for each participant including the client's response to the group. No more than thirty (30) clients may participate in a single session.

Section 6345, SPECIALTY SERVICE: MEDICATION MANAGEMENT, is amended as follows:

Subsection 6345.2 is amended to read as follows:

6345.2 Medication Management also includes the evaluation of a client's need for MSUD, the provision of prescriptions and ongoing medical monitoring/evaluation related to the use of psychoactive drugs.

Subsections 6345.9 amended to read as follows:

6345.9 Qualified Practitioners of Medication Management are:

(a) Physicians; and

(b) APRNs.

A new subsection, 6345.10, is added to read as follows:

6345.10 The following may deliver Medication Management under the direction of a Qualified Practitioner:

(a) Physician Assistants (PAs).

(b) Registered Nurses (RNs); or

(c) Licensed Practical Nurses (LPNs).

Section 6346, SPECIALTY SERVICE: MEDICATION ASSISTED TREATMENT, is deleted, renamed, and replaced with the following:

6346 MEDICATIONS FOR SUBSTANCE USE DISORDER

6346.1 MSUD is the use of FDA-approved medications in accordance with the client's Plan of Care for the treatment of SUD, including OUD. OTPs shall not preclude clients who refuse SUD Counseling/Therapy from receiving MSUD. Providers

shall administer MSUD in accordance with all governing Federal regulations.

6346.2 Clients receiving MSUD must meet diagnostic criteria for:

(a) Active moderate to severe SUD;

(b) Being in SUD remission; or

(c) Being at high risk for recurrence or overdose.

6346.3 Providers shall ensure that clients receiving MSUD understand and provide written or verbal informed consent and document the informed consent in the client's medical record.

6346.4 Providers may deliver MSUD in-office, through a mobile unit, or as a take-home regimen in accordance with all governing Federal regulations. Providers shall ensure that all MSUD administrations include the unit of medication and therapeutic guidance in accordance with § 6346.5 and all governing Federal regulations. For clients receiving a take-home regimen, therapeutic guidance shall include guidance related to storage and self-administration.

6346.5 Therapeutic guidance provided during MSUD shall include:

(a) Safeguarding medications;

(b) Possible side-effects and interaction with other medications;

(c) Impact of missing doses;

(d) Monitoring for withdrawal symptoms and other adverse reactions;

(e) Appearance of medication and method of ingestion; and

(f) For clients receiving a take-home regimen, therapeutic guidance shall include additional guidance related to storage and self-administration.

6346.6 The provision of MSUD shall be accompanied by SUD treatment services in accordance with the client's Plan of Care.

6346.7 Providers shall document MSUD services through medication log updates and an encounter note for each visit, including therapeutic guidance.

6346.8 Qualified Practitioners of MSUD are:

(a) Physicians; and

(b) APRNs.

6346.9 The following may deliver MSUD under the direction of a Qualified Practitioner:

(a) PAs.

(b) RNs; or

(c) LPNs.

Section 6399, DEFINITIONS, is amended as follows:

Subsection 6399.1 is amended as follows:

The definition of "Specialty Service" is amended to read as follows:

Specialty Service – Any of the following services that SUD providers may provide under this chapter and that require additional certification, specifically, Medication Management, ACRA, MSUD, TREM, and Environmental Stability.

The following new definition, of "Medications for Opioid Use Disorder" and "Medications for Substance Use Disorder", are added after the definition of "Medical Waste", to read as follows:

Medications for Opioid Use Disorder (MOUD) – FDA-approved medications to treat OUD.

Medications for Substance Use Disorder (MSUD) – The use of FDA-approved medications for the treatment of SUDs, including OUD.

Chapter 80, CERTIFICATION STANDARDS FOR BEHAVIORAL HEALTH STABILIZATION PROVIDERS, of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:

Section 8015, MEDICATION STORAGE AND ADMINISTRATION STANDARDS, is amended as follows:

Subsection 8015.16 is amended as follows:

Paragraph (e) is amended to read as follows:

(e) That behavioral health stabilization providers who are administering controlled substances, including but not limited to initiating Medications for Substance Use Disorders (MSUD), shall follow the requirements of all applicable Federal and District laws and regulations.

Section 8024, BEHAVIORAL HEALTH STABILIZATION PROGRAMS: GENERAL

REQUIREMENTS, is amended as follows:

Subsection 8024.3 is amended to read as follows:

8024.3 A certified provider shall not deny admission for services to an individual because that individual is receiving MSUD services.

All persons desiring to comment on the subject matter of this emergency and proposed rule should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with Mia Olsen, Interim Deputy Director, Data, Quality and Compliance, at mia.olsen2@dc.gov. Copies of the emergency and proposed rulemaking can be obtained by contacting the above email address.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF EMERGENCY AND PROPOSED RULEMAKING
Z.C. Case No. 24-19
District of Columbia Child and Family Services Agency
(Text Amendment – Subtitle B § 100.2 of Title 11 DCMR)
(Definition of Youth Residential Care Home)
January 30, 2025

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Rep1.)) and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2016 Repl.)), hereby gives notice of its amendment on an emergency basis, as well as its intent to amend on a permanent basis, Subtitle B, § 100.2 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) to change the definition of Youth Residential Care Home with the specific text at the end of this notice

Petition

On December 5, 2024, the District of Columbia Child and Family Services Agency (DCCFSA) filed a petition (Petition) with the Commission proposing an amendment to the Zoning Regulations to change the definition of a "Youth Residential Care Home" to specify that a home can house individuals under the age of twenty-one (21). Currently, the Zoning Regulations define a Youth Residential Care Home as a home that can house individuals under the age of eighteen (18). The Petition states the proposed amendment is necessary on an emergency basis because:

- The Youth Residential Facilities Licensure Act of 1986 (D.C. Law 6-139; D.C. Official Code § 7-2101 et seq.), which regulates group homes for children defines a child as under the age of twenty-one (21);
- DCCFSA is only able to license a youth residential care home with a letter from the Department of Buildings (DOB) indicating that the home is permitted under the Zoning Regulations. In 2023, DOB informed DCCFSA that it can only issue a letter for youth group homes that serve residents under the age of eighteen (18) because the Zoning Regulations define youth residential care homes as homes for individuals under the age of eighteen (18);
- Even though the Youth Residential Facilities Licensure Act permits youth group homes to be licensed for youth up to twenty-one (21) years of age, DCCFSA is only able to license youth group homes for individuals under eighteen (18). Thus, DCCFSA is unable to license group homes for older youth up to age twenty-one (21) because it cannot obtain DOB approval or a certificate of occupancy;
- DCCFSA anticipates that not being able to license youth group homes for individuals between eighteen (18) – twenty (20) years old will uproot older foster youth and place them in less equipped settings because:
    - Independent living programs are only available to youth who are at least twenty (20) years old and have met other eligibility criteria; and

  - Traditional foster homes are often not an option for older youth who need more support and supervision that can be offered by group homes;
- DCCFSA anticipates a greater placement shortage for older foster youth when DCCFSA's current group home contracts come up for renewal as youth up to the age of twenty-one (21) currently reside in these homes. Without the proposed text amendment, DCCFSA will not be able to place youth up to age twenty-one (21) in these homes and the youth currently placed at these homes will need to find alternative placements.

(Exhibit [Ex.] 3, 11).

Comprehensive Plan

The Office of Planning (OP) Setdown Report and the Petition stated that the proposed amendment would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens; and would further policy goals and objectives of the Housing Element and the Community Services and Facilities Element (Ex. 3, 11, 12). The OP Setdown Report notes that the proposed amendment would allow continued housing and individualized services for foster children in a stable, safe and secure environment while preparing them to transition to independent living after age twenty-one (21) (Ex. 12).

Community Outreach and Engagement – The Petition states that DCCFSA had discussions with group homes seeking licensure after learning that DOB could only approve group homes that serve residents under the age of eighteen (18). The Petition further states that DCCFSA's practice has always been to engage the community when group home sites for foster youth are identified (Ex. 11).

Disaggregated Race and Ethnicity Data – The OP Setdown Report states that the DCCFSA Foster Care Demographics dashboard shows that for individuals above eighteen (18) years old, the number in foster care has been trending down between 2023 and 2024; at the end of 2024 of the total individuals in foster care, only seventeen percent (17%) of the individuals were above eighteen (18) years old (Ex. 12). The dashboard also shows that above eighty percent (80%) of the individuals in foster care are Black/African American, a population that has historically been underserved (*Id.*).

Setdown and Emergency & Proposed Action

At its January 30, 2025 public meeting, the Commission heard testimony from OP in favor of the proposed amendment. OP reiterated the conclusions in its Setdown Report and stated that all of DCCFSA's current group home contracts will expire sometime in 2025. OP also stated that in coordination with DCCFSA, OP revised DCCFSA's originally proposed amendment language to replace "individuals less than eighteen (18) years of age" with "children"; and to simplify the language that referenced children would have to be in the custody of DCCFSA who would then evaluate if they meet the requirements of Chapter 23 of Title 16 of the D.C. Code. At the public meeting, the Commission voted to grant the Petition to:

- Take emergency action to adopt the Petition as revised by OP;
- Set the Petition down for a public hearing; and
- Authorize the immediate publication of a proposed rulemaking for the Petition.

The Commission concluded that taking emergency action to adopt the Petition is necessary for the "immediate preservation of the public … welfare," as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), to avoid any of DCCFSA's current group home contracts from expiring before the proposed amendment became effective.

VOTE (January 30, 2025): 5-0-0 (Anthony J. Hood, Robert E. Miller, Joseph S. Imamura, Tammy Stidham, and Gwen Marcus Wright to **APPROVE**)

Emergency Action

The emergency rule is effective as of the Commission's January 30, 2025 vote, and will expire on May 30, 2025, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *District of Columbia Register* that supersedes this emergency rule, whichever occurs first.

Proposed Action

The Commission hereby also gives notice of its intent to adopt on a permanent basis the following text amendment to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

EMERGENCY/PROPOSED TEXT AMENDMENT

The following amendments to the text of the Zoning Regulations are adopted on an emergency basis, and are proposed for the Commission's final consideration (additions are shown in **bold** and **underlined** text and deletions are shown in **bold** and ~~**strikethrough**~~ text):

I. Amendment to Subsection 100.2 of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

The definition of Youth Residential Care Home is amended as follows:

Youth Residential Care Home: A facility providing safe, hygienic, sheltered living arrangements for one (1) or more ~~**individuals less than eighteen (18) years of age**~~ **children**, not related by blood, adoption, or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance**.**
For purposes of this definition, a child means any individual who is:
a. Under eighteen (18) years old; or
b. Eighteen (18) to twenty (20) years and in the care and custody of the Child and Family Services Agency or its successor agency.

OFFICE OF ADMINISTRATIVE HEARINGS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

NOTICE OF PUBLIC MEETING

In accordance with D.C. Code § 2-576(1), the Advisory Committee to the Office of Administrative Hearings hereby gives notice that it will meet on Tuesday, March 18, 2025, at 1:30 pm. The meeting is in-person only and will be held at the following location:

Potomac Room
Marion S. Barry Building
441 Fourth Street, NW, Suite 450N (North side of 4th Fl.)
Washington, DC 20001

MEETING AGENDA

1. Welcome and Call to Order
2. Introductions
3. Remarks from the Chief ALJ
    a. Update on staffing and vacancies;
    b. Key case/decisions update;
    c. Tech updates;
    d. Trend lines on new case filings/backlogs; and
    e. Other key issues.
4. Open Microphone from Agency GCs and ALJs
5. Open Microphone from Other Members of the Public (time permitting)
6. Old Business
7. New Business
8. 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.

For more information, please contact Lisa Brannock, Executive Assistant, at (202) 724-7681 or lisa.brannock@dc.gov.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF MEETING
CANCELLATION AGENDA

WEDNESDAY, MARCH 19, 2025
899 NORTH CAPITOL STREET, N.E., SUITE 4200-B, WASHINGTON, DC 20002

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

1) ABRA-129917 – **Political Pattie's** – Retail – C – Tavern – 911 U Street NW
[Licensee did not pay the Safekeeping fee within 30 days.]

In accordance with the Open Meetings Act (D.C. Official Code §2-571 *et. seq*.) this meeting may be closed to consult with an attorney to obtain legal advice pursuant to §2-575(b)(4)(A). 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 concerns arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MARCH 19, 2025
899 NORTH CAPITOL STREET, NE, SUITE 4200 A-B
WASHINGTON, D.C. 20002

Donovan W. Anderson, Chairperson
Members: Silas Grant, Jr., Teri Janine Quinn, Ryan Jones and David Meadows

Protest Status (Hearing) **10:30 AM**

Case # 25-PRO-00006
Azzouz Group, LLC, t/a Urban Roast
620 Maine Ave SW
License #130743
Retailer CT
ANC 6D
Application for a New License

Summary Action (Status Hearing) **10:30 AM**

Case # 25-ULC-00009
The Popular Store, LLC, t/a Popular DC
3905 Georgia Ave NW
Retailer MC
Unlicensed Cannabis Retailer

Show Cause Hearing (Status) **10:30 AM**

Case # 24-CC-00023
N&K Market, Inc., t/a Chesapeake Big Market
601 Chesapeake Street SE
License #117463
Retailer B
ANC 8E
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, No ABC Manager on Duty

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00003
LA, LLC, t/a Blue Moon
1827 M Street NW
License #118303
Retailer CT
ANC 2B
Operating After Hours

Show Cause Hearing (Status) **10:30 AM**

Case # 24-CMP-00055
L Market, INC., t/a L Street Market
700 L Street SE
License #88611
Retailer B
ANC 8F
No ABC Manager on Duty, Violation of Settlement, Operating After Hours

Show Cause Hearing (Status) **10:30 AM**

Case # 24-CIT-00603
The Avenue DC, LLC, t/a The Avenue
5540 Connecticut Ave NW
License #101007
Retailer CR
ANC 3/4G
Failed to File Quarterly Statements

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00004
Pako, LLC t/a Kovak's Liquors
1237 Mount Olivet Road NE
License #106551
Retailer A
ANC 5D
Failed to Take Steps Necessary to Ensure Property is Free of Litter, Violation of Settlement

Show Cause Hearing **10:30 AM**

Case # 24-CIT-00480
Half Smoke, LLC, t/a Half Smoke
651 Florida Ave NW
License #100855
Retailer CR
ANC 1B
Failed to File Quarterly Statement

Show Cause Hearing **10:30 AM**

Case # 24-CIT-00519
Total Café & Cycling, LLC, t/a Emissary
2032 P Street NW
License #101155
Retailer CR
ANC 2B
No ABC Manager on Duty

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Show Cause Hearing **1:30 PM**

Case # 24-CMP-00065
Mariachi Lounge Bar & Grill, LLC, t/a Mariachi Lounge Bar & Grill
5217 Georgia Ave NW
License #122495
Retailer CR
ANC 4D
No ABC Manager on Duty

Summary Action Hearing **1:30 PM**

Case # 24-ULC-00049
Peace in the Air
2118 18th Street NW
Retailer MC
Unlicensed Cannabis Retailer

Cease and Desist **1:30 PM**

Case # 24-ULC-00030
Legacy DC
1937 14th Street NW
Retailer MC
Unlicensed Cannabis Retailer

Cease and Desist **1:30 PM**

Case # 24-ULC-00048
Lit City, LLC, t/a Lit City Smoke Shop
1426 Park Road NW
Retailer MC
Unlicensed Cannabis Retailer

Protest Hearing **1:30 PM**

Case # 24-PRO-00119
Vector4, LLC, t/a Kush Embassy
7350 Georgia Ave NW
License #128107
Retailer MC
ANC 4A
Application for a New License

All of the ABC Board's public hearings are conducted virtually and are livestreamed on ABCA's YouTube channel which can be found here: *https://www.youtube.com/@alcoholicbeverageregulatio5683*.

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*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF PUBLIC MEETING

The District of Columbia Commission on the Arts and Humanities Board of Commissioners will hold its regular monthly business meeting on **Monday March 17, 2025, at 5:30 pm.** Below is a draft agenda for the meeting. Updates to the meeting agenda will be posted on the Commission's website at www.dcarts.dc.gov.

The meeting will be a hybrid meeting happening in person at 200 I St SE Washington DC 20003 as well as virtually via Zoom and livestreamed to the Commission's YouTube channel. Members of the public are invited to observe the meeting through the live broadcast of the meeting online at https://bit.ly/dcartsyoutube. A recording of the meeting will be available on the Commission's website.

DRAFT AGENDA

1. Call to Order
2. Roll Call and Determination of Quorum
3. Land Acknowledgement
4. Welcome
5. Presentation
6. Public Comment Period – Members of the public may request three minutes to make public comments before the Board. Requests to make public comments must be submitted by noon on the Thursday before the meeting via the online form at https://dcarts.dc.gov/page/cah-public-comment-signup-form
7. Executive Director's Report
8. Finance Update
9. Committee Reports
10. Unfinished and New Business
11. 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.

DC COMMISSION ON THE ARTS AND HUMANITIES
NOTICE OF FUNDING AVAILABILITY

FY 2026 Art Bank Grant

The DC Commission on the Arts and Humanities (CAH) announces the availability of grant awards to individual artists and District-based nonprofit art galleries or organizations for the Fiscal Year 2026 acquisition of original artworks into the Art Bank Collection, the District's collection of fine art. Multiple awards may be made under this announcement.

Eligibility
At the time of application, individuals must demonstrate proof of residency in the District of Columbia or be a legal resident within a 50-mile radius of the Washington, DC boundaries, for at least one (1) year.

Galleries and nonprofit organizations must be incorporated with a federally designated tax exempt status under section 501(c)(3) or 501(c)(6) of the United States Internal Revenue Service (IRS) code, with central offices in the District of Columbia, and be registered as a District of Columbia nonprofit business in good standing with the DC Department of Licensing and Consumer Protection (DLCP), the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES).

Additional eligibility requirements, evaluation criteria, and application instructions will be available in the forthcoming Request for Applications (RFA), which will be posted online at http://dcarts.dc.gov/

RFA Release Date:	Monday, April 14, 2025
RFA Availability:	Posted on CAH's website (dcarts.dc.gov)
Length of Awards:	Fiscal Year 2026 (October 1, 2025 — September 30, 2026)
Number of Awards:	Multiple
Award Amount:	Varies
CAH Contact:	Michelle May-Curry, Curator Michelle.May-Curry@dc.gov
Electronic Submission Deadline:	**9:00 pm, Monday, May 19, 2024**

CAH will not accept applications submitted via hand delivery, mail, or courier service. Late submissions and incomplete applications will not be considered for funding.

All eligible applications are reviewed through a competitive process. All grant-funded activities must occur between October 1, 2025, and September 30, 2026.

OFFICE OF THE ATTORNEY GENERAL
CHILD SUPPORT SERVICES DIVISION

NOTICE OF UPDATE

Child Support Guideline Self-Support Reserve and Modified Self-Support Reserve

Section 16-916.01(g)(1)(A) of the District of Columbia Official Code provides that the self-support reserve for the Child Support Guideline is to be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual and updated by the Mayor every two years. The 2025 United States Department of Health and Human Services poverty guideline for a single person is $15,650. Effective April 1, 2025, the new self-support reserve amount shall be $20,815.

Section 16-916.01(g-2) of the District of Columbia Official Code provides that the modified self-support reserve for the Child Support Guideline is to be calculated at 100% of the United States Department of Health and Human Services poverty guideline per year for a single individual and updated by the Mayor every two years. The 2025 United States Department of Health and Human Services poverty guideline for a single person is $15,650. Effective April 1, 2025, the new modified self-support reserve amount shall be $15,650.

For questions or concerns regarding this notice, please contact the Office of the Attorney General, Child Support Services Division Policy Unit at: (202) 724-2183 or ask-cssd_policy@dc.gov.

MAYOR'S OFFICE ON CARIBBEAN COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY

FY2025 Caribbean Community Development Grant

A. Background Information

The Executive Office of Mayor Muriel Bowser and the Mayor's Office on Caribbean Community Affairs (MOCCA) are soliciting grant applications for its Fiscal Year 2025 (FY25) Caribbean Community Development Grant from qualified Community-Based Organizations (CBOs) serving the District of Columbia's Caribbean community.

B. Funding Priorities

To qualify for the FY25 Caribbean Community Development Grant, applicants must provide services in at least one of the three (3) funding priorities listed below:

1. Downtown Comeback

We have the opportunity to **reimagine a Downtown** where residents, workers, and visitors can live, work, and play in vibrant cultural events for all. Looking to **DC's Future**, the District of Columbia will continue to position itself as a global and forward-thinking leader in the way we choose to serve our residents.

2. Education

Every person at every age should have the opportunity to reach their full potential and to pursue their dreams. Recreational activities such as sports, arts, music, civic engagement, and youth engagement, will impact the health and well-being of our residents and students.

3. Work Force Development

Empowering the District of Columbia to remain a city for people of all ages and at all stages of life, means **fighting to protect the middle class**. When Washingtonians have access to job opportunities and can afford to build a good life for themselves and their loved ones in the District, our residents and communities are stronger.

C. Target Population

The target population for this grant is Caribbean community residents and/or non-profit business owners in the District of Columbia serving the Caribbean community.[1]

D. Eligibility Criteria

Applicants shall meet the following minimum requirements to be considered for the FY25 Caribbean Community Development Grant:

[1] Note: Qualifying organizations may provide services to all. The DC Human Rights Act (D.C. Official Code § 2-1401 *et seq.*) forbids discrimination on the basis of ethnicity. What we are seeking are organizations with a record of trust in the Caribbean community, regardless of the breadth of their client base or the ethnicities of their leadership and staff.

1. The organization is a CBO with a Federal 501(c)(3) tax-exempt status and is licensed as a business with the District of Columbia's Department of Licensing and Consumer Protection (DLCP);

2. The organization's principal place of business must be located in the District of Columbia. If the business is a national or regional organization, it must have a location in the District through which it provides services;

3. The organization must provide direct services to District residents or collaborate with an organization that provides services to District residents through the organizational efforts of the applicant;

4. All services and programming funded by the grant must be provided within the District of Columbia;

5. The organization must be currently registered and in good standing with DLCP and the Office of Tax and Revenue. Applicants must maintain their good standing status with the aforementioned entities throughout the pre-award process and the grant's performance period; and

6. Applicants shall provide an affidavit regarding any debarments, suspensions, or defaults with the Office of Contract and Procurement.

E. Important Dates

Release Date of RFA:	Friday, March 28, 2025
Availability of RFA:	The RFA will be posted on the Mayor's Office of Community Affairs website and the Mayor's Office on Volunteerism & Partnerships (Serve DC's) electronic grant clearinghouse which can accessed here: https://communityaffairs.dc.gov/content/community-grant-program
Amount of Awards:	Eligible organizations can be awarded up to $25,000
Application Deadline:	Applications must be submitted via the Grants Management Portal by Friday, April 11, 2025, at 5:00 PM EST
Length of Awards:	Grant awards are for FY25 Date of execution – September 30, 2025
Pre-Bidder's Conference:	Wednesday, April 2, 2025 (10:00 am - 11:00 am) John A. Wilson Building 1350 Pennsylvania Avenue NW, G-9

Washington, DC 20004

Points of Contact: Marian Hancock, Grants Program Manager
Mayor's Office of Community Affairs
Phone: 202-341-3506
Email: marian.hancock@dc.gov

This NOFA does not commit MOCCA to make an award. MOCCA reserves the right to issue addenda and/or amendments to this NOFA or to rescind this NOFA.

DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER

REGULAR MEETING OF THE CHILD FATALITY REVIEW COMMITTEE

Notice of Public Meeting- Thursday, March 15, 2025- 10:00 a.m.

This meeting will be conducted via WebEx

Open Meeting

I. Greetings:

- Attendees introductions

II. Vote to approve the agenda for today's meeting

III. Open portion of meeting for any members of the public who wish to address the team

IV. Reading of Open Minutes from the February 20, 2025 meeting

V. Vote to close meeting to the public for remaining team business

Closed Meeting

Child Fatality Review Committee (CFRC) meetings are closed to the public when discussing cases of child deaths pursuant to D.C. Official Code §§ 2-575(b)(1) and 4-1371.08. The Committee welcomes public comments and questions and reserves time at the start of each meeting for public engagement.

Join this meeting through WebEx:

Meeting link:
https://dcnet.webex.com/dcnet/j.php?MTID=m5590f5e3383e6d5041cce806a9f42f9f

Meeting Number: 2304 909 7088

Event Password: pqSHmGAj334

To join by phone: +1-202-860-2110 United States Toll (Washington, D.C.)

1-650-479-3208 Call-in number (US/Canada)

Access Code: 2304 909 7088

Host PIN: 4533

Please direct any inquiries to: Tracie Martin, Supervisory Fatality Review Program Manager at tracie.martin@dc.gov

DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER

REGULAR MEETING OF THE

DEVELOPMENTAL DISABILITIES FATALITY REVIEW COMMITTEE

Notice of Public Meeting- Friday, March 21, 2025- 10:00 a.m.

This meeting will be conducted via WebEx.

Open Meeting

I. Greetings:

- Attendees' introductions

II. Vote to approve the agenda for today's meeting.

III. Open portion of meeting for any members of the public who wish to address the team.

IV. Reading of Open Minutes from the February 2025 meeting

V. Vote to close meeting to the public for remaining team business

Closed Meeting

Developmental Disabilities Fatality Review Committee meetings are closed to the public when discussing decedent deaths pursuant to D.C. Official Code § 2-575(b)(1), and 7-1305.12. The Committee welcomes public comments and questions and reserves time at the start of each meeting for public engagement.

Join this meeting through WebEx:

Meeting link:
https://dcnet.webex.com/dcnet/j.php?MTID=mbe2fa8f713daab47d4be8a4a474377e0

Meeting Number: 2314 879 3412

Event Password: PPps3hkCK73

To join by phone: +1-202-860-2110 United States Toll (Washington, D.C.)

1-650-479-3208 Call-in number (US/Canada)

Access Code: 2314 879 3412

Host PIN: 4533

Please direct any inquiries to: Tracie Martin, Supervisory Fatality Review Program Manager at tracie.martin@dc.gov

DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER

OPIOID FATALITY REVIEW BOARD

2025 MEETING SCHEDULE

The regular monthly meetings of the District of Columbia Opioid Fatality Review Board are held in open and closed session on the second Tuesday of the month. All meetings are held virtually via WebEx. A notice will be published in the D.C. Register for the open public portion of the meeting with a draft agenda.

The meeting dates for Calendar Year 2025 are:

January 14, 2025, 3 PM.

February 11, 2025, 3 PM.

March 11, 2025, 3 PM.

April 22, 2025, 3 PM.

May 27, 2025, 3 PM.

June 10, 2025, 3 PM.

July 08, 2025, 3 PM.

August 12, 2025, 3 PM.

September 12, 2025, 3 PM.

October 14, 2025, 3 PM.

November 11, 2025, 3 PM.

December 09, 2025, 3 PM.

This schedule is subject to change.

Inquiries concerning the meeting may be addressed to Tracie Martin, Supervisory Fatality Review Program Manager, at tracie.martin@dc.gov

DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER

REGULAR MEETING OF THE VIOLENCE FATALITY REVIEW COMMITTEE

Notice of Public Meeting- Thursday, March 27, 2025 - 1:00 p.m.

This meeting will be conducted via WebEx

Open Meeting

I. Greetings:

- Attendees introductions

II. Vote to approve the agenda for today's meeting

III. Open portion of meeting for any members of the public who wish to address the team

IV. Reading of Open Minutes from the February 2025 meeting

V. Vote to close meeting to the public for remaining team business

Closed Meeting

Violence Fatality Review Committee (VFRC) meetings are closed to the public when discussing cases of homicide and suicide related deaths pursuant to D.C. Official Code § 2-575(b)(1) and 5-1431.05. The Committee welcomes public comments and questions and reserves time at the start of each meeting for public engagement.

Join this meeting through WebEx:

Meeting link:
https://dcnet.webex.com/dcnet/j.php?MTID=ma9b09cbd80b8d032d245d96fe3485a1b

Meeting Number: 2306 500 0751

Event Password: ffWKxVnU538

To join by phone: +1-202-860-2110 United States Toll (Washington, D.C.)

1-650-479-3208 Call-in number (US/Canada)

Access Code: 2306 500 0751

Host PIN: 4533

Please direct any inquiries to: Tracie Martin, Supervisory Fatality Review Program Manager at tracie.martin@dc.gov

D.C. BILINGUAL PUBLIC CHARTER SCHOOL

NOTICE: FOR REQUEST FOR PROPOSAL

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services starting Spring/Summer 2025:

- Roof/Gutter Repair
- Perimeter Fence

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Thursday, April 10, 2025.** Questions, proposals, and full RFP request should be emailed to bids@dcbilingual.org.

No phone call submission or late responses please. Interviews, samples, and demonstrations will be scheduled at our request after the review of the proposals only.

E.L. HAYNES PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Student Chromebooks and Staff Laptops

E.L. Haynes Public Charter School is seeking proposals for the purchase of student Chromebooks and staff laptops. For more information and to request the full specifications, email contracts@elhaynes.org. Proposals must be received by ELH before 5:00 pm on March 28, 2025. Proposals received later than the date and time specified may not be considered. Proposals will be accepted by email only, submitted to contracts@elhaynes.org.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

FISCAL YEAR 2026 (FY26)

ADULT AND FAMILY EDUCATION (AFE) CONSOLIDATED COMPETITIVE GRANT

Request for Application (RFA) Release Date: Monday, March 31, 2025 at noon

The Office of the State Superintendent of Education (OSSE) is the District of Columbia agency responsible for the supervision of adult education and adult literacy. OSSE will award on a competitive basis both federal and local funding to eligible providers that have demonstrated effectiveness in providing adult education activities.

The federal funds are authorized by the Adult Education and Family Literacy Act under the Workforce Innovation and Opportunity Act of 2014 and Section 60305 of the Infrastructure Investment and Jobs Act, Public Law 117-58, 135 Stat. 429 (November 15, 2021), also commonly known as the Bipartisan Infrastructure Law.

The local funds are authorized under the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), as amended and the Fiscal Year 2018 Budget Support Act of 2017, sec. 4052

Eligibility and Selection Criteria: An eligible provider is an organization that has demonstrated effectiveness in providing adult education activities to eligible individuals and may include: 1) a local educational agency; 2) a community-based organization; 3) a faith-based organization; 4) a volunteer literacy organization; 5) an institution of higher education; 6) a library; 7) a public housing authority; 8) a public or private nonprofit organization that is not described above and has the ability to provide adult education and literacy activities to eligible individuals; 9) any other organization or entity; 10) a consortium, of agencies, organizations, institutions, libraries or authorities described above; and 11) a partnership between an employer and an entity described above.

Applications will be scored on the following categories (1) project information, which includes sub-categories including, but not limited to organization mission and goals and statement of need; (2) program design; (3) other program elements, such as instructional program or student assessment; and (4) fiscal management.

Grant funds will be awarded to eligible providers with demonstrated effectiveness to offer Integrated Education and Training (IE&T) programs, inclusive of 1) adult education and literacy activities, 2) workforce preparation activities, 3) workforce training, 4) digital literacy and digital skills training, 5) supportive services, and 6) transition services to District residents with basic skills deficiencies, limited English proficiency and barriers to employment to pursue their desired career paths. Grant funds to support the provision of these services are subject to OSSE's

receipt of funding from the U.S. Department of Education, District of Columbia City Council and U.S. Department of Commerce.

Length of the Award: Funding will be used to serve eligible District residents from July 1, 2025 through September 30, 2026. Based on continued funding availability, sub-grantee performance, and student progress and outcomes during and at the end of this grant period, providers with evidence of demonstrated effectiveness may be eligible to receive continuation funding, if available, for up to three additional years.

Available Funding for Award: OSSE expects to award multiyear funding to up to ten eligible providers of demonstrated effectiveness to serve a total of 1,000+ District residents collectively each year. All grant recipients will receive the same level of funding to serve 100+ adult learners. The cost per customer amount will range from $5,000 for a total award of $500,000 to $6,800 for a total award of $680,000 each year. Awards are subject to OSSE's receipt of funding from the U.S. Department of Education, District of Columbia City Council and U.S. Department of Commerce.

Application Process: The Request for Applications (RFA) and paper-based application will be posted on the District of Columbia Office of Partnerships and Grant Services website at http://opgs.dc.gov/ and on the AFE web-page at http://osse.dc.gov/service/adult-and-family-education-grant-competitions-matching-funds-and-re-grants on **Monday, March 31, 2025.** Applicants will be able to submit applications through OSSE's Enterprise Grants Management System (EGMS) at grants.osse.dc.gov starting **Wednesday, April 30, 2025**.

A pre-application conference will be held on **Thursday, April 3, 2025 from 1-2:30 p.m. and Monday, May 5, 2025 10-11:30 am.** The purpose of the pre-application conference is to answer questions to clarify the RFA requirements and provide supplemental information to assist potential eligible applicants in submitting responses to the RFA.

While participation in the conference is "optional," interested parties are encouraged to participate and register for one of the conferences by clicking on the applicable link.

- **Thursday, April 3, 2025 from 1-2:30 p.m. REGISTER**
- **Monday, May 5, 2025 from 10-11:30 a.m. REGISTER**

Eligible providers may also wish to submit a Notice of Intent to Apply. While the submission of this notice is optional, it is helpful for the review process in determining the resources needed to efficiently conduct the application review process. Interested individuals should complete the form online by **Friday, May 9, 2025** at **https://osseafe.wufoo.com/forms/q1xhsbdl1cmmv7p/.**

Please note that applicants must apply for the OSSE Adult and Family Education Consolidated Competitive Grant in OSSE's Enterprise Grants Management System (EGMS) by the due date of **Wednesday, May 21, 2025 by 3 p.m**. regardless of whether an Optional Notice of Intent to Apply was submitted.

An external review panel will be convened to review, score, and rank each application for a competitive grant. The review panel will be composed of external neutral, qualified, professional

individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions.

Applications must be submitted in EGMS by **Wednesday, May 21, 2025 by 3 p.m**. Late applications will not be accepted. Awards will be announced by **Monday, June 30, 2025**.

For additional information, please email OSSE.AFETA@dc.gov or contact the staff below in the Office of the State Superintendent of Education, Adult and Family Education program.

Name	Email Address	Phone Number
Stacey Downey	Stacey.Downey@dc.gov	(202) 727-8446
Nakia Lynch	Nakia.Lynch@dc.gov	(202) 741-5530
Cynthia Brown	Cynthia.Brown2@dc.gov	(202) 741-5532
Tracy Richard	Tracy.Richard@dc.gov	(202) 741-5531

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PUBLIC MEETING

Public Charter School Credit Enhancement Committee

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

THURSDAY, MARCH 20, 2025
12:00 PM - 1:30 PM (EST)

Please join the meeting from your computer, tablet or smartphone.
Join the meeting now
You can also dial in using your phone.
Access Code: 715865873# United States: +1 202-594-9550

Note: After the Roll Call, the first 30 minutes of the meeting will be reserved for executive session and will be closed to the public (see agenda below). Members of the public may join the meeting at 12:30 p.m.

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

I. Call to Order/Roll Call/Ascertainment of Quorum
II. **EXECUTIVE SESSION (CLOSED TO PUBLIC)**
a. Pursuant to 2-575 (b)(4)(A), and (b)(11) the Committee will enter into executive session to consult with its attorney to obtain legal advice and to review and discuss sensitive and confidential financial information before returning to the public session for the remainder of the meeting agenda.
III. Approval of agenda for the March 20, 2025, Committee meeting
IV. Approval of minutes from the January 16, 2025, Committee meeting
V. Review Conflict of Interest – Transaction Disclosure Checklist
VI. Cedar Tree Academy PCS - Request for a new $2,000,000 Direct Loan
VII. Breakthrough Montessori PCS – Request for a 2-year extension on both an existing $2,000,000 Direct Loan and a $1,000,000 Credit Enhancement.

For additional information, please contact:

Nile Speight-Leggett, Financial Program Specialist
Office of Public Charter School Financing and Support
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor, Washington, DC 20002
(202) 957-7434 or Nile.Speight-Leggett@dc.gov

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. All agendas, whether draft or final must include the statement. The statement is required pursuant to 3 DCMR § 10409.2.

D.C. STATE BOARD OF EDUCATION

NOTICE OF PUBLIC MEETING

Student Experience and Engagement Committee Meeting

March 18, 2025 | 3:30 PM

Meeting Agenda:

I. Identify committee focus topics
II. Discuss student engagement and feedback
III. Draft work plan
IV. Agree on cadence of meetings

The meeting will be conducted remotely via Zoom, and members of the public are invited to join the meeting webinar and observe at: ***Zoom Link: https://dc-gov.zoom.us/j/88572609992***

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

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in (1) one Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2).

VACANT: 3E05

Petition Circulation Period: **Monday, March 17, 2025 through Monday, April 7, 2025**
Petition Challenge Period: **Thursday, April 10, 2025 through Thursday, April 17, 2025**

Note: The deadline to file petitions or challenges is **4:45 p.m.** on the date listed above.

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions by email at candidate@dcboe.org or in-person during office hours 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 **202-727-2525**.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in (1) one Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2).

VACANT: 3E07

Petition Circulation Period: **Monday, March 17, 2025 through Monday, April 7, 2025**
Petition Challenge Period: **Thursday, April 10, 2025 through Thursday, April 17, 2025**

Note: The deadline to file petitions or challenges is **4:45 p.m.** on the date listed above.

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions by email at candidate@dcboe.org or in-person during office hours 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 **202-727-2525**.

BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commission

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), if there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person. As such, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Cortez Johnson
Single-Member District **7B06**

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	OEA Matter No. 1601-0008-16R24A24
EMPLOYEE,	)	OEA Matter No. 1601-0046-17R24A24
Employee	)	
	)	Date of Issuance: January 21, 2025
v.	)	
	)	JOSEPH E. LIM, ESQ.
METROPOLITAN POLICE DEPARTMENT,	)	SENIOR ADMINISTRATIVE JUDGE
Agency	)	

Daniel Crowley, Esq. and Katelyn Clarke, Esq., Employee Representatives
Teresa Quon Hyden, Esq., Agency Representative

ADDENDUM DECISION ON ATTORNEY FEES

PROCEDURAL HISTORY

On October 15, 2015, Employee, a Police Lieutenant with the Metropolitan Police Department ("MPD" or "Agency"), filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") challenging Agency's final decision to suspend him from employment for fifteen (15) days, for insubordination. This matter was docketed by this Office as OEA Matter No. 1601-0008-16. The matter was assigned to the undersigned Administrative Judge on December 21, 2015. I held a Prehearing Conference on March 14, 2016, wherein the parties expressed an interest in settling the matter. Periodically, the parties submitted status reports on their settlement negotiations.

On May 10, 2017, Employee filed another Petition for Appeal with this Office challenging Agency's final decision to suspend him from employment for twenty (20) days, for making false statements, use of unnecessary force, insubordination, and inefficiency. This matter was docketed by this Office as OEA Matter No. 1601-0046-17. The matter was assigned to the undersigned Administrative Judge on July 7, 2017. At the request of the parties and for judicial efficiency, I consolidated the two matters and ordered the submission of stipulated facts and the completion of discovery by November 15, 2017.

Based on the submissions and the breakdown of settlement talks, I decided that an Evidentiary Hearing was necessary. After several postponements requested by the parties, I held an Evidentiary Hearing on January 24, 2019, and March 8, 2019. On April 29, 2019, I issued an Initial Decision ("ID") reversing Agency's adverse action of a fifteen (15) days suspension with

regards to OEA Matter Number 1601-0008-16 while upholding Agency's adverse action of a twenty (20) days suspension with regards to OEA Matter Number 1601-0046-17.

On June 25, 2019, Employee filed a petition for review of the OEA's decision with regard to OEA Matter No. 1601-0046-17 in Superior Court for the District of Columbia in Case No. 2019-CA-004173(MPA). On March 7, 2022, the Superior Court denied Employee's petition for review, affirming the OEA decision. Employee appealed the Superior Court's decision to the District of Columbia Court of Appeals ("DCCA") on March 7, 2022, in Case No. 22-CV-0220. On May 2, 2024, the Court of Appeals reversed the OEA's order on OEA Matter No. 1601-0046-17 and left unaltered its decision in OEA Matter No. 1601-008-16.

On July 1, 2024, the Superior Court for the District of Columbia in Case No. 2019-CA-004173(MPA) remanded the matter back to OEA to issue an order consistent with the DCCA's opinion. On August 7, 2024, Employee filed a Motion for Entry of Order asking the undersigned to issue an Initial Decision on Remand in accordance with the Court's rulings.

After I held a Status Conference in this matter on September 11, 2024, I reversed Agency's action suspending Employee for twenty (20) days and directed Agency to issue Employee the back pay to which he is entitled and restore any benefits he lost as a result of both the fifteen (15) days suspension and twenty-day (20) suspension.[1] After the Initial Decision became final thirty-five days later, Agency submitted a Consent Motion to Extend Time to Comply with Initial Decision. On November 21, 2024, I ordered the parties to submit a report on compliance on or before February 3, 2025.

Employee indicated that, with regards to his attorneys' fees, the parties had agreed to engage in settlement talks. I thereby ordered the parties to submit periodic status reports regarding their attorney fee negotiations. On December 6, 2024, the parties submitted a Joint Status Report asking for a stay until December 13, 2024, as they needed time to obtain the necessary signatures. I thereby granted the stay. On December 13, 2024, the parties emailed a message indicating that they had reached a settlement resolving Employee's claim for attorney's fees. After the parties were notified that this will be taken as a final resolution of this issue, I closed the record.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether the attorney fee petition should be dismissed.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

In accordance with OEA Rule 607.11, 68 DCR 012473 (December 27, 2021), 6-B DCMR Ch. 600, an Administrative Judge may dismiss a case when the parties reach a settlement. The

1 Pursuant to *Royal v. D.C. Metropolitan Police Department*, 314 A.3d 67 (2024).

documents submitted by the parties clearly state that the matter was settled, and that Employee seeks to withdraw his motion and have his petition for attorney fees dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that Employee's motion for attorney fees is dismissed with prejudice.

FOR THE OFFICE:

/s/Joseph Lim
JOSEPH E. LIM, ESQ.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1]	)	
Employee	)	OEA Matter No.: 1601-0027-24
v.	)	
	)	Date of Issuance: January 16, 2025
DISTRICT OF COLUMBIA	)	
FIRE & EMERGENCY MEDICAL	)	
SERVICES DEPARTMENT,	)	
Agency	)	
	)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee worked as a Firefighter/EMT with the D.C. Fire & Emergency Medical Services Department ("Agency"). On June 24, 2023, Agency issued a Notice of Proposed Adverse Action, charging Employee with Conduct Unbecoming an Employee (Neglect of Duty) and Insubordination.[2] The charges stemmed from a February 15, 2023, incident wherein Employee refused to assist with cleaning trash in a parking lot/fence line after being directed to do so. Employee pleaded not guilty to each charge and an administrative hearing was held on January 3, 2024. The Trial Board ultimately sustained the charges against Employee, who then filed an appeal with the Fire Chief. On January 8, 2024, the Chief adopted the Trial Board's findings and sustained the charges levied against Employee. The effective date of his termination was January 13, 2024.

Employee subsequently filed an appeal with the Office of Employee Appeals ("OEA") on February 9, 2024. He argued that Agency failed to conduct a proper analysis of the relevant *Douglas*[3] factors; he was never given a direct order to pick up the trash; witnesses testified before

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] *Agency Answer*, Tab 23 (March 11, 2024).
[3] In *Douglas v. Veterans Administration*, 5 M.S.P.R. 280, 305-306 (1981), the Merit Systems Protection Board, this Office's federal counterpart, set forth "a number of factors that are relevant for consideration in determining the appropriateness of a penalty." Although not an exhaustive list, the factors are as follows: 1) The nature and seriousness of the offense, and its relation to the employee's duties, including whether the offense was intentional or technical or inadvertent, or was committed intentionally or maliciously or for gain, or was frequently repeated; 2) the employee's

the Trial Board that Employee was of good character; Agency should have imposed a lesser penalty based on the severity of the misconduct; Employee's disciplinary history did not warrant termination; and Agency utilized the incorrect iteration of the District Personnel Manual ("DPM") in its charging documents. As a result, Employee requested that the termination action be reversed.[4]

Agency filed its answer on March 11, 2024. It contended that there was substantial evidence to support a finding that Employee violated Article VI, Sections 6 and 8 of the Department's Order Book. Agency explained that Employee was directed to clean the grounds of a parking lot on February 15, 2023, to which he refused. It claimed that the Trial Board's findings of fact were supported by the record and that Employee failed to provide any testimony to refute the fact that he refused a lawful order. Additionally, Agency surmised that Employee's termination was conducted in accordance with all applicable laws and regulations. Agency submitted that it utilized the correct version of the DPM and stated that no harmful procedural error occurred in instituting the termination action. Finally, it reasoned that termination was appropriate since this was not Employee's first offense involving the refusal to follow orders. Therefore, it requested that his termination be upheld.[5]

An OEA Administrative Judge ("AJ") was assigned to the matter in March of 2024. On April 10, 2024, the AJ ordered the parties to submit briefs addressing whether Agency's termination action was supported by substantial evidence; whether Agency committed harmful procedural error; and whether Employee's termination was conducted in accordance with all applicable laws and regulations.[6] Agency's brief raised many of the same arguments presented in its answer. It explained that Employee engaged in conduct unbecoming by neglecting his duty to adhere to a fire captain's instructions. Next, Agency contended that it did not commit a harmful procedural error by citing to the wrong version of the DPM in its charging documents. Alternatively, it suggested that even if it did err in this regard, the error was harmless. Agency noted that the Trial Board found that the bulk of the *Douglas* factors weighed in favor of termination. It further cited to what it deemed to be Employee's extensive disciplinary history, providing that the instant adverse action was his third offense involving a refusal to follow orders or policy. Therefore, it believed that Employee's termination was supported by the record.[7]

---

job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position; 3) the employee's past disciplinary record; 4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability; 5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties; 6) consistency of the penalty with those imposed upon other employees for the same or similar offenses; 7) consistency of the penalty with any applicable agency table of penalties; 8) the notoriety of the offense or its impact upon the reputation of the agency; 9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question; 10) potential for the employee's rehabilitation; 11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and 12) the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

[4] *Petition for Appeal* (February 9. 2024).

[5] *Agency Answer to Petition for Appeal* (March 11, 2024).

[6] *Aency's Brief* (May 3, 2024).

[7] *Id*.

Employee countered by asserting that Agency's decision to terminate him was not supported by substantial evidence. He claimed that his actions on February 15, 2023, did not constitute conduct unbecoming because Agency's ability to perform its functions was neither interrupted nor interfered with. Employee stated that nothing within Captain Steven Himes' report concerning the incident reflected that a direct order was issued to him to collect trash.[8] He clarified that he only sought better directions on why members were being asked to perform such a task. Additionally, Employee maintained that Agency utilized an obsolete version of the DPM in its charging documents and averred that other members were not terminated for similar offenses. Lastly, he contended that the penalty of termination was unreasonable based on the severity of his conduct. Thus, Employee asked that Agency's termination action be reversed.[9]

An Initial Decision was issued on July 10, 2024. First, the AJ explained that the holding in *Pinkard v. D.C. Metropolitan Police Depart*ment, 801 A.2d 86 (D.C. 2002), limited OEA's review to determining whether the Trial Board's decision was supported by substantial evidence; whether Agency's action was taken in accordance with all applicable laws and regulations; and whether there was harmful procedural error. Concerning the substantial evidence requirement, the AJ determined that it was undisputed that Captain Himes was Employee's superior, and Employee refused to clean up the grounds after being instructed to do so by Captain Himes.[10] She went on to highlight Himes' testimony that his original request to the members of the Department to clean up the trash was not an order. However, Himes provided that because Employee and his coworkers did not comply with the request, he told them that they were being issued a direct order to clean up the trash. Consequently, the AJ ruled that the termination action was taken for cause because Employee neglected his duties as an FF/EMT by failing to clean the trash site as instructed.[11]

As it related to the harmful procedural error argument, the AJ explained that the 2019 DPM, not the 2012 DPM, was the applicable iteration of the regulations that should have been utilized in Agency's charging documents. She noted that a charge of neglect of duty – and its corresponding penalty – were reflected in both the older and updated versions of the regulations, hence, any error committed by Agency was harmless. However, she went on to discuss that unlike neglect of duty, a charge of insubordination existed in the 2012 version of the DPM but not the 2019 DPM. The AJ opined that it would be improper to speculate what the appropriate penalty would have been had Agency used the appropriate version of the DPM. Because a charge of insubordination did not exist in the 2019 regulations, and there was no corresponding penalty, the AJ concluded that Agency committed a harmful procedural error. Thus, she held that Agency could only rely upon the neglect of duty charge as a basis for disciplining Employee.[12]

---

[8] Captain Himes served as Employee's supervisor during the relevant period and was assigned to Agency's Adams Place, Logistics building.
[9] *Employee Brief* (May 31, 2024).
[10] Employee testified before the Trial Board that he was seeking clarification regarding the order, not refusing it. He attested that when he and other members later went to pick up the trash as instructed by Captain Himes, Deputy Chief Andre Edwards arrived at the scene and informed them that they were facing insubordination charges and had to complete a special report. Instead of cleaning the trash site, the members were sent home for the day and told to report to B street the following workday. *Trial Board Hearing Transcript* at p. 68.
[11] *Initial Decision* (July 10, 2024).
[12] *Id*.

Additionally, the AJ cited the holding in *Stokes v. District of Columbia*, 502 A.2d 1006 (D.C. 1985), which held that in assessing whether the imposed penalty was appropriate, OEA must determine whether the penalty was within the range allowed by law, regulation, and any applicable Table of Illustrative Actions ("TIA"); whether the penalty is based on a consideration of the relevant factors; and whether there was a clear error of judgment by Agency.[13] She opined that termination was permissible in this case because a first offense of neglect of duty carried a penalty of counseling to removal under both the 2012 and 2019 DPM.[14] Moreover, the AJ found that Agency weighed each relevant *Douglas* factor and did not abuse its managerial discretion in selecting the penalty.[15]

Finally, the AJ concluded that Employee established a prima facie case of disparate treatment. She agreed that Employee and his coworkers worked in the same organizational unit -- the Logistics division; were disciplined on the same day; for the same cause of action; and by the same supervisor. However, she made the distinction that Employee received a different penalty than the other employees because of his lengthy disciplinary history, highlighting that he was charged with a total of seven disciplinary infractions during the three years preceding his proposed termination. As a result, the AJ reasoned that Agency successfully rebutted Employee's prima facie showing of disparate treatment. As such, she held that Employee's termination was proper.[16]

Employee filed a Petition for Review with the OEA Board on August 13, 2024. He contends that the Initial Decision is not based on substantial evidence; the AJ did not address all issues of law and fact; and Agency failed to properly consider the *Douglas* factors. He also reasserts the many of the same arguments raised in his May 24, 2024, brief. Employee opines that his past disciplinary actions did not warrant termination because they were not related to insubordination or neglect of duty. He believes that Captain Himes committed perjury during the Trial Board Hearing. Employee further submits that his misconduct did not disrupt Agency's operations. Finally, he reiterates that Agency utilized the incorrect regulations in its charging documents. Employee, therefore, renews his request to reverse the termination action.[17]

Agency filed its answer on September 19, 2024. It contends that the Initial Decision is based on substantial evidence. Agency disagrees with Employee's assessment of Captain Himes' Trial Board testimony, remarking that the AJ correctly held that witness testimony is largely within the province of the trier of fact. It echoes its position that Employee and his coworkers refused to clean up the parking lot after being instructed to do so by a superior; Employee acknowledged that he delayed picking up the trash; and an employee's admission is sufficient to meet an agency's burden of proof. Additionally, Agency posits that its Order Book does not limit a charge of conduct unbecoming to actions that directly prevent an agency task from being accomplished. Alternatively, it suggests that even if it was required to show an interruption in operations,

[13] In *Stokes*, the Court of Appeals held that OEA must determine whether the penalty was within the range allowed by law, regulation, and any applicable Table of Illustrative Actions ("TIA"); whether the penalty is based on a consideration of the relevant factors; and whether there is a clear error of judgment by Agency. The Court further provide that an agency's decision will not be reversed unless it failed to consider relevant factors, or the imposed penalty constitutes an abuse of discretion.
[14] *See* DPM §1603.3(f)(3)(2012) and DPM § 1607.2(e)(2019).
[15] *Initial Decision* at 16.
[16] *Id.* at 18.
[17] *Petition for Review* (August 13, 2024).

substantial evidence exists to prove that Agency's operations were adversely affected. Agency argues that the AJ addressed all issues of law raised on appeal and reasons that Employee's previous disciplinary history, in addition to other *Douglas* factors, weighed in favor of termination. Agency also maintains its position that no harmful procedural error was committed. Thus, it requests that the Board deny Employee's petition.[18]

Conduct Unbecoming/Neglect of Duty

Employee submits that the Initial Decision was not based on substantial evidence because he did not refuse an order and because Agency's ability to perform its functions was neither interrupted nor interfered with.[19] Agency's Order Book Article VI, General Rules of Conduct § 6, defines conduct unbecoming to include "conduct detrimental to good discipline, conduct that would adversely affect an employee's or Agency's ability to perform effectively, or any other conduct that violates public trust or a law of the United States, any law, municipal ordinance, or regulation of D.C. while on duty or off duty." Additionally, this misconduct is defined as cause in D.C. Fire and Emergency Medical Services Order Book, Article VII, § 2(f)(3), which states: "any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations to include: neglect of duty." Therefore, counter to Employee's claim, Agency does not have to establish that its operations were actually disrupted. Rather, it may prove that Employee's conduct sufficiently impeded his or Agency's ability to perform effectively.

In this regard, the Trial Board's assessment of *Douglas* factor No. 5 – the effect upon the employee's ability to perform at a satisfactory level – reflects that Employee "is expected to follow orders given to him by his supervisors. If he fails to do so, then he cannot be trusted to perform the basic tasks of a Firefighter/EMT."[20] Captain Himes testified before the Trial Board that his original request to the members of the Department to clean up trash on February 15, 2023, was not an order. However, Himes provided that because Employee and his coworkers did not comply with the request, he told them that it was a direct order to clean up the trash. According to Himes, part of Employee's duties as an FF/EMT was to pick up trash at a site, if needed.[21]

He attested that Agency morale is lowered when members of the department choose not to obey an officer's orders, which may have a ripple effect on other employees who may not take the job seriously.[22] As a result of Employee's refusal to carry out his duties, Himes was forced to dispatch his second in command, Deputy Chief Andre Edwards, to the cleaning site. The members

[18] *Agency's Answer to Petition for Review* (September 19, 2024).
[19] The Board may grant a Petition for Review when the AJ's decision is not based on substantial evidence. The Court in *Baumgartner v. Police and Firemen's Retirement and Relief Board*, 527 A.2d 313 (D.C. 1987), found that if administrative findings are supported by substantial evidence, then it must be accepted even if there is substantial evidence in the record to support a contrary finding. Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion. *See* Black's Law Dictionary, Eighth Edition; *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003); and *Black v. District of Columbia Department of Employment Services*, 801 A.2d 983 (D.C. 2002).
[20] *Agency Response to Petition for Appeal* at Tab 19.
[21] *Id*. at p. 38.
[22] *Trial Board Hearing Transcript* at pp. 33-34.

who refused the order, including Employee, were subsequently sent home for the day and instructed to return to B Street warehouse the following workday.[23]

This Board agrees with the AJ that Article 6 of the Order Book does not require Agency to prove that Employee's conduct actually interfered with government operations. Agency's Trial Board assessed that no testimony was provided to refute the fact that Employee refused a lawful order issued by Captain Himes. Further, the record supports a finding that Employee's own testimony was that he failed to carry out an order after being directed to perform a function of his job. Employee's conduct constituted a neglect of duty, and we find that the AJ's conclusions flow rationally from the facts. Therefore, we conclude that the AJ's ruling is based on substantial evidence.

District Personnel Manual

The AJ also held that there was substantial evidence in the record to discipline Employee for insubordination. However, because she held that Agency used the incorrect DPM, and failed to provide the exact subcategory/subsection of the corresponding cause of action the charging documents, the AJ concluded that Agency could only discipline Employee under for conduct unbecoming/neglect of duty. This Board notes that a charge of neglect of duty was previously found in DPM §1603.3(f)(3) of the 2012 DPM. However, the 2019 DPM moved each of the adverse action charges to DPM § 1605. Thus, a charge of neglect of duty can now be found in DPM § 1605.4(e), with its corresponding penalty found in DPM § 1607.2(e). Since this charge is found in both the 2012 and 2019 DPM versions, and the penalty for the first offense for the charge under both iterations ranges from counseling to removal, the AJ was correct in her finding that any error Agency committed was harmless. As a result, we find Employee's argument to the contrary to be unpersuasive.

Credibility Determinations

Employee alleges that Captain Himes committed perjury during the Trial Board hearing and that his testimony was inconsistent. He states that the AJ should have instead relied on the testimony of Deputy Fire Chief Edwards, who provided positive testimony about Employee's work performance. However, the Court of Appeals in *Pinkard supra* held that "OEA, as a reviewing authority, also must generally defer to the agency's credibility determinations."[24] The members of the Trial Board, who were the finders of fact in this instance, assessed the veracity of each witnesses' testimony. Ultimately, the board determined that Agency's witnesses testified credibly in establishing that Employee refused to clean up the grounds after receiving a lawful order to do so. Consistent with the holding in *Pinkard*, the OEA AJ was required to give great deference to the findings related to Captain Himes' and Captain Edwards' testimony. As a result, this Board finds no credible basis for disturbing the Trial Board's credibility determinations.

[23] *Id*. at pp. 31-44. Captain Himes testified that when Deputy Chief Edwards arrived at the trash site, he informed the members that because they refused to comply with the order to help clean up, and because they did not want to complete special reports, all the employees were being dismissed from their duties and sent home.

[24] *See also Gunty v. Department of Employment Services*, 524 A.2d 1192, 1197 (D.C. 1987) and *Dell v. District of Columbia Department of Employment Services*, 499 A.2d 102, 105-106 (D.C. 1985).

Penalty

The D.C. Court of Appeals in *Stokes* reasoned that when assessing the appropriateness of a penalty, this Office is not to substitute its judgment for that of the Agency, but it should ensure that "managerial discretion has been legitimately invoked and properly exercised." Additionally, OEA held in *Love v. Department of Corrections*, OEA Matter No. 1601-0034-08R11 (August 10, 2011), that selection of a penalty is a management prerogative that is not subject to the exercise of discretionary disagreement by this Office. *Love* also provided the following:

> [OEA's] role in this process is not to insist that the balance be struck precisely where the [OEA] would choose to strike it if the [OEA] were in the agency's shoes in the first instance; such an approach would fail to accord proper deference to the agency's primary discretion in managing its workforce. Rather, the [OEA's] review of an agency-imposed penalty is essentially to assure that the agency did conscientiously consider the relevant factors and did strike a responsible balance within tolerable limits of reasonableness. Only if the [OEA] finds that the agency failed to weigh the relevant factors, or that the agency's judgment clearly exceeded the limits of reasonableness, it is appropriate for the [OEA] then to specify how the agency's decision should be corrected to bring the penalty within the parameters of reasonableness. (citing *Douglas v. Veterans Administration*, 5 M.S.P.R. 313, 5 M.S.P.R. 280 (1981))

Based on the aforementioned, this Board finds that Agency's selection of the imposed penalty is based on the applicable regulations. Termination was an allowable penalty for a charge of neglect of duty under both the 2012 and 2019 versions of the DPM. Agency provided an analysis of each *Douglas* factor it utilized in reaching its decision to terminate Employee. Further, the holding in *Pinkard* limits this tribunal to reviewing the record established at the agency level. Employee's disagreements with Agency's assessment of each factor are insufficient to warrant a reversal the penalty. Thus, we conclude that Agency's selection of the penalty in this case is supported by substantial evidence.

Disparate Treatment

Employee reiterates his previous argument that he was disciplined differently from other employees who were also ordered to pick up trash on February 15, 2023. In *Hutchinson v. D.C. Fire Department*, OEA Matter No. 1601-0119-90, *Opinion and Order on Petition for Review* (July 22, 1994), the OEA Board provided guidance as it relates to the disparate treatment of employees. It provided that an employee bears the burden of showing that the circumstances surrounding the misconduct are substantially similar to the circumstances in the cases being compared. In order to establish a claim for disparate treatment, the employee must show that they worked in the same organizational unit as the comparison employees. The employee must also prove that they were subject to discipline by the same supervisor, within the same general period.[25] If a showing is

[25] *See Mills v. D.C. Department of Public Works*, OEA Matter No. 1601-0001-09, *Opinion and Order on Petition for Review* (December 12, 2011); *Ira Bell v. Department of Human Services*, OEA Matter No. 1601-0020-03, *Opinion and Order on Petition for Review* (May 6, 2009); and *Frost v. Office of D.C. Controller*, OEA Matter No. 1601-0098-86R94 (May 18, 1995).

made, the burden shifts to the agency to produce evidence that establishes a legitimate reason for imposing a different penalty on the employee raising the issue.[26]

Here, the AJ acknowledged that Employee made a prima facie showing of disparate treatment, noting that Employee and his coworkers worked in the same organizational unit; were disciplined on the same day, for the same offense; and received discipline from the same supervisor. However, while Employee was terminated, the similarly situated employees were not. To support its penalty decision, Agency differentiated Employee's circumstances as unique because he was charged with a total of seven disciplinary infractions in the three years preceding the proposed termination action. These infractions include but are not limited to charges for conduct unbecoming/insubordination (2021) and absence without leave (2023).[27] We note that Employee served a twenty-four-hour suspension for the 2021 charges. Additionally, Third Battalion Chief, Daniel Loughnane ("BFC Loughnane") testified that he disciplined Employee "a number of times" during the four years he acted as Employee's supervisor.

This Board agrees with the AJ's assessment that Employee met his burden of proof in establishing that he was similarly situated to other members who were ordered to clean the trash site on February 15, 2023. While such a showing may require that the penalty be reduced on this basis, Agency in this instance has presented sufficient evidence to warrant a departure from the guidance established in *Hutchinson* and other relevant case law. Employee's disciplinary record reflects that Agency instituted a total seven charges against him within the three years prior to termination. The Trial Board's January 2023 Findings of Fact and Recommendation also clarifies that while his termination was not consistent with those imposed on other employees for similar offenses, Employee's disciplinary history warranted a more severe penalty.[28] Accordingly, we find that Agency has provided a legitimate basis for imposing a different penalty from those who were similarly situated to Employee. Consequently, we find that the AJ's ruling on this issue is consistent with the applicable law.

Conclusion

Based on the foregoing, this Board concludes that the Initial Decision is based on substantial evidence. Because a charge of neglect of duty is found in both the 2012 and 2019 DPM, the AJ was correct in her finding that any error committed by Agency was harmless. Agency met its burden of proof in establishing that its termination action was taken for cause. In accordance with the ruling in *Pinkard*, the AJ was limited to relying on the record established at the agency level and was required to give great deference to any previous credibility determinations. Although Employee made a prima facie showing of disparate treatment, his disciplinary history warranted a different penalty from those received by other members. Finally, Agency did not abuse its discretion in selecting the penalty of termination. Consequently, we must deny Employee's Petition for Review.[29]

---

[26] *See Barbusin v. Department of General Services*, OEA Matter No. 1601-0077-15, *Opinion and Order on Petition for Review* (January 30, 2018) (citing *Boucher v. U.S. Postal Service*, 118 M.S.R.P. 640 (2012).
[27] *Agency Response to Petition for Appeal* at Tab 19.
[28] *Id*. *See* analysis of *Douglas* factor No. 6.
[29] Employee's petition to the Board contends that the AJ failed to address all issues of law in fact properly raised on appeal. In reviewing the record, this Board concludes that the Initial Decision adequately addressed all relevant claims

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **DENIED**.

FOR THE BOARD:

_____
Dionna Maria Lewis, Chair

_____
Arrington L. Dixon

_____
Jeanne Moorehead

_____
LaShon Adams

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

presented by Employee. We note that Employee has not detailed which issues were not adequately addressed in his petition for the Board; therefore, we are unable to address his arguments related to such.

Notice: This opinion is subject to formal revision before publication in the District of Columbia Register and OEA website. Parties are requested to notify the Office Manager of any formal errors in order that corrections may be made prior to publication. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	OEA Matter No. 1601-0037-24
Employee	)	
	)	Date of Issuance: January 24, 2025
v.	)	
	)	Joseph E. Lim, Esq.
METROPOLITAN POLICE DEPARTMENT,	)	Senior Administrative Judge
Agency	)	

Marc Wilhite, Esq., Employee Representative
Teresa Quon Hyden, Esq. Agency Representative

INITIAL DECISION

PROCEDURAL HISTORY

On March 11, 2024, Employee filed a Petition for Appeal with this Office ("OEA") from the Metropolitan Police Department's ("Agency") final decision suspending him from his position as a Sargeant for fifteen (15) days due to "Conduct unbecoming an Officer." In response to OEA's March 12, 2024, letter, Agency submitted its Answer to Employee's Appeal on April 1, 2024. This matter was assigned to the undersigned on April 1, 2024.

On April 10, 2024, I scheduled a Prehearing Conference for May 21, 2024. Based on the parties' request, the Telephonic Prehearing Conference was rescheduled and held on June 24, 2024. As agreed by the parties, another status conference was scheduled for July 12, 2024. Based on the Consent Motion submitted by the parties, the status conference was postponed to July 29, 2024.

On July 26, 2024, the parties indicated they needed time to finish their settlement discussions and asked that the conference be cancelled. Thus, the July 29, 2024, conference was cancelled. On or about January 21, 2025, Agency indicated that the parties had settled and submitted an executed settlement agreement with Employee. The record is closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.03 (2001).

ISSUE

Whether Employee's Petition for Appeal should be dismissed.

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW

OEA 607.11[1] provides that "If the parties reach a settlement, the matter shall be dismissed in accordance with D.C. Official Code § 1-606.06(b) (2012 Repl.)." The parties have confirmed in writing that they have settled their differences. Based on the foregoing, it is hereby ORDERED that this matter be DISMISSED.

ORDER

It is hereby **ORDERED** that the petition in this matter is **DISMISSED** with prejudice.

FOR THE OFFICE:

s/Joseph Lim
JOSEPH E. LIM, Esq.
Senior Administrative Judge

1 68 DCR 012473 (December 27, 2021).

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office of Employee Appeals' Chief Operating Officer of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	
Employee	)	OEA Matter No.: 1601-0038-22
	)	
v.	)	Date of Issuance: January 13, 2025
	)	
METROPOLITAN POLICE DEPARTMENT,	)	
Agency	)	Eric T. Robinson, Esq.
	)	Senior Administrative Judge

Ann-Kathryn So, Esq., Employee Representative
Anna Kent, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL HISTORY

On January 18, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals contesting the Metropolitan Police Department's ("MPD") action of suspending him indefinitely without pay. The basis for Agency's action stems from a second-degree murder[1], conspiracy[2], and obstruction of justice[3] criminal indictment issued by a federal grand jury in the United States District Court for the District of Columbia.[4] On January 19, 2022, the Office of Employee Appeals ("OEA" or the "Office") through its Executive Director, issued a notice seeking MPD's Answer to Employee's Petition for Appeal. MPD was required to submit its Answer by February 18, 2022. MPD filed its Answer on February 14, 2022. This matter was then sent to the OEA's Mediation department for mandatory mediation. At that time, mediation was unsuccessful. This matter was then assigned to the Undersigned on May 3, 2022. On May 5, 2022, the Undersigned issued an Order Convening a Prehearing Conference which was set to occur on June 2, 2022. Instead of submitting a Prehearing Statement in preparation for the conference, Employee filed a Consent Motion to Stay Proceedings in this matter. In his motion, Employee requested that

[1] D.C. Official Code § 22-2103
[2] 18 U.S.C. § 371
[3] 18 U.S.C. § 1512(b)(3), 2
[4] The case caption and number for Employee's criminal matter is *United States of America v. [Employee]*, Criminal No. 21-0598 (PLF).

this matter be stayed pending the resolution of his criminal matter. MPD consented to staying this matter while the criminal matter was pending. Upon review, on May 20, 2022, the Undersigned issued an Order Regarding Consent Motion to Stay Proceedings. In this Order, I granted Employee's request to stay this matter until a final determination was made in his criminal case.

In the month of December 2022, it was reported through various local news outlets that Employee received a guilty verdict in his criminal case. The Undersigned then inquired with the parties requesting an update regarding the instant matter. On January 5, 2023, Employee submitted another consent motion to extend the time in which to reply to the request. Employee noted that several motions are pending before the Court in the criminal matter. On January 25, 2024, the Undersigned issued an updated Order extending the stay and requiring the parties to submit written updates regarding the pendency of the criminal case on a twice monthly basis. In the ensuing months that followed, the parties consistently complied with this ongoing Order. According to a Status Update received on September 25, 2024, Employee, in his criminal matter, was sentenced and then released pending his appeal. Given this development, the parties were required to appear for a status conference on October 22, 2024. During this conference, the possibility of the parties settling the instant matter was broached. The parties then requested that they be allowed to further explore this possibility while the matter remained stayed. The previous Order regarding twice monthly updates remained in effect. The parties then engaged in settlement discussions on their own accord.

On January 10, 2025, Employee submitted a Status Update and Motion for Entry of Dismissal. In this submission, Employee, through counsel, informed the OEA that the parties had settled this matter and that the Employee, with MPD's consent, was requesting that this matter be dismissed. After reviewing the documents of record, I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

Since Employee voluntarily withdrew his Petition for Appeal, I find that Employee's Petition for Appeal should be dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE:

/s/ Eric T. Robinson_
Eric T. Robinson, Esq.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	OEA Matter No. 1601-0008-16R24A24
EMPLOYEE,	)	OEA Matter No. 1601-0046-17R24A24
Employee	)	
	)	Date of Issuance: January 21, 2025
v.	)	
	)	JOSEPH E. LIM, ESQ.
METROPOLITAN POLICE DEPARTMENT,	)	SENIOR ADMINISTRATIVE JUDGE
Agency	)	

Daniel Crowley, Esq. and Katelyn Clarke, Esq., Employee Representatives
Teresa Quon Hyden, Esq., Agency Representative

ADDENDUM DECISION ON ATTORNEY FEES

PROCEDURAL HISTORY

On October 15, 2015, Employee, a Police Lieutenant with the Metropolitan Police Department ("MPD" or "Agency"), filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") challenging Agency's final decision to suspend him from employment for fifteen (15) days, for insubordination. This matter was docketed by this Office as OEA Matter No. 1601-0008-16. The matter was assigned to the undersigned Administrative Judge on December 21, 2015. I held a Prehearing Conference on March 14, 2016, wherein the parties expressed an interest in settling the matter. Periodically, the parties submitted status reports on their settlement negotiations.

On May 10, 2017, Employee filed another Petition for Appeal with this Office challenging Agency's final decision to suspend him from employment for twenty (20) days, for making false statements, use of unnecessary force, insubordination, and inefficiency. This matter was docketed by this Office as OEA Matter No. 1601-0046-17. The matter was assigned to the undersigned Administrative Judge on July 7, 2017. At the request of the parties and for judicial efficiency, I consolidated the two matters and ordered the submission of stipulated facts and the completion of discovery by November 15, 2017.

Based on the submissions and the breakdown of settlement talks, I decided that an Evidentiary Hearing was necessary. After several postponements requested by the parties, I held an Evidentiary Hearing on January 24, 2019, and March 8, 2019. On April 29, 2019, I issued an Initial Decision ("ID") reversing Agency's adverse action of a fifteen (15) days suspension with

regards to OEA Matter Number 1601-0008-16 while upholding Agency's adverse action of a twenty (20) days suspension with regards to OEA Matter Number 1601-0046-17.

On June 25, 2019, Employee filed a petition for review of the OEA's decision with regard to OEA Matter No. 1601-0046-17 in Superior Court for the District of Columbia in Case No. 2019-CA-004173(MPA). On March 7, 2022, the Superior Court denied Employee's petition for review, affirming the OEA decision. Employee appealed the Superior Court's decision to the District of Columbia Court of Appeals ("DCCA") on March 7, 2022, in Case No. 22-CV-0220. On May 2, 2024, the Court of Appeals reversed the OEA's order on OEA Matter No. 1601-0046-17 and left unaltered its decision in OEA Matter No. 1601-008-16.

On July 1, 2024, the Superior Court for the District of Columbia in Case No. 2019-CA-004173(MPA) remanded the matter back to OEA to issue an order consistent with the DCCA's opinion. On August 7, 2024, Employee filed a Motion for Entry of Order asking the undersigned to issue an Initial Decision on Remand in accordance with the Court's rulings.

After I held a Status Conference in this matter on September 11, 2024, I reversed Agency's action suspending Employee for twenty (20) days and directed Agency to issue Employee the back pay to which he is entitled and restore any benefits he lost as a result of both the fifteen (15) days suspension and twenty-day (20) suspension.[1] After the Initial Decision became final thirty-five days later, Agency submitted a Consent Motion to Extend Time to Comply with Initial Decision. On November 21, 2024, I ordered the parties to submit a report on compliance on or before February 3, 2025.

Employee indicated that, with regards to his attorneys' fees, the parties had agreed to engage in settlement talks. I thereby ordered the parties to submit periodic status reports regarding their attorney fee negotiations. On December 6, 2024, the parties submitted a Joint Status Report asking for a stay until December 13, 2024, as they needed time to obtain the necessary signatures. I thereby granted the stay. On December 13, 2024, the parties emailed a message indicating that they had reached a settlement resolving Employee's claim for attorney's fees. After the parties were notified that this will be taken as a final resolution of this issue, I closed the record.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether the attorney fee petition should be dismissed.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

In accordance with OEA Rule 607.11, 68 DCR 012473 (December 27, 2021), 6-B DCMR Ch. 600, an Administrative Judge may dismiss a case when the parties reach a settlement. The

1 Pursuant to *Royal v. D.C. Metropolitan Police Department*, 314 A.3d 67 (2024).

documents submitted by the parties clearly state that the matter was settled, and that Employee seeks to withdraw his motion and have his petition for attorney fees dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that Employee's motion for attorney fees is dismissed with prejudice.

FOR THE OFFICE:

/s/Joseph Lim
JOSEPH E. LIM, ESQ.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1]	)	
Employee	)	OEA Matter No.: 1601-0050-23
v.	)	
	)	Date of Issuance: January 16, 2025
D.C. FIRE & EMERGENCY MEDICAL SERVICES,	)	
Agency	)	
	)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee worked as a Firefighter/Emergency Medical Technician ("FF/EMT") with the Department of Fire and Emergency Medical Services ("Agency"). On December 30, 2020, Employee was arrested by the Prince George's County Police Department for possession of a stolen handgun, possession of a loaded handgun on his person, and possession of a loaded handgun in a vehicle, hereinafter ("Case No. U-21-087").[2] On March 14, 2021, Employee was arrested again in Prince George's county for second degree assault, acting in a disorderly manner, resisting arrest, and obstructing and hindering a police officer, hereinafter ("Case No. U-21-154").[3] As a result of Case No. U-21-087, Agency charged Employee with any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law; any act which constitutes a criminal offense whether or not the act results in a conviction; and any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations to include: neglect of duty."[4]

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] Employee pleaded guilty to the possession of a loaded handgun charge. The remaining charges were disposed of by way of nolle prosequi (this term is used in the criminal legal system to signify that the prosecution is discontinuing or will not prosecute). Agency's Office of Internal Affairs ("OIA") issued an August 24, 2022, report sustaining the allegations leading to Employee's arrest.
[3] All charges for this case were disposed of by nolle prosequi on August 9, 2022. OIA issued an August 24, 2022, report determining that the allegations leading to Employee's second arrest were sustained.
[4] *Agency's Notice of Proposed Termination* (September 14, 2022).

As a result of Case No. U-21-154, Employee was similarly charged with any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law; any act which constitutes a criminal offense whether or not the act results in a conviction; and any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations to include: neglect of duty."[5] On December 1, 2022, Agency held a Trial Board hearing wherein Employee pleaded not guilty to the charges for both Case Nos. U-21-087 and U-21-154. The Trial Board determined that Employee was guilty in each matter and recommended termination. The Fire Chief subsequently adopted the Trial Board's recommendation, and Employee's termination became effective on June 24, 2023.

Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") on July 13, 2023. He argued that his termination was discriminatory in nature and that members of the Trial Board received similar charges but were not terminated. Therefore, Employee asked that his termination be reversed and that he be made whole.[6]

Agency filed its answer on August 11, 2023. It asserted substantial evidence existed to support a finding that Case Nos. U-21-087 and U-21-154 were taken for cause. Agency submitted that no harmful procedural error was committed in administering Employee's termination action. Additionally, it characterized his claims related to discrimination as baseless. According to Agency, there was no evidence to suggest that members of the Trial Board committed similar offenses to Employee within the past three years. Thus, it reasoned that his termination was taken in accordance with all applicable laws and regulations.[7]

The OEA Administrative Judge ("AJ") held a prehearing conference on September 12, 2023. During the conference, the AJ determined that this matter was governed by *Pinkard v. D.C. Metropolitan Police Department*, 801 A.2d 86 (D.C. 2002). Accordingly, the parties were ordered to submit briefs addressing whether the Trial Board's decision was supported by substantial evidence; whether there was harmful procedural error; and whether Agency's termination action was taken in accordance with all applicable laws and regulations.[8] Both parties submitted responses accordingly.

In its brief, Agency argued that the termination action was based on substantial evidence. As it related to Case No. U-21-087, it contended that on December 30, 2020, Body Worn Camera Footage ("BWC") confirmed that Employee was in possession of a stolen handgun in a vehicle of a parking lot. It went on to note that Employee pleaded guilty to the charge of possession of a "loaded handgun on person" in the District Court of Maryland for Prince George's County. Regarding Case No. U-21-154, it provided that on March 14, 2021, BWC confirmed that Employee assaulted a police officer, resisted arrest, assaulted another person, engaged in disorderly conduct, disturbed the peace, and obstructed/hindered a police investigation. Agency further submitted that its subsequent investigation into both matters supported a finding that

[5] *Id*.
[6] *Petition for Appeal* (July 13, 2023).
[7] *Agency Answer to Petition for Appeal* (August 11, 2023).
[8] *Post-Status Conference Order* (September 25, 2023).

Employee committed the alleged misconduct. Therefore, it opined that both criminal matters were supported by the record, which warranted Employee's termination.[9]

Concerning discrimination, Agency stated that there was no evidence to substantiate Employee's claim. It posited that Employee also failed to identify with specificity what bylaws or standing orders were violated in this regard, and relayed that he did not provide a sufficient basis for establishing a claim of disparate treatment. Alternatively, Agency asserted that even if Employee could present such evidence, OEA lacked jurisdiction to adjudicate the issue. Moreover, it argued that no harmful procedural error was committed in terminating Employee. According to Agency, Employee was properly disciplined pursuant to the 2012 District Personnel Manual ("DPM"). It explained that Employee was also charged pursuant to Article VII of its Order Book because that was the procedure for which Agency and Employee's union bargained. Agency alternatively suggested that even if its application of the 2012 DPM was in error, it was harmless because the charges from the 2012 DPM have corresponding charges in the subsequent iterations of the regulations.[10]

Finally, Agency submitted that its decision to terminate Employee was based on a consideration of the *Douglas* factors.[11] It cited the Trial Board's conclusion that Employee must be held accountable for his acts of misconduct, and his actions warranted removal. Because Agency believed that it did not abuse its managerial discretion to discipline Employee, it asked that the termination action be upheld.[12]

In response, Employee claimed that Agency erred by holding the Trial Board hearing on the same day, with the same panel, for two unrelated incidents. In his view, Agency's decision resulted in unjust prejudice. Employee further asserted that Agency improperly relied on an obsolete version of the DPM in its charging documents, which constituted a harmful procedural error. As it concerned Case No. U-21-087, he argued that he never threatened anyone and left the residence after a verbal disagreement. Pertaining to Case No. U-21-154, Employee believed that an overzealous police officer initiated unwarranted charges against him, which were eventually

[9] *Agency's Brief* (October 20, 2023).
[10] *Id.*
[11] In *Douglas v. Veterans Administration*, 5 M.S.P.R. 280, 305-306 (1981), the Merit Systems Protection Board, this Office's federal counterpart, set forth "a number of factors that are relevant for consideration in determining the appropriateness of a penalty." Although not an exhaustive list, the factors are as follows: 1) The nature and seriousness of the offense, and its relation to the employee's duties, including whether the offense was intentional or technical or inadvertent, or was committed intentionally or maliciously or for gain, or was frequently repeated; 2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position; 3) the employee's past disciplinary record; 4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability; 5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties; 6) consistency of the penalty with those imposed upon other employees for the same or similar offenses; 7) consistency of the penalty with any applicable agency table of penalties; 8) the notoriety of the offense or its impact upon the reputation of the agency; 9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question; 10) potential for the employee's rehabilitation; 11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and 12) the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.
[12] *Agency's Brief* at p. 25.

dismissed. Employee's brief further emphasized that he received numerous awards and accolades for his performance as an FF/EMT. According to him, all three members of the Trial Board had previous criminal cases involving weapons charges, but none of them were terminated. Thus, he reiterated that his termination was discriminatory. As a result, Employee requested that OEA reverse Agency's termination action.[13]

The AJ issued an Initial Decision on March 15, 2024. First, the AJ concluded that the Trial Board established cause to discipline Employee in Case No. U-21-087 because Employee pleaded guilty to the charge of "loaded handgun on person." She also held that cause existed to discipline Employee in Case No. U-21-154 because Agency proved that Employee: assaulted a police officer; disrupted the peace, government, and dignity of the state; willfully acted in a disorderly manner; intentionally resisted arrest; and intentionally annoyed, obstructed, and hindered a police officer in the performance of their lawful duties.[14]

In examining harmful procedural error, the AJ ruled that Agency utilized the incorrect version of the DPM in its charging documents. She explained that under both Case Nos. U-21-087, Charge No. 1, Specification No. 1, and Case No. U-21-154, Charge No. 1, Specification No. 1, Employee was charged with: (1) any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law; (2) any act which constitutes a criminal offense whether or not the act results in a conviction; and (3) neglect of duty, pursuant to Agency's Order Book and the 2012 DPM. However, she assessed that the applicable regulations at the time of Employee's termination were found in the 2019 DPM based on her reading of the language contained in Article 31, Section A of the Collective Bargaining Agreement ("CBA") between Employee's union and Agency, as well as Article VII of Agency's Order Book.[15] The AJ went on to discuss how all three charges imposed against Employee did not exist in the 2019 iteration of the regulations; thus, she was unable to ascertain which charges should have been levied against Employee had Agency utilized the correct DPM. She, therefore, reasoned that Agency's failure to provide Employee with the specific charges underlying the proposed termination deprived him of a fair opportunity to defend against his removal.[16] As such, she held that Agency's failure to follow the appropriate laws, rules, and regulations amounted to a harmful procedural error.[17]

Next, while there was substantial evidence in the record to support the Trial Board's finding that Employee committed the misconduct as alleged, the AJ opined that his actions on March 14, 2021, and December 30, 2021, were not related to his employment with Agency as a

[13] *Employee's Brief* (November 17, 2023).
Agency filed a reply brief on November 21, 2023, wherein it argued that contrary to Employee's belief, there were no lies, inaccuracies, or fabrications presented to the Trial Board related to his acts of misconduct. It reiterated that the 2012 DPM were the applicable, bargained-for regulations at the time of the termination proceedings. Agency noted that Employee could not establish any harm in holding one Trial Board hearing for both cases against Employee. It also reasoned that the *Douglas* factors were properly considered. Therefore, it again requested that Employee's termination be upheld. *See Agency's Reply Brief* (November 21, 2023).
[14] *Initial Decision* (May 15, 2023).
[15] *Id.*
[16] As will be discussed herein, the AJ relied on the holding in *Francois v. Office of the State Superintendent of Education*, OEA Matter No. 1601-0007-18, (October 31, 2018) in support of her ruling.
[17] *Initial Decision* at p. 25.

Firefighter/EMT and did not occur while Employee was on duty. Therefore, she held that Agency could not charge Employee with any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law. Based on the same rationale, the AJ found that Agency was precluded from charging Employee with neglect of duty since DPM §§ 1605.4(e)(2019) defined this cause of action as "[c]areless or negligent work, general negligence, loafing, sleeping or dozing on-duty, wasting time, and conducting personal business while *on duty*."(emphasis added).[18]

With respect to the charge of any act which constitutes a criminal offense, whether or not the act results in a conviction, the AJ provided that because this cause of action did not exist in the 2019 regulations, she was unable to adjudicate this issue. Additionally, the AJ could identify no basis for deciding Employee's discrimination claims, noting that OEA lacked jurisdiction over his arguments. Based on the foregoing, she ruled that the charges were not supported by the record. Therefore, the AJ reversed Agency's termination action and ordered that Employee be reinstated with backpay and benefits.[19]

Agency disagreed with the Initial Decision and filed a Petition for Review with the OEA Board on April 18, 2024. It argues that the AJ erred in finding that the incorrect iteration of the DPM was used in the charging documents. First, Agency posits that by not challenging the use of the 2012 DPM before the Trial Board, Employee waived the issue before OEA. It notes that Employee was represented before the Trial Board and submits that both parties have a common understanding that relying on the Order Book and the 2012 DPM was lawful. Further, Agency contends that any reference to the 2012 DPM was the result of bargaining with Employee's union, International Fire Fighters Local 36, AFL-CIO MWC ("Local 36"). It reasons that Local 36, by agreement, established disciplinary procedures that differed significantly from the default procedures established by regulation. Agency maintains that the AJ overstepped her authority in determining that Agency erred in using the 2012 DPM because the Public Employee Relations Board ("PERB"), and not OEA, has the principal obligation to oversee labor-management relations between the District and its workforce. It, therefore, opines that OEA cannot unilaterally impose a disciplinary scheme that would conflict with PERB case law requiring management to bargain as to any changes that modify a practice or bargaining agreement.[20]

Agency also argues that the AJ misconstrued and ignored past Superior Court decisions in finding that the use of the 2012 DPM was erroneous. It reiterates that even if its reliance on the 2012 regulations was an error, it was harmless. Agency further disagrees with the AJ's finding that Employee could not be charged with neglect of duty or any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations because they were not related to his employment and because the conduct was committed while off duty. It asserts that the AJ's conclusions were contrary to both Article VII's definition of "employment-related," as well as OEA Board precedent. Additionally, it is Agency's position that it was in conformance with the 2019 DPM concerning the charge of any act which constitutes a criminal offense, whether or not the act results in a conviction, even if the Board finds that Agency was not permitted to rely on the 2012 DPM. Agency is firm in its position that Employee was able to

[18] *Id*. at p. 27.
[19] *Id*.
[20] *Petition for Review* (April 18, 2024).

adequately defend against the charges levied against him. Therefore, it requests that his termination be upheld.

Substantial Evidence

According to OEA Rule 637.4(c), the Board may grant a Petition for Review when the AJ's findings are not based on substantial evidence. The Court in Baumgartner v. Police and Firemen's Retirement and Relief Board, 527 A.2d 313 (D.C. 1987), found that if administrative findings are supported by substantial evidence, then it must be accepted even if there is substantial evidence in the record to support a contrary finding. Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion.[21]

Applicable DPM

While Employee's appeal was pending before OEA, the Superior Court for the District of Columbia issued a ruling in *D.C. Fire and Emergency Medical Servs. Department v. D.C. Office of Employee Appeals*, 2023-CAB1076 (D.C. Super Ct. December 29, 2023).[22] The Court's decision addressed the identical issue pending before this Board: whether OEA erred in ruling that Agency incorrectly utilized the 2012 DPM in its charging documents to the employee. Citing the holding in *Pinkard*, the Court ruled that OEA may not substitute its judgment for that of Agency. It provided that this Office's review of an agency's decision is limited to *inter alia* whether the adverse action was in accordance with applicable law or regulations. It went on to clarify that such regulations include "procedures required by a collective-bargaining agreement between the agency and a union." The Court agreed with Agency and found that Local 36 bargained to implement a disciplinary system consistent with the 2012 version of the DPM. It reasoned that the charges levied against the employee were brought in accordance with the charges and penalties outlined in the bargained-for version of the DPM, and not the revisions which brought about "substantial changes…with regard to charges and penalties." Therefore, it ruled that there was no harmful procedural error committed by Agency.

The Court also rejected OEA's reliance on the holding in *Francois v. Office of the State Superintendent of Education*, OEA Matter No. 1601-0007-18, (October 31, 2018), finding that unlike the employee in *Francois*, Local 36 and Agency in that matter agreed to utilize the disciplinary system outlined in the 2012 DPM. As a result, the Court in *D.C. Fire and Emergency Medical Servs. Department v. D.C. Office of Employee Appeals* reversed OEA's ruling and affirmed the Trial Board's decision to suspend the employee.[23] Accordingly, current case law dictates that Agency's use of the 2012 DPM in this matter was proper.[24] Therefore, we must conclude that the AJ's finding to the contrary constitutes a reversible error.

---

[21] Black's Law Dictionary, Eighth Edition; *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003); and Black v. District of Columbia Department of Employment Services, 801 A.2d 983 (D.C. 2002).

[22] Agency filed a Notice of Authority on January 4, 2024, May 9, 2024, and November 6, 2024. The notices were related to the Court's ruling in Case No. 2023-CAB1076 (D.C. Super. Ct. December 29, 2023).

[23] On November 6, 2024, the Court denied Employee's Motion for Reconsideration. *See D.C. Fire and Emergency Medical Servs. Department v. D.C. Office of Employee Appeals*, 2023-CAB1076 (D.C. Super. Ct. December 29, 2023).

[24] Employee appealed the Superior Court's ruling to the D.C. Court of Appeals. The matter is pending before the Court as of the date of this decision. *See* Case No. 24-CV-0484.

Substantive Charges

Based on the record, and the recent Superior Court decision, we must remand this matter to the AJ to make additional findings in accordance with the 2012 DPM and Article VII of Agency's Order Book. Employee was charged in both Case Nos. U-21-087 and U-21-154 with any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law. The AJ held that substantial evidence existed to support a finding that Employee committed the underlying misconduct; however, she opined that Agency was precluded from imposing this charge since his actions on December 30, 2020, and March 14, 2021, were unrelated to his employment with Agency and because both incidents occurred while Employee was off duty.[25]

However, Article VII, Section 2 of the Order Book defines an "employment-related act or omission" as "an act or omission, occurring during a time that the member was other than on duty, and which adversely and materially has affected, or is likely to affect, the efficiency of government operations or the member's performance of his or her duties."[26] Further, in *Employee v. D.C. Fire and Emergency Medical Services Department*, OEA Matter No. 1601-0375-10, *Opinion and Order on Petition for Review* (June 9, 2015), the OEA Board held the following:

> "Because Article VII, Section 2 exists, this Board does not believe that the requirement for a nexus to Employee's position is needed. This section specifically covers incidents that occurred while an employee is off duty that affects Agency's operation or Employee's performance of her duties."

The AJ in this case did not make findings related to how, or if, Employee's conduct on December 30, 2020, and March 14, 2021, adversely and materially affected, or was likely to affect, the efficiency of government operations or the performance of Employee's duties. Moreover, Article VII, Section 2 does not require members to be on duty as a perquisite to imposing discipline. Since the record is devoid of this analysis, this Board cannot reasonably conclude that the Initial Decision is based on substantial evidence. For this same reason, we must remand the matter to the AJ to reconsider her findings related to neglect of duty.[27] The AJ similarly concluded that this charge could not be imposed because Employee was not on duty when the misconduct occurred and because the underlying conduct was unrelated to his duties as an FF/EMT. In light of the language concerning "employment related" as outlined in Agency's Order Book, as well as OEA Board precedent, additional analysis is required.

Finally, Employee was charged in both Case Nos. U-21-087 and U-21-154 with violation of D.C. Fire and Emergency Medical Services Order Book, Article VII, § 2(h), which states: "any act which constitutes a criminal offense whether or not the act results in a conviction." The AJ declined to rule on this charge, stating "because this cause of action does not exist in the current

[25] The AJ noted that her findings pertinent to any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law would be identical under both the 2012 and 2019 versions of the DPM. *See Initial Decision* at footnote 37.
[26] *Agency's Brief*, Exhibit E.
[27] The AJ also concluded that her findings related to neglect of duty would be identical under both versions of the regulations.

and applicable version of Chapter 16 of the DPM (2019 version), the undersigned cannot adjudicate this issue."[28] However, as previously discussed, the Court in *D.C. Fire and Emergency Medical Servs. Department v. D.C. Office of Employee Appeals supra* ruled that the 2012 DPM should have been utilized in determining if Agency's charges were supported by the record. Since the AJ erred in applying the 2019 DPM, we must remand this matter to be adjudicated based on an analysis of the 2012 regulations and Agency's Order Book.

ORDER

Accordingly, it is hereby **ORDERED** that Agency's Petition for Review is **DENIED**. This matter is therefore **REMANDED** to the Administrative Judge for findings consistent with this ruling.

FOR THE BOARD:

_____
Dionna Maria Lewis, Chair

_____
Arrington L. Dixon

_____
Jeanne Moorehead

_____
LaShon Adams

[28] *Initial Decision* at p. 27.

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	OEA Matter No. 1601-0054-24
Employee	)	
	)	Date of Issuance: January 29, 2025
v.	)	
	)	JOSEPH E. LIM, ESQ.
METROPOLITAN POLICE DEPARTMENT	)	SENIOR ADMINISTRATIVE JUDGE
Agency	)	

Daniel McCartin, Esq., Employee Representative
Michelle McGee, Esq. Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Employee, a Police Officer, filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") on May 23, 2024, challenging the District of Columbia Metropolitan Police Department's ("Agency" or "MPD") decision to terminate him effective April 26, 2024, based on four (4) charges dealing with intoxication, criminal conduct, conduct unbecoming an officer, and any conduct detrimental to the reputation of the Metropolitan Police Department. In response to OEA's May 24, 2024, letter, Agency filed its Answer on June 24, 2024. This matter was assigned to the undersigned Senior Administrative Judge ("SAJ") on June 25, 2024.

Pursuant to the June 27, 2024, Order Convening a Telephone Prehearing Conference which was initially set for July 11, 2024, the parties were required to submit Prehearing Statements by July 9, 2024. Based on the Agency's Consent Motion, I postponed the Prehearing Conference and held it on July 25, 2024. At the Prehearing Conference, I directed both parties to address the following issue: whether the Adverse Action Panel's ("AAP") decision was supported by substantial evidence, whether there was harmful procedural error, or whether Agency's decision was done in accordance with applicable laws and regulations with a submission deadline of October 22, 2024. Because this matter is being reviewed under the analysis set forth in *Pinkard v. D.C. Metropolitan Police Department*[1], no Evidentiary Hearing was convened. The record is now closed.

[1] 801 A.2d 86 (D.C. 2002).

JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id*. states:

> For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

ISSUES

Whether the AAP's decision was supported by substantial evidence, whether there was harmful procedural error, and whether Agency's action was done in accordance with applicable laws or regulations.

ANALYSIS AND CONCLUSIONS

This Office's review of this matter is limited pursuant to the D.C. Court of Appeals holding in *Elton Pinkard v. D.C. Metropolitan Police Department,* 801 A.2d 86 (D.C. 2002). In that case, the D.C. Court of Appeals overturned a decision of the D.C. Superior Court that held, *inter alia*, that this Office had the authority to conduct *de novo* evidentiary hearings in all matters before it. According to the D.C. Court of Appeals: "The OEA generally has jurisdiction over employee appeals from final agency decisions involving adverse actions under the CMPA. The statute gives the OEA broad discretion to decide its procedures for handling such appeals and to conduct evidentiary hearings."[2]

In *Pinkard,* the Court held that this seemingly broad power of the OEA to establish its own appellate procedures is limited by the collective bargaining agreement in effect at the time of Pinkard's appeal. The relevant portion of the collective bargaining agreement reads as follows: [An] employee may appeal his adverse action to the Office of Employee Appeals. In cases where

[2] *See* D.C. Code §§ 1-606.02 (a)(2), 1-606.03 (a), (c); 1-606.04 (1999), recodified as D.C. Code §§ 1-606.02 (a)(2), 1-606.03 (a), (c), 1-606.04 (2001); *see also* 6B DCMR § 625 (1999).

a Departmental hearing has been held, *any further appeal shall be based solely on the record established in the Departmental hearing.*[3]

The Court noted that the Comprehensive Merit Personnel Act ("CMPA") itself explicitly provides that systems for review of adverse actions set forth in a collective bargaining agreement must take precedence over standard OEA procedures. D.C. Code § 1-606.2 (b) (1999) (now § 1-606.02 (b) (2001)) states that "any performance rating, grievance, adverse action, or reduction-in-force review, which has been included within a collective bargaining agreement . . . *shall not be subject to the provisions of this subchapter*" (emphasis added). The subchapter to which this language refers, subchapter VI, contains the statutory provisions governing appellate proceedings before the OEA. *See* D.C. Code § 1-606.3 (1999) (now § 1-606.03 (2001)). Since section 1-606.2 (b) specifically provides that a collective bargaining agreement must take precedence over the provisions of subchapter VI, the Court held that the procedure outlined in the collective bargaining agreement -- namely, that any appeal to the OEA "shall be based solely on the record established in the [Adverse Action Panel] hearing"—controls in the Pinkard case.

Not only did *Pinkard* dictate that the OEA's review of the case be constrained to the record produced as a result of the hearing, but it also noted:

> The OEA may not substitute its judgment for that of an agency…. Its review of an agency decision—in this case, the decision of the [Adverse Action Panel] in the MPD's favor—*is limited to a determination of whether it was supported by substantial evidence, whether there was harmful procedural error, or whether it was in accordance with law or applicable regulations*….The OEA, as a reviewing authority, also must generally defer to the agency's credibility determinations….Mindful of these principles, we remand this case to the OEA to review once again the MPD's decision to terminate Pinkard, and we instruct the OEA, as the collective bargaining agreement requires, to *limit its review to the record made before the [Adverse Action Panel]*.[4]

Thus, pursuant to *Pinkard*, an Administrative Judge of this Office may not conduct a *de novo* Hearing in an appeal before him/her, but must rather base his/her decision solely on the record below, when all of the following conditions are met:

> 1. The appellant (Employee) is an employee of the Metropolitan Police Department or the D.C. Fire & Emergency Medical Services Department;
>
> 2. The employee has been subjected to an adverse action;
>
> 3. The employee is a member of a bargaining unit covered by a collective bargaining agreement;

[3] *Pinkard*, 801 A.2d at 91 (emphasis in original).
[4] *Id.* at 90-92. (citations omitted).

> 4. The collective bargaining agreement contains language essentially the same as that found in *Pinkard*, *i.e.*: "[An] employee may appeal his adverse action to the Office of Employee Appeals. In cases where a Departmental hearing [*i.e.*, Adverse Action Panel] has been held, any further appeal shall be based solely on the record established in the Departmental hearing"; and
>
> 5. At the agency level, Employee appeared before an Adverse Action Panel that conducted an evidentiary hearing, made findings of fact and conclusions of law, and recommended a course of action to the deciding official that resulted in an adverse action being taken against Employee.

Based on the documents of record and the position of the parties as stated during the prehearing conference held in this matter, I find that all of the aforementioned criteria are met in the instant matter. Therefore, my review is limited to the issues set forth in the Issue section of this Initial Decision *supra*. Further, according to *Pinkard*, I must generally defer to [the Adverse Action Panel's] credibility determinations when making my decision. *Id.*

Whether the Adverse Action Panel's decision was supported by substantial evidence

According to *Pinkard*, I must determine whether the Adverse Action Panel's findings were supported by substantial evidence. Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."[5] Further, "[i]f the Trial Board's] findings are supported by substantial evidence, [I] must accept them even if there is substantial evidence in the record to support contrary findings."[6]

After Employee challenged his termination, an Adverse Action Hearing Panel ("AAP") Hearing was held on January 30, 2024. Both Agency and Employee presented documentary and testimonial evidence during the course of the hearing to support their position. The AAP assessed witness testimony and other evidence regarding Employee's alleged misconduct and found Employee to be guilty of all charges.[7]

Following the Hearing, the AAP issued its Findings of Fact and Recommendation on March 13, 2024, unanimously finding Employee guilty and recommending termination for each charge:[8]

Disciplinary Review Division ("DRD") # 309-23, Incident Report ("IS") # 23-001011:

Charge 1, Violation of General Order Series 120.21, Attachment A, 1, which prohibits, *"Alcohol: On-duty drinking and/or under the influence; Off-duty drinking while in uniform and/or under the influence."*
Specification 1**:** In that, on March 17, 2023, the Fairfax County Police Department ("FCPD")

[5] *Davis-Dodson v. D.C. Department of Employment Services*, 697 A.2d 1214, 1218 (D.C. 1997) (citing *Ferreira v. D.C. Department of Employment Services*, 667 A.2d 310, 312 (D.C. 1995).
[6] *Metropolitan Police Department v. Baker*, 564 A.2d 1155, 1159 (D.C. 1989).
[7] *See* AAP Findings of Fact and Recommendation ("AAP Findings").
[8] Agency's Response to Employee's Appeal ("AR") at Tab 7.

responded to your residence in McLean, Virginia where your wife[9] reported to Officers Dianna Agyeman and Marian Nedeltchev that you were drunk, and that you had threatened to kill her. You admitted to the FCPD officers that you had consumed a couple of beers. Reportedly, you had trouble balancing and articulating coherent answers to the responding officers. You also admitted to the MPD Internal Affairs, that you were so intoxicated that you did not fully remember the events of March 17, 2023.

Charge 2, Violation of General Order Series 120.21 Attachment A, 6, which states, *"Engaging in conduct that constitutes a crime."*

Specification 1**:** In that, on March 17, 2023, Officers Dianna Agyeman and Marian Nedeltchev, determined probable cause existed that you violated Virginia Code 18.2-388, Intoxication in Public. Intoxication in Public is a misdemeanor offense in the Commonwealth of Virginia. According to the Virginia Code, a law enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to a court detoxification center in lieu of arrest. In this instance, Officers Agyeman and Nedeltchev used their discretion not to arrest you. Instead, the Fairfax County officers allowed you to take an Uber to your cousin's home.

Charge 3, Violation of General Order Series 120.21, Attachment A, 11, which states, *"Conduct unbecoming an officer, including acts detrimental to good discipline, conduct that would adversely affect the employee's or the agency's ability to perform effectively, or violations of any law of the United States, or of any law, municipal ordinance, or regulation of the District of Columbia."*

Specification 1**:** In that, on April 3, 2023, a Fairfax County Circuit Court Judge issued a Substantial Risk Order ("SRO") against you. This SRO prohibits you from purchasing, possessing, or transporting a firearm until October 3, 2023.

Charge 4, Violation of General Order Series 120.21, Attachment A, 24, which states, *"Any conduct not specifically set forth in this order, which is detrimental to the reputation and good order of the police force, or involving failure to obey, or properly observe any of the rules, regulations, and orders relating to the discipline and performance of the force."*

Specification 1**:** In that, on March 17, 2023, you were identified as a District of Columbia (D.C.) police officer to Fairfax County 911 and over the Fairfax County police radio. You were previously known to FCPD as a D.C. police officer, therefore, your actions were detrimental to the reputation of the Metropolitan Police Department. Additionally, you admitted in your interview with IAD, that "your actions made the department look extremely bad."

Specification 2**:** In that, on March 17, 2023, you used the derogatory slang term "cerota" to describe Officer Nedeltchev while speaking to the Uber driver. You also referred to Officer Nedeltchev as "crazy," while speaking with the Uber driver. These terms are derogatory and unprofessional.

Specification 3**:** In that, on March 17, 2023, during an argument with your wife, while in the

[9] Wife's name omitted for privacy.

presence of her twelve (12) year old son and her three (3) year old daughter, you threatened to kill her.

DRD # 481-23, IS # 23-001522:

Charge No. 1: Violation of General Order Series 120.21, Attachment A, 6, which states, *"Engaging in conduct that constitutes a crime."*

Specification No. 1: In that, on April 27, 2023, probable cause was established by PFC Kyoung Pak of the Fairfax County Police Department (FCPD) to arrest you for Driving Under the Influence (DUI) of Alcohol in violation of Virginia Code 18.2-266.

Specification No. 2: In that, on April 27, 2023, you refused to submit to a breathalyzer test to determine your level of impairment. You were subsequently charged with Breath Test refusal in violation of Virginia Code 18.2- 268.3.

Charge No. 2: Violation of General Order Series 120.21, Attachment A, 1, which prohibits, *"Alcohol: On-duty drinking and/or under the influence; Off-duty drinking while in uniform and/or under the influence."*

Specification No. 1: In that, on April 27, 2023, probable cause was established by PFC Kyoung Pak of the Fairfax County Police Department to arrest you for Driving Under the Influence (DUI) of Alcohol in violation of Virginia Code 18.2-266, and Refusal: Breath in violation of Virginia Code 18.2-268.3. You were issued a warrant of arrest for DUI and Breath Test Refusal. Your intoxication is directly related to your involvement in a domestic incident and subsequent DUI arrest.

Charge No. 3: Violation of General Order Series 120.21, Attachment A, 16, which states, *"Failure to Obey Orders and Directives issued by the Chief of Police."* This misconduct is further defined as Violation of General Order 201.26, V, B.3. which states, *"Sworn members and reserve Corp members, in addition to Part V.A of this order, shall: Maintain a valid operator's license issued by the jurisdiction in which they reside. Members who are authorized to use MPD vehicles shall notify their Commanding Official, through the chain of command, immediately, but no later than the next scheduled tour of duty or any change in the status of their driver's license, including suspension or revocation."*

Specification No. 1: As a result of your arrest, your driving privileges were suspended completely in Virginia and you are unable to drive in the District of Columbia as well, which means that you cannot fulfill your duties as a police officer. As such, you will be unable to maintain a valid driver's license issued by the jurisdiction in which you reside for a period of six (6) months.

Charge No. 4: Violation of General Order Series 120.21, Attachment A, 24, which states, *"Any conduct not specifically set forth in this order, which is detrimental to the reputation and good order of the police force, or involving failure to obey, or properly observe any of the rules, regulations, and orders relating to the discipline and performance of the force."*

Specification No. 1: In that, on April 27, 2023, you consumed alcoholic beverages, entered the driver's seat of your black Audi, drove away from your residence, and were subsequently arrested by PFC Kyoung Pak in Fairfax County, Virginia. Your actions have brought discredit to yourself and the Metropolitan Police Department (MPD).

On April 25, 2024, Police Chief Pamela Smith notified Employee that she had accepted the AAP's Findings of Fact and Recommendation, and that Employee would be removed from employment effective April 26, 2024.[10] The AAP's findings of fact underlying its decision include: Employee has worked for Agency as a Police Officer for 16 years.[11] With regards to DRD #309-23, both in his April 3, 2024, Appeal of Final Notice of Adverse Action and before the AAP, Employee admitted to being intoxicated, driving while intoxicated, refusing to take a breathalyzer, and other facts connected to DRD 309-23. Specifically, Employee pled guilty to Charge 1, Specification 1; Charge 3 Specification 1, and all 3 Specifications of Charge 4. He pled not guilty to Charge 2, Specification 1.

With regards to DRD #481-23, Employee also admitted to many of the alleged underlying facts. Specifically, he pled guilty to Charge 2, Specification 1 and Charge 4, Specification 1. He pled not guilty to Charge 1 Specification 1 and Specification 2. He also pled not guilty to Charge 3, Specification 1.

Consequently, after receiving these and other evidence produced at the hearing, the AAP found Employee guilty of all charges and recommended the penalty of termination after considering the Douglas Factors.

In arguing that there was substantial evidence found by the AAP, Agency asserts that Employee had admitted to the facts underlying his charges. First, at the January 30, 2024, Hearing and during the investigation, Employee admitted to being intoxicated on March 17, 2023.[12] Employee admitted to MPD Internal Affairs Agent Gallagher that when he returned to work on March 18, 2023, he was aware there was a Protective Order against him but that he failed to notify his superiors.[13] Employee admitted to MPD Internal Affairs Agent Gallagher that he called Fairfax County Police Officer Nedeltchev "cerota" and admitted that this term means "piece of shit" or "motherfucker" in Spanish.[14] Employee admitted to MPD Internal Affairs Agent Gallagher and at the Hearing that his actions on March 17, 2023 were an "extremely bad" look for MPD and embarrassing to MPD.[15]

Also at the Hearing, Employee admitted he lost the right to possess and carry a firearm, which is a requirement of his employment.[16] Regarding the April 27, 2023, incident, Employee admitted to MPD Internal Affairs Agent Joseph LaFrance that he was charged with DUI and

[10] AR at Tab 9.
[11] AR at Tab 8.
[12] Agency Answer, Tab 6, 8:3-7, 170:12-171:14, 172:13-16. Agency Answer, Tab 5, Exhibit 3.
[13] *Id*. at p. 10.
[14] *Id*. at p. 9-10.
[15] *Id*.; Agency Answer, Tab 6, 186:15-17.
[16] *Id*. at 186:17-187:1.

refusal to take a breathalyzer.[17] Employee admitted at the Hearing that as part of his plea deal, he pleaded guilty to the crime of disorderly conduct.[18] Employee admitted at the Hearing that he was drinking prior to driving his vehicle and that his performance on the field sobriety tests was such that it warranted his arrest.[19]

Employee admitted that if he had been in Officer Pak's shoes, he would have effectuated an arrest.[20] At the Hearing, Employee admitted his license was suspended for seven (7) days beginning on the date of his arrest.[21] Employee also admitted at the Hearing that his behavior placed members of the public in danger.[22] Employee admitted that Fairfax County police officers took his driver's license and returned it to him by mail after his suspension ended.[23]

Agency points out that Employee admitted to most of the charges against him during the Hearing. Specifically, he plead guilty of the following charges:

DRD# 309-23

Charge 1, Specification 1. Violation of General Order 120.21 Attachment A, 1: Intoxicated off duty.

Charge 3, Specification 1. Violation of General Order 120.21, Attachment A, 11: Conduct unbecoming for the Substantial Risk Order.

Charge 4, Specification 1. Violation of General Order 120.21, Attachment A, 24: Conduct detrimental to the reputation and good order of MPD for being identified as a District of Columbia (D.C.) police officer to Fairfax County 911 and over the Fairfax County police radio.

Charge 4, Specification 2. Violation of General Order 120.21, Attachment A, 24: Conduct detrimental to the reputation and good order of MPD for using the derogatory slang term "cerota" to describe Officer Nedeltchev and calling Officer Nedeltchev as "crazy."

Charge 4, Specification 3. Violation of General Order 120.21, Attachment A, 24: Conduct detrimental to the reputation and good order of MPD when, during an argument with his wife and in the presence of her twelve (12) year old son and her three (3) year old daughter, Employee threatened to kill his wife.

DRD# 481-23

[17] Agency Answer, Tab 5, Exhibit 4 at p. 14.
[18] Agency Answer, Tab 6, 162:18-19.
[19] Agency Answer, Tab 6, 187:15-189:2.
[20] *Id*. at, 188:10-22.
[21] Agency Answer, Tab 6, 206:14-22.
[22] *Id*., at 189:3-13.
[23] *Id*. at 206:19- 207:5.

> Charge 2, Specification 1. Violation of General Order 120.21, Attachment A, 1: Intoxicated off duty.
>
> Charge 4, Specification 1. Violation of General Order 120.21, Attachment A, 23 Conduct detrimental to the reputation and good order of MPD for consuming alcoholic beverages, driving and then being subsequently arrested by Fairfax County Police Officer Kyoung Pak in Fairfax County, Virginia for DUI.

As for the charges and specifications that Employee did not admit to, Agency points out that the AAP found Employee guilty of all charges in both cases. Agency points out that the AAP's fact findings were made based on witness testimonies and other evidence produced at its evidentiary hearing. The AAP examined the *Douglas* factors[24] and determined the appropriate penalty to be termination. The Chief of Police adopted the AAP's recommendations, and Employee was terminated effective April 25, 2024.

In his brief, Employee does not deny his conduct. Instead, he believes he should receive a less severe penalty because of his remorse at his actions, his cooperative attitude towards the cops that arrested him, his walking away from the quarrel he had with his wife to go to his cousin's house, the steps he took to address his alcohol abuse disorder, that his refusal to take a breathalyzer test was a civil and not a criminal offense, that his driving license was not suspended, and other mitigating circumstances. All of this, according to Employee, justifies a less severe penalty.

Employee testified to this effect at the AAP Hearing, but the AAP did not find that this excused Employee or found his testimony credible. Because evidence was presented and found credible by the AAP to support the charges of inefficiency and insubordination, Employee's contrary evaluation of the evidence is insufficient for me to discard the fact findings of the AAP. I defer to the AAP's fact finding and thus I find that there is substantial evidence to support the AAP's findings. Accordingly, I find that there is substantial evidence in the record to support Agency's "guilty" finding for all charges and specifications.

Whether there was harmful procedural error.

Agency asserts that it effectuated Employee's discipline wholly in adherence with applicable laws, regulations, policies and procedures. In his brief, Employee does not allege that harmful procedural error occurred in this case.[25]

Whether Agency's action was done in accordance with applicable laws or regulations.

Agency reiterates that its disciplinary action against Employee was wholly in accordance with applicable policies and procedures. Agency adds that its chosen penalty of termination is

[24] *Douglas v. Veterans Affairs*, 5 MSPR 313 (1981).
[25] Employee brief (September 30, 2024).

appropriate on the grounds that it was made after a thorough "*Douglas* factors" analysis[26] and is within the acceptable range of discipline under the District Personnel Regulations.

It is uncontroverted that Agency considered the *Douglas* factors when determining Employee's penalty.[27] However, Employee counters by saying that Agency did not follow applicable laws or regulations when it incorrectly applied the *Douglas* factors analysis by failing to consider mitigating circumstances. Employee states that Agency mischaracterizes his actions when it labeled them as aggravating when they should actually be deemed as mitigating. Employee then provided several reasons for his argument. He indicated that if Agency had not performed such a perfunctory analysis of the *Douglas* factors, it would have realized that a lesser penalty was appropriate.

---

[26] In *Douglas v. Veterans Administration*, 5 M.S.P.R. 280, 305-306 (1981), the Merit Systems Protection Board, this Office's federal counterpart, set forth "a number of factors that are relevant for consideration in determining the appropriateness of a penalty." Although not an exhaustive list, the factors are as follows:

> 1) The nature and seriousness of the offense, and its relation to the employee's duties, including whether the offense was intentional or technical or inadvertent, or was committed intentionally or maliciously or for gain, or was frequently repeated;
>
> 2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
>
> 3) the employee's past disciplinary record;
>
> 4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
>
> 5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
>
> 6) consistency of the penalty with those imposed upon other employees for the same or similar offenses;
>
> 7) consistency of the penalty with any applicable agency table of penalties;
>
> 8) the notoriety of the offense or its impact upon the reputation of the agency;
>
> 9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
>
> 10) potential for the employee's rehabilitation;
> 11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
>
> 12) the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

[27] AR at Tab 7. AAP Findings and Recommendation.

The OEA may overturn the agency decision only if it finds that the agency "failed to weigh the relevant factors, or that the agency's judgment clearly exceeded the limits of reasonableness."[28] "Not all of [the *Douglas*] factors will be pertinent in every case, and frequently in the individual case some of the pertinent factors will weigh in the [petitioner's] favor while others may not or may even constitute aggravating circumstances."[29] Although the OEA has "'marginally greater latitude of review' than a court, it may not substitute its judgment for that of the agency in deciding whether a particular penalty is appropriate."[30] The "primary discretion" in selecting a penalty has been entrusted to agency management.[31]

> Selection of an appropriate penalty must ... involve a responsible balancing of the relevant factors in the individual case. The OEA's role in this process is not to insist that the balance be struck precisely where the OEA would choose to strike it if the OEA were in the agency's shoes in the first instance; such an approach would fail to accord proper deference to the agency's primary discretion in managing its workforce. Rather, the OEA's review of an agency-imposed penalty is essentially to assure that the agency did conscientiously consider the relevant factors and did strike a responsible balance within tolerable limits of reasonableness. Only if the OEA finds that the agency failed to weigh the relevant factors, or that the agency's judgment clearly exceeded the limits of reasonableness, is it appropriate for the OEA then to specify how the agency's decision should be corrected to bring the penalty within the parameters of reasonableness.

Id. (quoting *Douglas,* 5 M.S.P.R. at 300) (internal quotations marks and bracketing omitted).

The D.C. Superior Court noted that *Douglas* outlines the factors that must be considered but it does not require a certain level of consideration be devoted to each factor.[32] I find that Employee's objections to the AAP's *Douglas* factor analysis are simply disagreements with the AAP's evaluation of said factors in his case. There is no requirement that the Agency must conform its *Douglas* factor analysis to Employee's satisfaction.

I note that Employee does not deny that Agency weighed the *Douglas* factors in determining his penalty; rather, Employee disagrees with the way Agency weighed the *Douglas* factors. In Employee's view, Agency should have considered the factors in a way that wholly rebounds to his benefit, without regard to other considerations that reflect upon Agency's ability to achieve its mission. I therefore find Employee's objections does not indicate that Agency failed to follow the appropriate regulations and policies.

---

[28] *Stokes v. District of Columbia*, 502 A.2d 1006, 1011 (D.C. 1985).
[29] *Douglas, supra*, 5 M.S.P.R. at 306.
[30] *Stokes*, 502 A.2d at 1011 (citing *Douglas*, 5 M.S.P.R. at 300).
[31] *Id*.
[32] *Eugene Goforth v. Office of Employee Appeals, et. al.,* Case No. 2020 CA 005084 (D.C. Super. Ct. July 9, 2021).

Any review by this Office of an agency decision of selecting an adverse action penalty must begin with the recognition that the primary responsibility for managing and disciplining an agency's work force is a matter entrusted to the agency, not this Office.[33] Therefore, when assessing the appropriateness of a penalty, this Office is not to substitute its judgment for that of the Agency, but simply to ensure that "managerial discretion has been legitimately invoked and properly exercised."[34] When the charge is upheld, this Office has held that it will leave Agency's penalty "undisturbed" when "the penalty is within the range allowed by law, regulation, or guidelines and is clearly not an error of judgment."[35]

In its brief, Agency states that its chosen penalty for the charges it found substantiated is consistent with its Table of Penalties.[36] The penalty for the first offense for violations of Agency's Tier 4 General Orders indicate removal.[37] Since the AAP found that Employee was guilty of four Tier 4 violations, Agency argues that its penalty for Employee's misconduct should be upheld.

In this matter, the record shows that Agency's decision was based on a full and thorough consideration of the nature and seriousness of the offense, as well as any mitigating factors present. I find that Agency exercised its primary responsibility for managing and disciplining its workforce by electing to terminate Employee for his actions which demonstrated several instances of neglect of duty and insubordination. For the foregoing reasons, I conclude that Agency's decision to select removal as the appropriate penalty for Employee's infractions was not an abuse of discretion and should be upheld.

ORDER

It is hereby ORDERED that Agency's action of removing Employee is UPHELD.

FOR THE OFFICE:

/s/Joseph Lim
JOSEPH E. LIM, ESQ.
Senior Administrative Judge

[33] *See Huntley v. Metropolitan Police Dep't*, OEA Matter No. 1601-0111-91, *Opinion and Order on Petition for Review* (March 18, 1994); *Hutchinson v. District of Columbia Fire Dep't*, OEA Matter No. 1601-0119-90, *Opinion and Order on Petition for Review* (July 2, 1994).
[34] *Stokes v. District of Columbia*, 502 A.2d 1006, 1009 (D.C. 1985).
[35] *Employee v. Agency*, OEA Matter No. 1601-0158-81, *Opinion and Order on Petition for Review*, 32 D.C. Reg. 2915, 2916 (1985).
[36] Agency brief (August 30, 2024).
[37] *Id*.

This decision may be formally revised before it is published in the District of Columbia Register and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
	OEA Matter No. 1601-0071-23
EMPLOYEE[1]	
Employee	Date of Issuance: January 13, 2025
v	
DISTRICT OF COLUMBIA DEPARTMENT OF PUBLIC WORKS	LOIS HOCHHAUSER, Esq. Administrative Judge
Agency	

Jeremy Greenberg, Esq., Agency Representative
Joseph Davis., Employee Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

Employee filed a petition with the Office of Employee Appeals ("OEA") on September 21, 2023, challenging the decision of the D.C. Department of Public Works ("Agency") to terminate his employment. Sheila Barfield, Esq., OEA Executive Director, notified Timothy Spriggs, Agency Director, of the appeal and of the filing deadline for Agency's answer. Agency filed its answer on October 23, 2023. On October 26, 2023, this Administrative Judge ("AJ"), assigned to hear this matter issued an Order scheduling the prehearing conference ("PHC") for December 6, 2023.

Following the PHC, the AJ issued an Order on December 25, 2023, scheduling the evidentiary hearing for April 17 and April 24, 2024, and providing discovery deadlines. On January 11, 2024, Agency filed its First Set of Discovery Requests. On January 11, 2024, Agency filed a Motion to Strike Employee's Responses to Agency's First Set of Discovery Requests. Employee filed his Opposition to Agency's Motion to Strike on January 22, 2024. On January 26, 2024, Agency filed its Reply in Support of Motion to Strike Employee's Responses to Agency's First Set of Discovery Requests. On March 29, 2024, Employee's representative advised the AJ by email that he required emergency surgery and requested a continuance of the hearing and of discovery deadlines.[2] On April 2, 2024, Agency filed its Response, stating that it did not object to the request and proposing

[1] This Office does not identify employees by name in *Initial Decisions* published on its website.
[2] The AJ excused Employee from filing a written requests during Mr. Davis's illness. Agency did not object.

new hearing dates agreeable to both parties. By Order dated April 17, 2024, the AJ granted Employee's request and scheduled the first day of the hearing for May 14, 2024.[3]

On May 3, 2024, Employee filed a Consent Motion to Convert Evidentiary Hearing to Virtual Platform, due to his representative's continuing medical issues. However, during a subsequent telephone conference, the parties agreed, that due to these health concerns, the hearing should be continued rather than held remotely. Employee withdrew the request for a remote hearing and sought a continuance which the AJ granted. On May 6, 2024, the parties filed the Joint Prehearing Statement, and Agency filed its Prehearing Statement. On May 28, 2024, the AJ issued an Order confirming that the unopposed request for continuance was granted and that the new hearing dates were July 24 and July 26, 2024. Agency filed its *Praceipe* Regarding Motion to Strike Employee's Responses to Agency's First Set of Discovery Requests on May 14, 2024.[4] On June 25, 2024, Agency filed a Consent Motion for Third Day of Evidentiary Hearing due to the unavailability of an essential witness in July. However, the AJ decided, and the parties agreed, that rather than add a third day, the second hearing date would be rescheduled for a day when all remaining witnesses were available. The Order issued on July 9, 2024, confirmed that the second hearing date was continued until August 22, 2024.

The evidentiary hearing took place on July 24 and August 22, 2024, at this Office, located at 955 L'Enfant Plaza, S.W. in the District of Columbia.[5] Both representatives and Employee were present throughout the proceedings,[6] and the parties were given full opportunity to, and did, present testimonial and documentary evidence and argument in support of their positions. Witnesses testified under oath and proceedings were transcribed. [7]

The September 9, 2024 Order confirmed the agreement of the parties to file closing briefs on October 7, 2024. The deadline was extended until October 22, 2024, at the request of the parties.[8] Following submissions of closing arguments, the record closed on October 22, 2024.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.03. (2001).

[3] The Order also revised some filing deadlines and directed the parties to jointly propose dates for the second day of proceedings.
[4] Following arguments, Agency's motions were denied. (Tr1, 12-15).
[5] The transcript of the August 22 proceeding erroneously states that it was conducted "via videoconference."
[6] In addition, Employee's spouse was present on both hearing days. Jacqueline Williams, Agency Assistant General Counsel, and Jackson Derman, Agency Intern, were present for all or part of the July 24 proceeding. Christine Davis, Esq., Agency General Counsel; and Erika Jefferson, Esq., Agency Deputy General Counsel attended all or part of the August 22 proceeding.
[7] The transcript is cited as "Tr" followed by "1" (July 24), or "2" (August 22) followed by the page number. Exhibits ("Ex") are cited as "J" for Joint, "A" for Agency and "E" for Employee, followed by the exhibit number.
[8] *See*, Consent Motion for Extension of Time to Submit Closing Briefs (September 26, 2024).

ISSUES

Did Agency meet its burden of proof on its decision to remove Employee? If so, is there any basis to disturb the penalty?

SUMMARY OF EVIDENCE

Agency's position is that Employee, a Motor Vehicle Operator ("MVO") did not adhere to required procedures on December 6, 2022[9] by failing to take the vehicle that he was assigned to tow ("party bus") directly to the Blue Plains impoundment facility ("Blue Plains"),[10] by making unauthorized interim stops, and by providing and submitting inaccurate information on required forms. It maintains that removal was the appropriate penalty for each charge, *i.e.*, conduct prejudicial to the District Government, failure/refusal to follow instructions, and two causes for false statements/records. (Tr1, 17-18, 25-26; Ex J-4).

Cranston Payne, Agency's first witness, has been Mobilization Vehicle and Towing Manager of Agency's Parking Enforcement Management Administration ("PEMA") since 2017. He stated that Cheri Douglas was Employee's immediate supervisor, and he was Employee's second level supervisor at the time Employee was terminated. The witness said that he was an MVO from 2002 until 2014, when he became an MVO supervisor. (Tr1, 30-35). The witness testified that during the relevant time period, MVOs were required to follow the 2016 Standard Operating Procedures for Towing ("SOP"). (Tr1, 55). Mr. Payne testified that Officer Silver, an abandoned auto investigator, issued the Notice of Infraction ("NOI") in this matter on December 5, 2022, (Tr1, 40-41; Ex J-6).

Mr. Payne stated that the MVO usually receives towing assignments from the supervisor at morning roll-call, and is given the NOI at that time. (Tr1, 37-39; Exs J-5, J-11) He testified that the MVO then goes to the vehicle location, photographs the vehicle and inputs information about the vehicle, *e.g*., make, model, VIN, damage; into a handheld electronic device ("handheld"). The witness testified that the MVO is also required to complete a daily log report ("DL") and an electronic crane form ("CF"). He noted that the DL includes the time the MVO arrived at the vehicle, and the CF includes all vehicle information and photographs. (Tr1, 41-47; Exs J-7, J-8). The witness stated that the SOP requires the MVO to enter information accurately on the forms, explaining that the information may be used in court proceedings. He testified that the SOP requires the MVO to inform the supervisor of any safety issue he encounters at the vehicle site. Mr. Payne stated that if there are no safety concerns, the MVO is required to tow the vehicle directly to the impoundment lot. The witness testified that the MVO must provide all necessary information in the DL if an interim stop is made. (Tr1, 48-52; Ex J-11). He testified that in December 2022, Blue Plains was the only impoundment lot for MVOs to take abandoned vehicles. He related that he told supervisors to instruct MVOs to take abandoned vehicles to Blue Plains; and that the Bryant Street facility, which he thought had not yet officially opened, was limited to

[9] In this *Initial Decision*, the year is often omitted, for the sake of brevity. If omitted, the year is 2022. For the same reason, time designations of "a.m." or "p.m." may be omitted. If not specified, the time is a.m.
[10] All locations cited in this document are in the District of Columbia.

"booted and general violations." (Tr1, 5). He stated that on December 6, Employee failed to comply with SOP requirements multiple times, by taking the vehicle to another location to take photographs, by failing to report a safety issue to his supervisor, failing to accurately complete reports, and by failing to tow the vehicle directly to Blue Plains. (Tr1, 72-80).

On cross examination, Mr. Payne stated that the DL has room for the MVO to provide information if an interim stop is made. (Tr1, 83, Ex J-7). He explained that MVOs are told how to record "anything odd" about the towing in the DL, and receive training to do this when hired. (Tr1, 92, 95). He testified that since the vehicle was a party bus it had to be taken to Blue Plains, whether or not the NOI was issued for abandonment or expired tags, since Bryant Street could not handle that large a vehicle. (Tr1, 88, 114). He stated that it was impossible for towing to be completed in three minutes, *i.e.*, start at 8:17 and end at Blue Plains at 8:20, as stated on the CF. (Ex J-8). Mr. Payne, returning as a rebuttal witness, testified that the 2016 SOP took effect upon its revision in 2016. (Tr2, 214; Ex J-11).

Raymond Haynesworth, Agency's next witness, is Deputy Administrator of PEMA, and is responsible for field operations and ensuring that enforcement policies and procedures are followed. He said that all managers report to him and that he reports to Johnny Gaither, PEMA Administrator. (Tr1, 119). The witness said that he knew Employee, and was in his chain-of-command, since Mr. Payne reported to him. (Tr1, 120). He testified the SOP introduced in this hearing was the version containing the MVO's duties and responsibilities at that time. (Tr1, 121; Ex J-11). He stated that MVO adherence to the SOP is important in order to have an accurate tracking record of the vehicle. He testified that MVOs are not permitted to "deviate" from the designated impound lot absent specific instructions from their supervisors. (Tr1, 127-131; Ex J-11).

Mr. Haynesworth stated that he was familiar with the charges, and determined that Employee failed to comply with the SOP by stopping at Bryant Street without any supervisory directive instead of going directly to Blue Plains, by not taking photographs near the towing site on Hamlin Street, and by failing to accurately complete his forms. He noted that the DL did not include any information about the Bryant Street stop or the stop where Employee took the photographs. He maintained that the start time of 8:17 and completion time of 8:20 were incorrect since the process could not be completed in three minutes. (Tr1, 134-139; Exs J-7, J-8). He stated that if Employee moved the vehicle to another location for safety reasons in order to take photographs, he was required by the SOP to first contact his supervisor. (Tr1, 163).

On cross examination, the witness testified that the 2016 SOP is the "most revised" version and is still in use. (Ex J-11). He stated that although the NOI does not identify the party bus as abandoned, since the tow was requested by the abandoned vehicle investigator; the MVO had to tow it to Blue Plains. (Tr1, 142-145). Mr. Haynesworth testified that he is familiar with the training process because he interacts with the training academy and reviews training materials regularly. (Tr1, 147-153, Ex J-5). He stated that Agency considered that the information that Employee gave about the photographs was "falsified" since he did not take the photographs at or near the party bus location as required, but instead took them at 17th and Benning Road, which was not in close proximity to the site, *i.e.*, within several blocks. He stated that Agency might have allowed this deviation that if Employee had provided the information with an explanation. (Tr,

163-167; Ex J-8).

Antwon Temoney, Agency's third witness, stated that he has been Program Manager of Abandoned Vehicle Operations for six years, and in that capacity oversees the operations of abandoned vehicles. He said that in December 2022, Bryant Street had only one or two employees and was only used for booted cars, scofflaws, and camera tickets exceeding 60 days. (Tr1, 170-173). He said that before February 2023, an MVO could not tow a vehicle to Bryant Street unless specifically instructed. (Tr1, 174-175,191). On cross-examination, the witness said that MVOs know that abandoned vehicles must be towed to Blue Plains, and that buses could not go to Bryant Street "at all." (Tr1, 178, 192-194; Ex J-5).

Zachary Grayton, Agency's next witness, said that he began as a parking officer ("PO") in 1981, subsequently being appointed as Abandoned Vehicle Division lead and then supervisor. He stated that when he retired in 2016, he was a Training Instructor ("TI") when he retired in 2016, and returned as a contractor with the Training Department where he served as a TI for new hires in 2020 and 2021. The witness stated that currently he is a supervisor in the Abandoned Vehicle Division. Mr. Grayton stated that as IT, he reviewed the SOP with trainees who also receive copies of the document. He reviewed the SOP in evidence and testified that was the version in use during his tenure as TI. (Tr1, 197-205; Ex A-11).

Agency's next witness, Johnny Gaither, PEMA Administrator, proposed Employee's removal. He stated that he signed, but did not draft, the Advanced Written Notice of Proposed Removal ("Advanced Notice"), and that it "accurate[ly] reflect[ed]" his decision. He testified that he proposed removal as the penalty for each of the four charges, noting that the penalty was erroneously omitted from the document following the fourth charge. (Tr1, 242-245; Ex J-1). The witness stated that he also proposed removal for each charge on the Proposing Official's Rationale Worksheet ("Worksheet"). (Tr1, 246; Ex J-2). He testified that Employee failed to adhere to the SOP Code of Conduct by entering false information, and failing to adhere to requirements. The witness stressed that adherence to SOP requirements was important for the protection of employees and the public. He testified that he considered each of the *Douglas Factors*[11] in determining the penalty of removal.

Asked on cross-examination which allegations led him to propose removal, Mr. Gaither stated that Employee entered incorrect information and failed to tow the vehicle directly to Blue Plains. He stated that MVOs receive training on these requirements when hired. He testified that an MVO should alert a supervisor if the MVO is "doing something different" due to safety concerns. Initially, the witness stated this was not a requirement, but after reviewing the SOP, he testified that an MVO who is in an unsafe situation is required to contact a supervisor. (Tr1, 261-264). On re-cross, Mr. Gaither stated that although he did not author the Advanced Notice, he verified its accuracy. (Tr1, 265-267).

Timothy Spriggs, Agency's final witness, had served as Agency Director for about 8 months at the time of this hearing. He stated that he was the Deciding Official for this Final Decision on

[11] These factors were enunciated in *Douglas v. Veterans Administration*, 5 MSPR 280 (1981); and are also stated in Section 1606.2 of the District of Columbia Personnel Manual ("DPM").

Proposed Removal ("Final Decision") which was issued on September 14, 2023. (Ex J-4). He described the process that he used and the documents he reviewed to reach his decision to remove Employee. He noted that he also discussed the matter with Agency General Counsel before reaching a decision, (Tr2, 12-13, 36-37). He stated that that although he also reviewed the Rationale Worksheet, he also conducted an independent assessment of the *Douglas Factors*. (Tr2, 8-10). Director Spriggs testified that this matter involved "the loss of confidence and public trust." He explained that towing is a "front-facing duty" which requires "a level of trust" by the public since the MVO is moving someone's personal property from one location to another. He maintained that if the MVO did not as required, it "opens up" Agency and the District Government to a loss of confidence by the public. (Tr2, 13-14). The witness testified that the second and third charges of "false statements/records" were based on Employee's failure to identify correct locations in DL. He noted that the "alcohol theft allegation"[12] had no impact on his decision. (Tr2, 15-17). He testified that he would have removed Employee for each penalty and the result would be the same even if only one penalty remained. (Tr2, 37).

Director Spriggs testified on cross-examination that he did not conduct his own investigation. He stated that Employee falsified the individual towing report by omitting the locations where he took the vehicle before taking it to Blue Plains, and stated that there was "plenty of space" for Employee to include that information on the DL. He testified that all stops, even to use a restroom, should be documented. He stated that the MVO knows if a vehicle is considered abandoned even if, as in this case, the NOI cites it for failing to display current tags. (Tr2, 20-26; Ex J-7). Director Spriggs stated that all Agency employees are instructed to notify their supervisors if they feel they are "unsafe." (Tr2,28). Asked why that progressive discipline was not used since Employee had no prior corrective or adverse action and had received positive evaluations, the Director responded that it was due to the loss of public trust. (Tr2, 32).

Employee's position is that his removal was the result of "unsubstantiated allegations." He maintained that his actions on December 6 complied with "policies and procedures." He contended that Agency removed him "simply [to scare] the rest of the staff." As relief, he asked for the reversal of the removal, reinstatement and restoration of lost pay and benefits. (Tr1, 18-24).

Tabari Slack, Employee's first witness, is an MVO who was also supervised by Ms. Douglas at the relevant time. He stated that the policy requiring all abandoned vehicles to go to Blue Plains was not implemented until "right after" the December 6 incident. (Tr2, 41). He testified that he always telephones a supervisor when he encounters a safety risk, adding that the MVO determines if there is a safety risk. He noted that it is not "common practice" to complete a written report if a safety risk is encountered. (Tr2, 45-47).

The witness testified that Employee telephoned him on December 6, asking if he had a tool that Employee needed to open the party bus in order to get the VIN. He said that he had the item,

[12] At the PHC, the parties informed the AJ that this adverse action began as part of an investigation of an incident allegedly involving Employee, several co-workers, the party bus and alcohol. They agreed that the investigation did not result in any charges of misconduct related to these allegations. The incident therefore was never before this AJ, she did not know the specific allegations, and they played no role in her decision. The charging documents include references to these allegations and the fact that there was insufficient evidence to result in charges. (Exs J-1, J-4).

i.e., a metal rod known as a "slim jim." He testified that he met Employee at Bryant Street because Employee "wasn't too far" and he was on his way there. Mr. Slack did not recall if anything prevented Employee from leaving the vehicle at Bryant Street. (Tr2, 45-50). He stated that the NOI was issued for failure to display tags, but that it was uncommon for vehicles to be cited for abandonment, since it was difficult to determine abandonment. (Tr2, 48-52). On cross-examination, Mr. Slack stated that an MVO is supposed to contact a supervisor if there is a safety concern, which he described as a feeling of danger. He did not think that trying to tow a vehicle during rush hour traffic would be a safety concern. (Tr2, 57-58).

Edward Epps, Employee's next witness, said that he is a crane operator who is supervised by Ms. Douglas. He stated that he would not make an interim stop unless he felt unsafe, and that he usually did not note the interim stop on the DL. (Tr2, 67-69). He said that he would call a supervisor if he felt unsafe, and that if a situation got "too far out of hand," *e.g.*, with an angry customer whose car was being towed, he might contact the police. He added that he might also call for assistance if traffic is "too bad, *i.e.*, if one vehicle was blocking another, but otherwise he would use the "blue lights." (Tr2, 72-75).

Cheri Douglas, Employee's next witness, was Employee's immediate supervisor at the time of his removal. She said that the individual MVO decides if there was a safety risk, and that the issue was discussed at monthly meetings. (Tr2, 100). She testified that she assigned Employee the Hamlin Street tow at roll call on December 6. She said that she does not tell the MVO which lot to tow a vehicle, but tells them of the number of spaces available at each lot every morning. (*Id*). Ms. Douglas said that MVOs usually takes the photographs of the vehicle at the start of the tow, but they can be taken at another time; for example, if the MVO felt unsafe or if doing so would create traffic to become congested. (Tr2, 105-107; 110; Ex J-7).

The witness testified on cross-examination that the SOP requires the MVO to notify the supervisor if there is a safety issue. She stated, however, that at the time of this incident, the 2011 SOP was in use, and not the 2016 edition. (Tr2, 119-120, Ex J-11). She stated that Employee did not contact her after she assigned him the vehicle on December 6. (Tr2, 122).

Ms. Douglas testified that starting in October or November 2022, MVOs could tow vehicles to Bryant Street, but needed permission to bring a larger vehicle there. She said that even before it officially opened, Bryant Street gave information daily regarding available spaces, but she did not recall if she gave the MVOs any information on available spaces at Bryant Street on December 6. The witness did not agree that an MVO must notify a supervisor if making an interim stop to "use the restroom[or] grab a drink." She said the MVO only needed to contact the supervisor if a stop was made for safety reasons. (Tr2, 124-131).

Employee was the final witness. He stated that Ms. Douglas was his direct supervisor with his chain-of-command continuing with Mr. Payne, Mr. Haynesworth, and then Mr. Gaither. (Tr2, 134). He testified that he experienced a number of unsafe situations while an MVO, *e.g.*, people blaring car horns and/or using profanity. (Tr2, 135). He said that he was never instructed on how to handle safety concerns, adding that Mr. Payne said at a meeting that the decision was at the "[MVO's] discretion." (Tr2, 136). Employee testified that Hamlin Street was the first of four assignments he received from Ms. Douglas on December 6. He said that the vehicle did not qualify

as abandoned since it had tires and the windows were not broken. (Tr2, 137-139). Employee testified that the Hamlin Street location is both industrial and residential., and it had no rush hour restrictions. He said that upon his arrival he walked around the vehicle, and did not find anything that "needed to be reported." (Tr2, 143). Employee testified that the first step in the towing process is to enter the VIN in the handheld. He said that he could not gain entry to the vehicle to get the VIN, so he contacted Mr. Slack for assistance. He said that Mr. Slack told him that he was "on his way" to Bryant Street, which was "not far" from his location on Hamlin, so he went to meet him there. According to Employee, vehicles could be brought to Bryant Street at that time if there was space available. (Tr2, 150). He said that while Mr. Slack was using the slim jim to gain entry to the party bus, he went to a door at the Bryant Street facility and asked if it would take the vehicle. He said that he was told that it would not, so he returned to the vehicle. By that time, according to the witness, Mr. Slack had the door opened so Employee left for Blue Plains. He testified that on his way, he realized that he had not yet taken any photographs, so he stopped on the 700 block of 17th Street and took the photographs there. (Tr2, 144, 152). Asked why he did not list these interim stops, Employee responded that "[n]obody does that," adding that the form is just for "to and from" and has no space for that information. He stated that he has made interim stops before. (Tr2, 145-146, Ex J-5).

Employee testified that he did not falsify any information on his reports. (Tr2, 146). Reviewing the DL, he testified that 7:57 was the time he arrived, that 8:00 "may be the time" that he left to go to Bryant Street, that 8:10 was the time he was at Bryant Street and that 9:05 was the time he arrived at Blue Plains. (Tr2, 147-149, Ex J-7). Employee stated that he had never before been "written up…or counseled" while working at Agency, (Tr2, 152). Reviewing the charges, Employee testified that he did not act unprofessionally or provide false written or oral statements. (Tr2, 160-161; Ex J-4).

On cross-examination, Employee confirmed that he authorized the Union's letter of August 11, 2023, which represented his position. (Tr2, 166, Ex J-3). He stated, on redirect, that he did not know what the "note section" of the DL was used for, and never made entries there. He testified that the "8:00" he wrote on the DL "probably was the time" he was trying to access the vehicle, and 8:10 was "probably" when he went to Bryant Street to meet Mr. Slack. (Tr2, 197-198; Ex J-7). He testified that 8:17 where he wrote "towing started" was "probably" when he was on 17th Street taking pictures because that's …at the end of the tow." (Tr2, 199-200; Ex J-8). Employee stated that the information in the handheld is "automatically generated," and he had "no idea" why it had "towing start at 8:17," but surmised that the time may have been generated when he used the handheld to take the photographs. Employee said that the 8:20 time for "towing completed" was when he finished taking the photographs. (Tr, 201-204; Ex J-7). Employee testified that he did not need the VIN to tow the vehicle, but needed it for Blue Plains to accept it. He said that he could not wait until he arrived at Blue Plains to get the VIN because employees there do not "go inside of vehicles." He testified that he needed a "big space" in order to take the photograph, and the 17th Street location was "the best place" for him to pull over and take the photos. (Tr2, 206-209).

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW

The jurisdiction of this Office is established by the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Code Ann. §1601.01, *et. seq*. as amended by the Omnibus Personnel Reform Amendment Act of 1998, D.C. Law 12-124. D.C. Official Code §1-606.03(a) states, in relevant part, that an employee can appeal "an adverse action for cause that results in removal." Therefore, this Office has jurisdiction to hear this removal action.

Pursuant to OEA Rule 631, Agency has the burden of proving the charges and must meet this burden by a preponderance of evidence, which is defined as "the degree of relevant evidence which a reasonable mind, consider the record as a whole, would accepted as sufficient to find a contested fact more probably true than untrue." After carefully considering the evidence and arguments presented by the parties, the AJ concluded, for the reasons discussed below, that Agency met is burden of proof on each of the four charges.

There were a number of facts that were not in dispute. First, Agency is the District of Columbia Government entity that is responsible for parking enforcement in the District of Columbia, including ticketing and towing vehicles. (*See,* Agency website). The MVO, who is part of PEMA, is responsible for towing vehicles that has been issued an NOI to an Agency impoundment site. It is also undisputed that Employee was hired as an MVO on or about November 18, 2019, and served in that position until his removal on September 15, 2023. Employee received performance ratings of "highly effective" for FYs 20, 21 and 22. Prior to the charges that resulted in his removal, he had not been the subject of any corrective or adverse action. (Ex J-2). The parties agree that on December 6, 2022, Employee was assigned to tow a vehicle, referred to as a party bus, which was located at or near 1717 Hamlin Street, N.E.[13] The vehicle, issued by Office Silver, was for failure to "display current tags."[14] Employee arrived at the vehicle at 7:57. (Exs J-7, J-8).

In evaluating disputed facts, the AJ assessed both the quality and consistency of evidence and the credibility of witnesses. *See, e.g., Haebe v. Department of Justice*, 288 F.3d 1288 (Fed. Cir. 2002). She considered the demeanor and character of the witness, the inherent improbability of the witness's version, inconsistent statements and the witness's opportunity and capacity to observe the event at issue. *Hillen v. Department of the Army*, 35 M.S.P.R. 453 (1987). In this matter, the AJ found witnesses were generally credible and knowledgeable in their areas of experience and expertise. Agency witnesses did not appear to exhibit any *animus* toward Employee and their evidence was consistent. The AJ found a number of inconsistencies in Employee's testimony and inconsistencies in the evidence offered by Employee and his witnesses. However, some inconsistencies are expected and does not invalidate all testimony offered by that witness. *DeSarno, et al., v. Department of Commerce*, 761 F.2d 657, 661 (Fed. Cir.1985). The AJ also found Employee was uncertain and inconsistent about why he entered certain times and gave different reasons on direct and cross examinations. (*Infra* at 8).

The first disputed fact examined was whether the 2016 SOP was in use during the relevant time period. Ms. Douglas testifying on behalf of Employee, stated that that the 2011 version of

[13] All locations cited in this document are in the District of Columbia.

[14] The parties did not agree whether the party bus was considered abandoned. Although the outcome is not relevant to the outcome of this matter, the AJ found that Agency presented sufficient evidence to support its position that Employee knew or should have known the vehicle was abandoned.

the SOP and not the 2016 version was in use during the relevant time period. On the other hand, Agency witnesses Mr. Payne, Mr. Haynesworth and Mr. Grayton testified on behalf of Agency that the 2016 SOP version was in use during the time of these events. The AJ determined that Agency presented sufficient evidence to establish that the 2016 SOP was the version in use during the relevant time period. In reaching her decision, the AJ considered that Agency witnesses offered strong credible, cumulative and consistent evidence on this issue. Each had considerable tenure in different positions at Agency, and demonstrated familiarity with the 2016 SOP. The AJ also considered that Ms. Douglas's testimony was not supported by any other testimonial or documentary evidence. Also, since the 2011 SOP was not introduced or offered into evidence, there was no way to determine if there were relevant differences between the two versions.

The accuracy of Employee's time entries was also at issue. Agency maintained that Employee did not enter times truthfully and deliberately omitted information regarding interim stops. Employee contended that he did enter information accurately and truthfully. Employee, supported by at least some of his witnesses, testified that MVOs are not required to enter information regarding interim stops. Reviewing the evidence regarding the time entries, the AJ found Employee to be uncertain about several of the time entries that he made in the DL. For example, he testified that the "8:00" entry was "probably was the time" he was trying to access the vehicle, 8:10 was "probably" when he went to Bryant Street, and 8:17 where he wrote "towing started" was "probably" when he was on 17th Street taking pictures because that's …at the end of the tow." He asserted that the information in the handheld was "automatically generated," and had "no idea" why it had "towing start at 8:17," guessing that the time may have been generated when he used the handheld to take the photographs. He also testified, that the 8:20 time for "towing completed" was when he finished taking the photographs. Employee stated that the information in the handheld is "automatically generated," and he had "no idea" why it listed "towing start at 8:17," but guessed that the time could have been generated when he used the handheld to take the photographs and thought the 8:20 time for "towing completed" was when he finished taking the photographs. (*Infra* at 8; Ex J-7, J-8). Employee did not claim that the handheld was defective in any way. He did not dispute Agency's position that the towing could not have been completed in three minutes, but could not explain these entries other than to surmise that these were the times he began and completed taking photographs. In sum, the AJ did not find Employee completely credible on these entries and therefore determined that Agency met its burden of establishing that Employee knowingly misrepresented the times he entered. With regard to interim stops, Employee testifying that he thought some of his entries referred to interim stops, so the AJ was uncertain of his position. If in fact, he listed the times for interim stops, then his position that he was not required to include interim stops weakens. The AJ determined that Agency met its burden on proof on this issue.

Employee's reason for taking the vehicle to Bryant Street was an issue. At the proceeding, Employee testified that the reason he took the vehicle to Bryant Street because Mr. Slack was on his way there and he needed to use his slim jim. He said that while there, he went to the door and asked an employee at Bryant Street if he could leave the party bus. However, Employee's testimony different significantly from his position in his August 11, 2023 letter, in which he stated that he went to Bryant Street to leave the vehicle there. (Ex J-3).[15] Since this had been Employee's

[15] The Administrative Judge found this inconsistency troubling, although it did not cause her to find that Employee was not a credible witness at other times.

position, the AJ assessed the evidence on that issue and concluded that Agency established that the Bryant Street was not available to leave vehicles at that time, and in any event would not accept a vehicle the size of the party bus. Mr. Payne, Mr. Haynesworth, and Mr. Temoney consistently testified that Bryant Street was not available for impounded vehicles during the relevant time. Agency witnesses also testified that the party bus could not be towed to Bryant Street because that facility did not "handle" vehicles of that size. Witnesses testifying on behalf of Employee witnesses testified that the party bus could be towed to Bryant Street on December 6. Mr. Slack stated that the restrictions on towing vehicles to Bryant Street, were implemented after December 6. Mr. Epps stated that the MVOs could tow vehicles to Bryant Street in December 2022. Ms. Douglas, however testified that an MVO could tow a vehicle to Bryant Street in December 2022, only if "special permission" was first given, since it was a large vehicle. More significantly, no evidence was offered by Employee or his supervisor that he asked for or was given permission to take the party bus there on December 6. Based on this assessment, the AJ determined that Agency met its burden of establishing that Bryant Street was not available for towed vehicles on December 6, 2022.

The AJ also evaluated another fact that was not in dispute, *i.e.*, Employee's contention that he had to move the vehicle from Hamlin Street because he deemed the situation unsafe or dangerous. The SOP states that the MVO should visually inspect the vehicle upon arrival, and then notify the supervisor of any public safety issues or hazardous conditions. However, Employee maintained that he had to move the party bus before completing these steps because he felt unsafe and in danger. He stated that he was concerned that drivers on Hamlin Street could get angry at him for slowing down traffic, although he stated that there were no rush hour restrictions at the location. He was also concerned that an owner could possibly appear and create a problem. It is undisputed that Employee did not notify his supervisor of concerns about any concern regarding safety or danger. All witnesses agreed that the decision that a location raises safety concerns and/or a dangerous situation is left entirely to the MVO, and Agency presented no evidence contradicting Employee's position regarding the reason he moved the vehicle. However, Employee's witnesses offered little if any support on this issue. Both Mr. Slack and Mr. Epps testified that they would call their supervisor if they felt unsafe or in danger. Mr. Epps added that he might call for assistance if traffic is "too bad," *i.e.*, if a vehicle was being blocked, but otherwise would proceed, using the "blue lights." He also stated that an incident report has to be completed by the MVO for each safety incident. Employee did not contact his supervisor or complete an incident report. In addition, there were no rush hour restrictions placed on parking during that time, and Employee did not allege being confronted by an angry owner.[16] An AJ is not required to find a fact because there is no evidence to the contrary. The determination that an MVO is made by the individual MVO. In this matter, if Employee reasonably felt he was in a dangerous situation and had to move the vehicle, the outcome would likely have been the same since he did not report it as required. However, even Employee's testimony did not support his position. Employee took the time to walk around the vehicle and look for anything that "needed to be reported," to try to open the doors of the vehicle, and to call Mr. Slack and ask if he had a slim jim and then arrange to meet him at Bryant Street. (*Infra* at 8). It is more likely and reasonable that someone who felt he was in an

[16] The photographs were taken at 10:36 a.m., after morning rush hour, and does not show a high degree of traffic. It also appears that the street is at least partially residential. (Ex J-6).

unsafe and dangerous situation would have left the site immediately, rather than taking the time to do these tasks.

Agency has the primary responsibility for managing its employees, which includes determining the penalty once cause is established. The AJ's review is limited to ascertaining if "managerial discretion [was] legitimately invoked and properly exercised." *Stokes v. District of Columbia*, 502 A.2d 1006 (D.C. 1985). Agency established that the penalty of removal is within the permitted range for each charge. *See*, DPM, Chapter 16, §§1607.2(4), 1607.2(b)(2), 1607.2(b), and 1607.2(d). Employee contended that the parties' collective bargaining agreement required Agency to use progressive discipline, which would result in a less severe penalty. (Employee's Closing Argument, 7). However, Agency met its burden of proving that Employee's misconduct was sufficiently serious so that no lesser penalty was appropriate. It determined that Employee's actions involved "the loss of confidence and public trust." (*Infra* at 6). Agency's position is the MVO is a position of trust since that towing requires "a level of trust" by the public for the MVO who tows vehicle, a valuable possession, often with property in the vehicle that might have a personal or economic value to the owner. An MVO's failure to adhere to requirements, including accurate information, can create a loss of confidence by the public in Agency and the District Government. In addition, accurate information is required since it may be relied on in legal proceedings. Agency established that Employee's failure to provide accurate information and adhere to requirements was sufficient to support its decision to terminate his employment. Finally, the AJ concluded that Agency considered each *Douglas* factor in reaching its decision. In the Final Decision, the DO reviewed each factor, and explained the reason that even Employee's positive evaluations and lack of prior discipline did not reduce the penalty. (Infra at 6). In sum, Agency met its burden that it "reasonably considered" all relevant factors in reaching its decision to remove Employee. *Stuhlmacher v. U.S. Postal Service*, 89 M.S.P.R. 272 (2001).[17]

Based on a thorough review of the documentary and testimonial evidence and arguments, as well as the facts, analysis and conclusions discussed herein, the AJ determines that Agency met its burden of proof in this matter, and the appeal should be denied.[18]

ORDER

Agency's decision is upheld

FOR THE OFFICE:

Lois Hochhauser

Lois Hochhauser, Esq.
Administrative Judge

[17] The fact that the AJ may have chosen a lesser penalty does not constitute a basis to disturb the penalty of removal, since the AJ has no authority to disturb the penalty absent the criteria discussed..

[18] In reaching her decision, the AJ thoroughly reviewed and considered all evidence and arguments offered by the parties, even if not discussed in this decision. *Gardner v. Department of Veterans Affairs*, 123 MSPR. 647 (2016). *See also, Antelope Coal Company/Rio Tino Energy America v. Goodin*, 743F.3d 1331 (10th Cir. 2014).

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1]	)	
Employee	)	OEA Matter No. 1601-0082-22
v.	)	
	)	Date of Issuance: January 16, 2025
DISTRICT OF COLUMBIA FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT,	)	
Agency	)	
	)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee worked as a Firefighter/Technician for the District of Columbia Fire and Emergency Medical Services Department ("Agency"). Agency issued its Notice of Proposed Adverse Action to Employee on December 28, 2021. The notice proposed to demote Employee to the rank of a Firefighter/Emergency Medical Technician. Employee was charged with: (1) Violation of [Agency] Order Book, Article VI, § 6, Conduct Unbecoming an Employee; (2) [Agency] Bulletin No. 33, Social Media Policy, § II; and (3) [Agency] Bulletin No. 24, Anti-Hazing Policy. The proposed action notice explained that these violations amounted to neglect of duty as defined in [Agency's] Order Book Article VII, Section 2(f)(3) and an on-duty/employment-related reason for corrective or adverse action as defined in [Agency's] Order Book Article VII, § 2(g). According to Agency, on September 7, 2021, while on duty, Employee made disparaging comments in a chat on an Agency-wide virtual town hall meeting alleging that a colleague attempted to have sexual relations with a minor. On July 28, 2022, Agency issued its Final Notice of Adverse Action against Employee, demoting him from Firefighter/Technician to the rank of Firefighter/Emergency Medical Technician. The effective date of Employee's demotion was August 28, 2022.[2]

On September 27, 2022, Employee filed a Petition for Appeal with the Office of Employee

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] *Petition for Appeal*, p. 23-29 (September 27, 2022).

Appeals ("OEA"). He asserted that his remarks about his colleague were made as a private citizen on a matter of public concern; thus, he posited that he did not violate Agency's Anti-Hazing and Social Media policies.[3] Additionally, Employee argued that his demotion was unwarranted and violated his First Amendment rights. As a result, he requested that the demotion be reversed and that he receive back pay and benefits lost as a result of the adverse action.[4]

Agency filed its Answer to the Petition for Appeal on October 27, 2022. It contended that its penalty for Employee's misconduct was warranted based on his inappropriate comments made about a colleague at an Agency virtual town hall meeting. Agency argued that Employee's remarks violated its Social Media and Anti-Hazing policies by bullying, harassing, and publicly shaming a colleague on social media. As it relates to Employee's First Amendment assertion, Agency argued that the free speech claim could not be protected in this instance because Employee did not speak as a private citizen, and his comments were not related to a matter of public concern. Additionally, it opined that it considered the *Douglas*[5] factors before reaching its decision to demote Employee. Therefore, Agency requested that Employee's disciplinary action be upheld.[6]

The OEA Administrative Judge ("AJ") issued an order requesting the parties to submit briefs addressing whether the Fire Trial Board's ("FTB") decision was supported by substantial evidence; whether there was harmful procedural error; and whether Agency's action was done in accordance with applicable laws or regulations.[7] In its brief, Agency asserted many of the same

[3] Employee alleged that a colleague was involved in a sex-traffic sting and should not have been able to hold a Department of Health Emergency Medical Technician card. It was his position that his colleague should have been removed from Agency.

[4] *Id.* at 42.

[5] The standard for assessing the appropriateness of a penalty was established by the Merit Systems Protection Board ("MSPB") in *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981). The *Douglas* factors provide that an agency should consider the following when determining the penalty of adverse action matters:

1) the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3) the employee's past disciplinary record;
4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in employee's ability to perform assigned duties;
6) consistency of the penalty with those imposed upon other employees for the same or similar offenses.
7) consistency of the penalty with any applicable agency table of penalties;
8) the notoriety of the offense or its impact upon the reputation of the agency;
9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
10) potential for the employee's rehabilitation;
11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter; and
12) the adequacy and effectiveness of alternative sanctions to deter such conduct.

[6] *D.C. Fire and Emergency Medical Services Department Answer to Employee Petition for Appeal*, p. 6-15 (October 27, 2022).

[7] *Order on Briefs* (February 16, 2023).

arguments presented in its Answer to the Petition for Appeal. It explained that this was Employee's fourth disciplinary action for misconduct within the past three years. Agency further opined that Employee exhibited a brazen attitude regarding the incident and showed no remorse for the inappropriate comments made against his colleague. Moreover, it contended that Employee's disparaging comments impacted Agency's operations.[8]

In his brief, Employee argued that Agency failed to provide substantial evidence to support any findings of fact. He asserted that the comments posted in the chat during the virtual town hall meeting were not negative or disparaging towards his colleague but were posed as a question of public concern. Thus, Employee reasoned that the comments did not invalidate his right to engage in constitutionally protected speech.[9]

The AJ issued an Initial Decision on April 15, 2024. He found that Employee failed to provide substantial evidence that his First Amendment rights were violated or that his assertions were a mere personal complaint. The AJ held that Agency did not commit harmless error, and it afforded Employee due process in the matter. Furthermore, he determined that Employee's demotion was within the range of the Table of Penalties and that Agency appropriately considered the *Douglas* factors. Consequently, the AJ ruled that Agency's action of demoting Employee be upheld.[10]

Employee filed a Petition for Review with the OEA Board on May 21, 2024. He maintains many of the same assertions made throughout his appeal. Employee argues that there is no evidence that he had a history of hazing. Additionally, he claims that the Initial Decision was issued past the 120-business day deadline, as required in D.C. Code § 1-606.03. According to Employee, five hundred and sixty-seven (567) days passed before he received the Initial Decision. As a result, he requests that the Initial Decision be reversed.[11]

On June 25, 2024, Agency filed its Opposition to Employee's Petition for Review. It asserts that Employee filed his petition beyond the 35-calander day deadline; thus, the petition should be considered untimely. Agency also argues that the 35-day filing period is a mandatory claim processing rule, and Employee's Petition for Review is not subject to equitable tolling. As it related to Employee's assertions that the AJ did not issue the decision within 120 business days, Agency contends that the District of Columbia Court of Appeals held that the 120-business day timeframe is directory, not mandatory. It cites to *Anjuwan v. D.C. Department of Public Works*, 729 A.2d 883, 886 (D.C. 1998), in which the D.C. Court of Appeals ruled that OEA's failure to comply with the 120-buisiness day requirement was not grounds for a reversal. Agency also notes that Employee contributed to the delay of the decision being issued when he filed his brief past the prescribed deadline.[12] Accordingly, it requests that Employee's Petition for Review be denied.[13]

---

[8] *Agency's Brief*, p. 17-24 (March 31, 2023).
[9] *Employees Response to Agency's Brief*, p.1-12 (May 30, 2023).
[10] *Initial Decision*, p. 5-9 (April 15, 2024).
[11] *Petition for Review*, p. 8-9 (May 21, 2024).
[12] Agency provided that OEA's February 16, 2023, order set a May 16, 2023, deadline for Employee's brief to be filed. Employee filed his brief two weeks late on May 30, 2023, without filing a motion for an extension. In turn, Agency filed a Motion to Strike and delayed the completion of briefing to August 21, 2023, instead of June 12, 2023, the initial scheduled deadline pursuant to the February 16, 2023, order.
[13] *Agency's Opposition to Employee's Petition for Review*, p. 12-23 (June 25, 2024).

Substantial Evidence

According to OEA Rule 633.3(c), the Board may grant a Petition for Review when the AJ's findings are not based on substantial evidence. The Court in *Baumgartner v. Police and Firemen's Retirement and Relief Board,* 527 A.2d 313 (D.C. 1987), found that if administrative findings are supported by substantial evidence, then they must be accepted even if there is substantial evidence in the record to support a contrary finding. Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion.[14] After a review of the record, this Board believes that the AJ's ruling was based on substantial evidence.

120-Business Day Deadline

Employee requests that the Board reverse the Initial Decision because it was issued beyond the120-day deadline. D.C. Code § 1–606.03(c) provides that ". . . any decision by a Hearing Examiner shall be made within 120 days, excluding Saturdays, Sundays, and legal holidays, from the date of the appellant's filing of the appeal with the Office." To provide some historical context, the 120 business-day deadline was first introduced by the D.C. City Council on February 13, 1990. According to the Council, the following was the rationale provided for the 120-day period:

> . . . an absolute requirement for all appeals to be decided within 120 days of filing will hamstring the office in the case of appeals which require the gathering and review of extraordinary amounts of information, or in which the issues are complex and require a greater amount of research. This amendment will allow the Office . . . to have more time to decide appeals in extraordinary circumstances.[15]

Thus, the legislative intent was never to make the 120 business-day deadline an absolute or mandatory requirement for all cases.

As Agency argued, the Court of Appeals in *Anjuwan v. D.C. Department of Public Works*, 729 A.2d 883, 886 (D.C. 1998), ruled that ". . . the statutory timeframe is directory rather than mandatory." Moreover, it found that OEA's failure to comply with the 120-buisiness day requirement does not render the personnel action invalid. To further illustrate the point that the 120 business-day deadline is not mandatory, in *Baldwin v. D.C. Office of Employee Appeals and D.C. Department of Youth Rehabilitation Services*, 226 A.3d 1140 (D.C. 2020), the D.C. Court of Appeals held that it is not enough that legislatures articulate a deadline using mandatory language but that the legislature must plainly mean for noncompliance to have consequences.[16] Similarly, in *Teamsters Local Union 1714 v. Public Employee Relations Board*, 579 A.2d 706 (D.C. 1990), the D.C. Court of Appeals held that the general rule is that a statutory time period is not mandatory unless it expressly requires agency to act within a particular time period and specifies a consequence for failure to comply.[17]

---

[14] *Black's Law Dictionary*, Eighth Edition; *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003); and *Black v. District of Columbia Department of Employment Services*, 801 A.2d 983 (D.C. 2002).

[15] *See* p. 7-8 of Amendment #2 to Bill 8-482 at https://lims.dccouncil.gov/downloads/LIMS/379/Other/B8-0482-HANDWRITTENVOTESHEETSANDAMENDMENTS.pdf?Id=85945.

[16] *Mathis v. District of Columbia Housing Authority*, 124 A.3d 1089 (D.C. 2015).

[17] OEA has consistently relied on *Teamsters Local Union 1714*, as evidenced in *Employee v. Department of Corrections, Opinion and Order on Petition for Review*, OEA Matter Number 1601-0034-22 (September 7, 2023);

D.C. Code § 1-606.03(c) does provide that OEA Administrative Judges issue decisions within 120 business days. However, the statute is void of any mention of consequences if the deadline is not met. Therefore, contrary to Employee's assertion, the statute is directory and not mandatory.[18]

Petition for Review Filing Deadline

As for the 35-day deadline in which to file a Petition for Review with the OEA Board, D.C. Code § 1-606.03(c) also provides that ". . . the initial decision . . . shall become final 35 days after issuance, unless a party files a petition for review of the initial decision with the Office within the 35-day filing period." However, in *Kevin Baldwin v. D.C. Office of Employee Appeals,* No. 18-CV-1134 Mem. Op. & J. (May 7, 2020) (citing *Mathis v. D.C. Housing Authority* 124 A.3d 1089 (D.C. 2015)), the D.C. Court of Appeals held that filing deadlines generally do not have jurisdictional force. It found that deadlines have a jurisdictional force only if the legislature has clearly stated as much i.e., if the legislature plainly meant for noncompliance with the deadline to have jurisdictional consequences. Furthermore, the Court found that it is not enough that the deadline codified in the statute uses mandatory language. Thus, the Court held that because the 35-day deadline is not found in the authority of OEA, as highlighted in D.C. Code § 1-606.02, but is instead provided in D.C. Code § 1-606.03, which pertains to appeal procedures, this establishes that the deadline is not jurisdictional but is a claims-processing rule. The Court found that in accordance with the *Mathis* holding, claims-processing rules may be tolled (or relaxed or waived) if equity compels such a result.[19] Accordingly, this Board will consider the merits of Employee's Petition for Review.

Cause

Agency accused Employee of violating D.C. Fire and Emergency Medical Services Department Order Book, Article VI, § 6 – Conduct Unbecoming; D.C. Fire and Emergency Medical Services Department, Bulletin No. 33, § II – Social Media Policy; and Bulletin No. 24 – Anti-hazing Policy. In its notice for termination, Agency provided that Employee exhibited conduct unbecoming when he violated Agency's social media policy by engaging in hazing during a virtual townhall meeting.[20] Agency found that Employee bullied, harassed, and publicly shamed his co-worker on social media.[21]

Agency's Bulletin No. 33, Social Media Policy, § II provides the following:

> Inappropriate electronic communication that may include discriminatory remarks, harassment, retaliation, sexual innuendo, threats of violence, or similarly inappropriate or unlawful content will not be tolerated and may result in disciplinary action up to and

---

Employee v. D.C. Fire and Emergency Medical Services Department, OEA Matter Number 1601-0025-22 (January 10, 2023); and *Employee v. Department of Youth Rehabilitation Services*, OEA Matter No. 1601-0055-17, *Opinion and Order on Petition for Review* (April 9, 2019).

[18] Citing *Vann v. District of Columbia Board of Funeral Directors & Embalmers*, 441 A.2d 246 (D.C.1982); *Wisconsin Avenue Nursing Home v. District of Columbia Comm'n on Human Rights*, 527 A.2d 282 (D.C.1987); and *JBG Properties, Inc. v. D.C. Office of Human Rights*, 364 A.2d 1183 (D.C.1976).

[19] *See Neill v. District of Columbia Public Employee Relations Bd.,* 93 A.3d 229, 238 (D.C. 2014), explaining that claim-processing rules "may be relaxed or waived."

[20] *Petition for Appeal*, p. 23-33 (September 27, 2022).

[21] *D.C. Fire and Emergency Medical Services Department Answer to Employee Petition for Appeal*, Exhibit 21 (October 27, 2022).

including termination.

According to Agency, its Trial Board Panel found that Employee admitted to posting several negative and harassing comments about his co-worker[22] during an Agency virtual town hall meeting. Additionally, it claimed that Employee admitted to posting comments during the town hall that were not relevant to the purpose of the meeting. This Board agrees with Agency's assessment. The record is replete with examples that Employee violated Agency's social media policy. During the Agency Trial Board hearing, the chat from the town hall was submitted and showed that Employee asked five times a variation of why Agency would not "take away a members [emergency medical technician]'s card after they [were] caught in a sting trying to meet an underaged child for sex. . . ."[23] Moreover, Battalion Fire Chief Thomas Thornhill testified that Employee admitted to him that he made the comments against WM.[24] Furthermore, Employee testified that his comments were "100 percent" related to WM.[25]

Additionally, Lieutenant Carman provided that WM informed him that Employee made indirect statements accusing him of trying to have sex with a minor. Lieutenant Carman offered that WM said that he felt ashamed and embarrassed.[26] Furthermore, Sergeant Perry testified that he believed that Employee's comments were about WM because he heard accusations about WM around the firehouse. He also provided that WM was "emotionally upset" about the comments.[27]

Moreover, in 2019, Employee wrote to the Department of Health's EMS Program Director, regarding his accusations that WM engaged in attempting to have sex with a minor. Subsequently, the Department of Health's Director forwarded Employee's complaint to the Inspector General.[28] Employee also sent an email with a complaint of the allegations against WM in September of 2021 to the Inspector General, D.C. Council Members, and Agency leadership.[29] Thus, this Board believes that Agency proved that over the course of several years, Employee engaged in inappropriate electronic communication that included harassment through the five messages he sent via the chat during the town hall and by emailing allegations to the above-mentioned D.C. government leadership.

According to Agency's Department Order Book, Article VI, § 6 – Conduct Unbecoming ". . . includes conduct detrimental to good discipline, conduct that would adversely affect the employee's or agency's ability to perform effectively, or any conduct that violates public trust or

---

[22] Employee's co-worker will be referred to as WM to protect his identity.
[23] *D.C. Fire and Emergency Medical Services Department Answer to Employee Petition for Appeal*, Exhibit #16, Trial Board Transcript, Agency Exhibit #2 (October 27, 2022).
[24] *OEA Hearing Transcript*, p. 39 (May 25, 2022). Lieutenant Carman also testified that Employee admitted to typing the text and that his comments were directed to WM. *Id.,* 122 and 137.
[25] *OEA Hearing Transcript*, p. 186 (May 25, 2022). In Employee's April 25, 2022, written statement to Agency's Trial Board, he reasoned that his comments were against permitting someone who "attempted to meet children for sex from possessing a . . . license." He asserts that his speech was a matter of public concern and a legitimate news interest." *D.C. Fire and Emergency Medical Services Department Answer to Employee Petition for Appeal*, Agency Exhibit #9 (October 27, 2022).
[26] *Id.*, Agency Exhibit #4.
[27] *Id.*, 97-98.
[28] *Id.,* Employee Exhibit #6 (May 25, 2022).
[29] *Id.,* Employee Exhibit #7.

law of the United States, any law, municipal ordinance, or regulation of the District of Columbia committed while on-duty or off-duty." As a consequence of Employee's conduct, Chief Thornhill testified that Employee was detailed to another truck to ensure that he and WM were separated to diffuse the situation.[30] It was his position that Employee's comments interfered with the efficiency and integrity of government operations.[31] This Board agrees; the record reflects that Employee was detailed to another truck until a decision was made regarding his conduct.[32]

As it relates to hazing, Agency Bulletin 24 – Anti-hazing Policy provides the following:

> Hazing is any intentional, knowing, or reckless act committed by an individual, whether individually or in concert with other persons, against another employee, in which *both* of the following apply (emphasis added):
>
> 1. The act was committed in connection with an initiation into a work group, station, shift, or division in or affiliated with the Department.
> 2. The act contributes to a substantial risk of potential physical injury, mental harm, or degradation, or causes physical injury, mental harm, or personal degradation.

Agency was able to prove that Employee engaged in intentional, knowing, or reckless actions which caused substantial risk of and actual mental harm. Lieutenant Thornhill testified that immediately after the town hall, Lieutenant Carman informed him that WM was "crying" and "emotionally distraught" about the comments that Employee typed during the town hall meeting.[33] According to Thornhill, WM admitted to him that he was distraught and upset about what was written about him and that he felt disrespected and bullied. He testified that he could tell that WM had been crying because his eyes were red, and he talked in a hushed tone. Thorton decided that as a result of the incident, his best course of action was to separate Employee and WM.[34] Additionally, Lieutenant Carman provided that WM informed him that Employee had a history of hazing him about the allegations of him attempting to have sex with a minor and made comments prior to the town hall.[35] Carman also testified to actually hearing Employee make innuendos about the allegations against WM.[36] Furthermore, Employee testified that prior to the town hall, there were members, including him, who did not want to work with WM based on the allegations against him.[37] Therefore, Agency did prove that Employee engaged in intentional, knowing, or reckless actions which caused substantial risk of and actual mental harm.

However, this Board does not believe that Agency proved that the first element of hazing which is that "the act was committed in connection with an initiation into a work group, station, shift, or division in or affiliated with the Department." There is no evidence offered, nor were any

[30] *OEA Hearing Transcript*, p. 38-41 (May 25, 2022).
[31] *Id.* at 71.
[32] *Id.,* 87-88.
[33] *OEA Hearing Transcript*, p. 32 (May 25, 2022). According to Carman's testimony, Employee seemed depressed and was not acting like his usual self after the townhall. *Id.* at 119.
[34] *Id.*, 34-39.
[35] *Id.*, Agency Exhibit #4.
[36] *Id.* at 118.
[37] *Id.,* 208-209.

Agency witnesses able to testify that any initiation occurred in this case. Therefore, both of the elements of hazing were not met in this case. Consequently, this charge was not established.

Penalty

In determining the appropriateness of an agency's penalty, OEA has consistently relied on *Stokes v. District of Columbia,* 502 A.2d 1006 (D.C. 1985).[38] According to the Court in *Stokes,* OEA must decide whether the penalty was within the range allowed by law, regulation, and any applicable table of penalties; whether the penalty is based on relevant factors; and whether there is clear error of judgment by the agency. Because this Board is of the conclusion that Agency failed to prove the charge of hazing, it will only address the penalties for the other causes of action. In Agency's final decision, it indicated that it relied on Agency Bulletin No. 33 and Agency Order Book, Articles VI and VII for the charges of Conduct Unbecoming and Social Media Policy.

As it relates to penalties for the Social Media charge, Bulletin No. 33 provides that "inappropriate electronic communication . . . may result in disciplinary action up to and including termination." Moreover, Agency Order Book, Article VII, § 8 provides that the penalty for Conduct Unbecoming shall be "any appropriate remedy from reprimand to removal. . . ." Demotion is within the range of penalties up to termination and within the range from reprimand to removal; therefore, the penalty was appropriate.

As it relates to Agency's consideration of relevant factors, OEA held the following in *Love v. Department of Corrections,* OEA Matter No. 1601-0034-08R11 (August 10, 2011):

> [OEA's] role in this process is not to insist that the balance be struck precisely where the [OEA] would choose to strike it if the [OEA] were in the agency's shoes in the first instance; such an approach would fail to accord proper deference to the agency's primary discretion in managing its workforce. Rather, the [OEA's] review of an agency-imposed penalty is essentially to assure that the agency did conscientiously consider the relevant factors and did strike a responsible balance within tolerable limits of reasonableness. Only if the [OEA] finds that the agency failed to weigh the relevant factors, or that the agency's judgment clearly exceeded the limits of reasonableness, is it appropriate for the [OEA] then to specify how the agency's decision should be corrected to bring the penalty within the parameters of reasonableness. (citing *Douglas v. Veterans Administration,* 5 M.S.P.R. 313, 5 M.S.P.R. 280 (1981)).

[38] *Anthony Payne v. D.C. Metropolitan Police Department*, OEA Matter No. 1601-0054-01*, Opinion and Order on Petition for Review* (May 23, 2008); *Dana Washington v. D.C. Department of Corrections*, OEA Matter 1601-0006-06, *Opinion and Order on Petition for Review* (April 3, 2009), *Ernest Taylor v. D.C. Emergency Medical Services*, OEA Matter No. 1601-0101-02, *Opinion and Order on Petition for Review* (July 21, 2007); *Larry Corbett v. D.C. Department of Corrections*, OEA Matter No.1601-0211-98*, Opinion and Order on Petition for Review* (September 5, 2007); *Monica Fenton v. D.C. Public Schools*, OEA Matter No. 1601-0013-05, *Opinion and Order on Petition for Review (*April 3, 2009); *Robert Atcheson v. D.C. Metropolitan Police Department*, OEA Matter No. 1601-0055-06, *Opinion and Order on Petition for Review* (October 25, 2010); and *Christopher Scurlock v. Alcoholic Beverage Regulation Administration*, OEA Matter No. 1601-0055-09, *Opinion and Order on Petition for Review* (October 3, 2011).

Furthermore, in *Barry v. Department of Public Works*, OEA Matter No. 1601-0083-14, *Opinion and Order on Petition for Review* (July 11, 2017) (citing *Holland v. Department of Corrections*, OEA Matter No. 1601-0062-08, *Opinion and Order on Petition for Review* (September 17, 2012), the OEA Board held that an Agency's penalty decision will not be reversed unless it failed to consider relevant factors, or the imposed penalty constitutes an abuse of discretion. The record clearly provides evidence that Agency considered relevant factors in this case. In its final decision, Agency outlined that it considered *Douglas* Factors 1, 3, 4, 5, 6, 7, 9, 10, and 12.[39] Thus, all relevant factors were considered by Agency when imposing its penalty, and there was no clear error of judgment.

Conclusion

Agency had cause for the Conduct Unbecoming and Social Media charges against Employee. Demotion was within the range of penalties for both charges, and Agency considered all relevant factors before imposing the demotion. Accordingly, Employee's Petition for Review is denied.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **DENIED.**

FOR THE BOARD:

_____
Dionna Maria Lewis, Chair

_____
Arrington L. Dixon

_____
LaShon Adams

_____
Jeanne Moorehead

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

[39] *Petition for Appeal*, p. 30-33 (September 27, 2022).

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1]	)	
Employee	)	OEA Matter No. 1601-0412-10R23
v.	)	
	)	Date of Issuance: January 16, 2025
DISTRICT OF COLUMBIA	)	
PUBLIC SCHOOLS,	)	
Agency	)	
	)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

This matter was previously before the Office of Employee Appeals' ("OEA") Board. Employee was a Teacher with the District of Columbia Public Schools ("Agency"). On August 23, 2010, Agency issued a final notice of separation informing Employee that she would be removed from her position because she was not a permanent status employee; she failed to secure a position within sixty days of being excessed; and she did not receive a final rating of at least "Effective" under IMPACT, Agency's performance assessment system. Consequently, she was terminated from employment effective August 23, 2010.[2]

The Administrative Judge ("AJ") issued an Initial Decision on January 29, 2013. The AJ found that Employee was an Education Service employee, and "…educational service employees who are serving in a probationary period are precluded from appealing a removal action to [OEA] until their probationary period is finished."[3] He found that Employee started working for Agency on January 3, 2010, and the effective date of her removal was August 23, 2010. As a result, the AJ held that pursuant to § 814.3 of the District Personnel Manual ("DPM"), OEA lacked jurisdiction over the matter. Accordingly, Employee's appeal was dismissed.[4]

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] *Petition for Appeal* (September 20, 2010).
[3] The AJ explained that pursuant to 5 D.C. Municipal Regulations ("DCMR") § 1307.3, Employee needed to serve a two-year probationary period and in accordance with 5 DCMR § 1307.6, her failure to do so would result in termination. *Initial Decision*, p. (January 29, 2013).
[4] *Id.* at 4.

On February 27, 2013, Employee filed a Petition for Review with the OEA Board. She argued that the AJ did not address all issues of the facts and law raised in her appeal. Employee opined that the relevant section of the DPM, used by the AJ, which addressed appeals by probationary employees, did not apply to Educational Service positions.[5] It was Employee's position that any employee can appeal a final agency decision to OEA which resulted in removal. Therefore, she requested that the Board reverse the Initial Decision and hold that OEA has jurisdiction over her appeal.[6]

In response to the Petition for Review, Agency provided that Employee was not terminated based on any of the provisions provided in D.C. Code § 1-606.03, which outlined OEA's jurisdiction. It argued that she was excessed in accordance with the procedures of the Collective Bargaining Agreement ("CBA") that existed between it and the Washington Teachers' Union ("WTU"). Lastly, Agency reasoned that because Employee was in a probationary status, she had no statutory right to appeal to OEA.[7]

This Board issued its Opinion and Order on Petition for Review on June 10, 2014. It found that Employee was correct that the AJ incorrectly applied DPM § 814.3 to uphold her removal. The Board explained that DPM § 814.3 applies to Career Service employees and not Educational employees. Thus, it determined that the AJ improperly cited to this section of the regulation in the Initial Decision. However, the Board opined that the reference was *de minimis* because the AJ properly relied on 5 DCMR § 1307 in reaching his decision that Employee was properly removed. The Board explained that in accordance with 5 DCMR § 1307.3, Employee was required to serve a two-year probationary period. Because Employee was hired by Agency on January 3, 2010, the Board determined that the probationary period would not have ended until January 3, 2012. Specifically, it held that District government employees serving a probationary period did not have a statutory right to be removed for cause and could not utilize the procedures under the Comprehensive Merit Personnel Act, which includes appealing those actions to this Office. Consequently, the Board denied Employee's Petition for Review for lack of jurisdiction.[8]

Employee appealed the matter to the Superior Court of the District of Columbia. The Court found that there was substantial evidence in the record to support that the AJ properly relied on 5 DCMR § 1307.3 to conclude that Employee was required to serve a two-year probationary period. It held that Employee's probationary period ended on January 3, 2012, and Employee was terminated on June 21, 2011, before her probationary period ended. Accordingly, the Court upheld the AJ's decision.[9]

The matter was then appealed to the District of Columbia Court of Appeals. On appeal before the D.C. Court of Appeals, Agency conceded that Employee had rights under the CBA, which according to Agency, made Employee neither an at-will employee nor a permanent

[5] Employee also provided that OEA's rules do not mention the word probation, nor do they exclude probationary employees from OEA's jurisdiction. *Petition for Review of Initial Decision,* p. 8 (February 27, 2013).
[6] *Id.* at 9.
[7] *District of Columbia Public Schools' Response to Employee's Petition for Review* (March 21, 2013).
[8] *Opinion and Order on Petition for Review*, p. 4-6 (June 10, 2014).
[9] *[Employee] v. District of Columbia Office of Employee Appeals, et al.*, 2014 CA 006579 P(MPA) (D.C. Super Ct. December 6, 2018).

employee but rather "something in between." Accordingly, it requested that this matter be remanded to OEA. The Court of Appeals remanded the matter for OEA to determine whether it had jurisdiction over Employee's appeal because Agency argued that Employee was indeed serving within her probationary period. Finally, the Court declined to consider Agency's belated argument that Employee's prior use of the grievance process stripped OEA of jurisdiction to consider Employee's appeal. As a result, it remanded the matter to OEA for further consideration.[10]

After conducting a status conference, the AJ issued a Post-Conference Order on May 15, 2023. He requested that the parties submit briefs on whether the grievance, and subsequent settlement, filed by the WTU precluded Employee from prosecuting her petition for appeal before OEA. Additionally, he asked the parties to brief whether Employee's attempt (intentional or unintentional) at "splitting" her cause of action prevented OEA from exercising jurisdiction over the matter.[11]

Agency filed its brief and argued that the grievance filed by the WTU was a class action litigation that included Employee. It explained that Employee filed her appeal with OEA after the WTU grievance was filed. According to Agency, D.C. Code § 1-616.52(f) provides that an employee shall be deemed to have exercised their option pursuant to subsection (e) to raise a matter either under the applicable statutory procedures or under the negotiated grievance procedure, whichever event occurs first. Thus, it posited that since Employee's WTU grievance was filed before the OEA appeal was filed, the resolution from the grievance would take precedence. Additionally, Agency noted that Employee's attempt to remove herself from the grievance matter was in 2018, eight years after the initial filing of the grievance in 2010.[12] While Agency noted that Employee's assertion was that she was not made aware of the WTU grievance filed on her behalf, it argued that the grievance process was a legal proceeding in which the resolution should be acknowledged and upheld. Thus, it opined that Employee should be barred from seeking additional redress before OEA.[13]

In her brief, Employee asserted that she did not consent to joining the WTU's grievance process. Consequently, she argued that she is not bound by the terms of the WTU settlement agreement. Moreover, Employee claimed that she did not accept a settlement, nor did she receive funds from the settlement between her union and Agency. Additionally, she contended that OEA did not lack jurisdiction to adjudicate the instant matter and that pursuant to D.C. Code § 1-612.52(e)(f), she was not prohibited from filing an appeal before OEA.[14]

Agency filed a sur-reply to Employee's Post-Status Conference brief. It made many of the same assertions in its previous brief and maintained that since Employee was a member of the union, she gave tacit consent for WTU to act on her behalf in litigious matters. Agency contended

[10] *[Employee] v. District of Columbia Office of Employee Appeals, et al.*, No. 18-CV-1350 (D.C. 2023).
[11] *Post-Status Conference Order* (May 15, 2023).
[12] Agency provided that the executed WTU settlement agreement was submitted in February 2019, and Employee was awarded the settlement.
[13] *Respondent's Post-Status Conference Brief*, p. 3-11 (June 7, 2023).
[14] *Petitioner [ ] Opposition to Respondent District of Columbia Public Schools' Post-Status Conference Brief*, p. 13-26 (June 21, 2023).

that after the grievance was filed, Employee's appeal was impermissible because her union filed a grievance on her behalf first.[15]

On May 9, 2024, the AJ issued an Initial Decision on Remand. He held that OEA lacked jurisdiction and thus, did not have authority to address the merits of Agency's removal action. The AJ explained that D.C. Code § 1-616.52 (f) provides that whichever avenue of redress is first chosen, is the sole venue through which an employee may pursue redress. He determined that Employee's decision, through her union, to first grieve this cause of action through the CBA prevented her from filing with OEA. Additionally, he noted that Employee's grievance withdrawal came seven years after it was first filed. The AJ opined that Employee could not have a second attempt to appeal. Consequently, he ordered that the matter be dismissed for lack of jurisdiction.[16]

Employee disagreed with the Initial Decision and filed a Petition for Review with the OEA Board on June 7, 2024. She reiterates several arguments made throughout the appeal. Employee asserts that OEA has jurisdiction and provides that her only course of action is the appeal before OEA. She emphasizes that she did not consent to join the WTU's grievance and has not accepted any settlement or received funds from Agency related to any settlement. Therefore, she requests that the Initial Decision on Remand be vacated and that the matter be remanded to the AJ for further consideration.[17]

D.C. Code §§1-616.52(e) and (f) provide the following:

> (e) Matters covered under this subchapter that also fall within the coverage of a negotiated grievance procedure may, in the discretion of the aggrieved employee, be raised either pursuant to §1-606.03, or the negotiated grievance procedure, *but not both* (emphasis added).
>
> (f) An employee shall be deemed to have exercised their option pursuant to subsection (e) of this section to raise a matter either under the applicable statutory procedures or under the negotiated grievance procedure at such time as the employee timely files an appeal under this section or timely files a grievance in writing in accordance with the provision of the negotiated grievance procedure applicable to the parties, *whichever event occurs first* (emphasis added).

D.C. Code §1-616.52(e) provides that matters may be raised pursuant to Section 1-606.03, which outlines issues that may be appealed to the Office of Employee Appeals,[18] or through the

---

[15] *District of Columbia Public Schools' Sur Reply to Employee's Opposition Post-Status Conference Brief*, p. 2-5 (July 18, 2023).

[16] *Initial Decision on Remand*, p. 4-5 (May 9, 2024).

[17] *Petitioner [ ] Petition for Review After Remand*, p. 16-26 (June 7, 2024).

[18] D.C. Official Code §1-606.03(a) provides the following:

> An employee may appeal a final agency decision affecting a performance rating which results in removal of the employee (pursuant to subchapter XIII-A of this chapter), an adverse action for cause that results in removal, reduction in force (pursuant to subchapter XXIV of this chapter), reduction in grade, placement on enforced leave, or suspension for 10 days or more (pursuant to subchapter XVI-A of this chapter) to the Office upon the record and pursuant to other rules and regulations which the Office may issue. Any appeal shall be filed within 30 days of the effective date of the appealed agency action.

negotiated grievance procedure but not both. Employee does not dispute that she is a member of the WTU. However, she does argue that the above-mentioned statute does not prohibit her from filing an appeal with OEA despite the WTU first filing a grievance under the CBA. Employee contends that the statute does not provide that if she allegedly filed a grievance under the CBA, then OEA must dismiss her appeal.[19] Given the recent D.C. Court of Appeals ruling addressing this issue, this Board agrees with Employee's position.

The D.C. Court of Appeals in *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, 277 A.3d 1272 (D.C. 2022) held that while D.C. Code §§ 1-616.52(e) and (f) provide that ". . . an aggrieved employee may not pursue both avenues of appeal, and uses mandatory language such as 'shall' to denote when an employee makes their choice of forum, it does not prohibit an employee from *filing* an appeal under their CBA despite first appealing to OEA—or vice versa. The statute does not state that if an employee files in one forum, the second forum must dismiss the appeal." Employee highlighted this case and its ruling in her Supplemental Opposition to Agency's Motion to Dismiss.[20] However, the AJ appears not to have considered this ruling given his reasoning that "whichever avenue of redress is first chosen, is the sole venue through which an employee may pursue redress."[21] In light of the holding in *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, the AJ's ruling that Employee's grievance being filed first through the CBA prevented her from filing an appeal with OEA is not based on substantial evidence.

Moreover, the court in *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department* ruled that "the [statute's] language suggests that an employee's choice is binding only when the employee has an 'option' that can be 'exercised' in their 'discretion.'" According to Employee, she was unaware and did not consent to the WTU filing a grievance on her behalf. She reasoned that pursuant to CBA Article 6.3.1, the WTU may not process a grievance on behalf of an employee without the employee's consent. Employee provided that she did not consent to joining the class-action grievance; did not file a grievance; and did not receive any money from Agency to settle the grievance.[22]

Agency contends that Employee signed a release form allowing the WTU to litigate this grievance on her behalf.[23] This Board notes that the release that Agency references is titled "Permission to Release Employment Information," and it provides that Employee grants the union access to her Human Resources' files. The release does not provide any language allowing the WTU to file grievances on her behalf. Therefore, this matter must be remanded to the AJ to determine if Employee actually exercised her discretion to have the WTU file a grievance on her

[19] *Petitioner[ ] Supplemental Opposition to Respondent District of Columbia Public Schools' Motion to Dismiss*, p. 3 (April 14, 2023).
[20] *Petitioner [ ] Supplemental Opposition to Respondent District of Columbia Public Schools' Motion to Dismiss*, p. 4-7 (April 14, 2023).
[21] *Initial Decision on Remand*, p. 4 (May 9, 2024).
[22] *Petitioner [ ] Opposition to Respondent District of Columbia Public Schools' Motion to Dismiss*, p. 12-13 (April 14, 2023).
[23] *District of Columbia Public Schools' Sur Reply to Employee's Opposition Post Status Conference Brief*, p. 2 (July 13, 2023).

behalf, in light of the holding in *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*.

Additionally, this Board believes that it would be prudent to remand this matter for the AJ to determine, as Agency alleged,[24] if *recovery* in the grievance prevents OEA from rendering a decision in this matter (emphasis added). This is especially important because although Agency claims that the matter has concluded and that Employee has been awarded a cash lump sum payment,[25] Employee contends she has yet to receive compensation from the grievance ruling.[26] Accordingly, this matter is remanded for further consideration by the Administrative Judge.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **GRANTED**, and this matter is **REMANDED** for further consideration**.**

FOR THE BOARD:

_____
Dionna Maria Lewis, Chair

_____
Arrington L. Dixon

_____
LaShon Adams

_____
Jeanne Moorehead

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

[24] In its filing of *District of Columbia Public Schools' Sur Reply to Employee's Opposition Post Status Conference Brief*, p. 4 (July 13, 2023), Agency argued that recovery is not allowed in the two forums.
[25] *Id.* at 3.
[26] *Petitioner [ ] Petition for Review After Remand*, p. 22 (June 7, 2024).

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	OEA Matter No. 2401-0061-24
Employee	)	
	)	Date of Issuance: January 22, 2025
v.	)	
	)	JOSEPH E. LIM, ESQ.
DC PUBLIC SCHOOLS,	)	SENIOR ADMINISTRATIVE JUDGE
Agency	)	

Employee *pro se*
Angel Cox, Esq. Agency Representative

INITIAL DECISION

PROCEDURAL HISTORY

On June 28, 2024, Employee filed a petition for appeal with the Office of Employee Appeals ("OEA" or the "Office") from Agency's final decision terminating him effective June 28, 2024, due to a Reduction in Force. In response to OEA's June 28, 2024, letter, Agency filed its July 29, 2024, Answer disputing Employee's claims and asserting that its action is proper. The matter was assigned to the undersigned judge on July 30, 2024. On September 3, 2024, I scheduled a Telephonic Prehearing Conference for September 16, 2024.

At the September 16, 2024, Prehearing Conference, Agency informed this Office that it had reversed its adverse action against Employee by giving him the same position in a different school and that the appeal should be dismissed as moot. Employee affirmed that he had been reinstated to his position at a different school. However, he felt that Agency should pay for the stress that he suffered due to Agency's action. When informed that OEA has no jurisdiction or authority to levy damages due to pain and suffering, Employee indicated that while he does not contest Agency's Motion to Dismiss, he still intends to file legal action at a different forum.

On October 4, 2024, I denied Agency's Motion to Dismiss and ordered Agency to provide documentary evidence showing that Employee did not suffer a break in service in that Employee continued to be paid his salary and benefits from June 28, 2024, to the August 12, 2024, date of his reemployment. On October 17, 2024, Agency conceded that there was a break in service but reiterated that its Reduction in Force of Employee should be upheld.

On November 25, 2024, I thereby scheduled and held a prehearing conference on

December 11, 2024. Although Agency appeared, Employee failed to do so. I issued a Show Cause Order for Employee to reply by December 26, 2024, on his reason or reasons for his non-appearance.

Despite prior warnings that failure to comply could result in sanctions, including dismissal, Employee failed to submit any response. To date, Employee has failed to respond. The record is closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3 states in relevant part that "If a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action or rule for the appellant. Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:[1]

(a) Appear at a scheduled proceeding after receiving notice;

(b) Submit required documents after being provided with a deadline for such submission; or

(c) Inform this Office of a change of address which results in correspondence being returned.

This Office has consistently held that failure to prosecute an appeal includes a failure to appear and/or a failure to submit required documents after being provided with a deadline for such a submission.[2] In this matter, Employee failed to submit a Prehearing Statement or appear at the scheduled Prehearing Conference. Employee also failed to respond to a Show Cause Order issued in this matter.

Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. I further find that Employee's failure to prosecute his appeal is a violation of OEA Rule 624. For these reasons, this matter should be dismissed for failure to prosecute.

1 68 DCR 012473 (December 27, 2021).
2 *Williams v. D.C. Public Schools*, OEA Matter 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).

ORDER

It is hereby **ORDERED** that the petition in this matter is **DISMISSED** for failure to prosecute.

FOR THE OFFICE:

/s/ Joseph Lim
JOSEPH E. LIM, ESQ.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	OEA Matter No.: J-0003-25
EMPLOYEE[1],	)	
Employee	)	
	)	Date of Issuance: January 28, 2025
v.	)	
	)	
D.C. PUBLIC SCHOOLS,	)	
Agency	)	Michelle R. Harris Esq.
	)	Senior Administrative Judge

David A. Branch, Esq., Employee Representative
Angel Cox, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 3, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Public Schools' ("Agency" or "DCPS") IMPACT scores and notice informing him that he would be excessed effective June 18, 2024. Following a letter from OEA dated October 3, 2024, requesting an Answer in this matter, Agency filed its Answer on October 30, 2024. This matter was assigned to the undersigned Senior Administrative Judge ("SAJ") on October 30, 2024. On November 1, 2024, I issued an Order requiring the parties to submit briefs addressing the jurisdiction issue raised by Agency in its Answer. Agency asserted that OEA did not have jurisdiction over this matter because as of August 18, 2024, Employee was reassigned to a different school and had no break in service. Employee's brief was due by November 18, 2024, and Agency's brief was due by December 6, 2024. Following email correspondence, it was determined that Employee had not received the November 1, 2024, Order. As a result, on November 14, 2024, I issued an Order extending the time for submission of briefs. Employee's brief was now due by December 2, 2024, and Agency's brief was due by December 17. 2024.

On December 3, 2024, Employee, by and through his representative, filed a Motion for an Extension citing that counsel has just recently been retained and more time was needed to submit the brief. I issued an Order on December 3, 2024, granting Employee's Motion. Employee's brief

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

was now due by December 10, 2024, and Agency's brief was due by December 27, 2024. Employee did not submit his brief by the prescribed deadline. As a result on December 17, 2024, I issued an Order for Statement of Good Cause. Employee's brief and statement of good cause were due by December 24, 2024. In response to an email that provided a courtesy copy of the December 17, 2024, Order, Employee's representative cited that Employee would be filing a notice to withdraw his matter before this Office. On January 16, 2025, Employee, by and through his representative, filed a notice to voluntarily withdraw his Petition for Appeal. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed based upon Employee's voluntary withdrawal.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* states:

> For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

ANALYSIS AND CONCLUSIONS OF LAW

In his January 16, 2025, submission to this Office, Employee noted that he was voluntarily withdrawing his appeal before this Office.[2] Accordingly, I find that since Employee has voluntarily filed a request to withdraw his Petition for Appeal, Employee's Petition in this matter should be dismissed.

[2] Employee's Notice of Voluntary Dismissal (January 16, 2025).

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R. HARRIS, ESQ.
Senior Administrative Judge

DEPARTMENT OF EMPLOYMENT SERVICES (DOES)

NOTICE OF FUNDING AVAILABLITY (NOFA)

FISCAL YEAR 2025

Marion S. Barry Summer Youth Employment Program (MBSYEP) – Career Exploration Grant

Application Release Date: March 28, 2025

Application Submission Deadline: April 18, 2025

The District of Columbia Department of Employment Services (DOES) will issue a Request for Applications (RFA) for the Office of Youth Programs Marion S. Barry Summer Youth Employment Program (MBSYEP) Career Exploration Grant. The RFA will be online on the Serve DC Grants Clearinghouse and on the DOES website at the following page: https://does.dc.gov/page/grant-opportunities.

The Office of Youth Programs (OYP) develops and administers workforce development programs for District youth. OYP provides occupational skills training, work experience, academic enrichment and life skills training to facilitate the development of work habits and skills that are essential for success in the workplace.

DOES, Office of Youth Programs (OYP) is seeking qualified applications from providers to deliver high quality, structured training in Workforce Development for District youth between the ages of 14-15 years old for Marion S. Barry Summer Youth Employment Program (MBSYEP). This 6-week training will assist participants in preparing for purposeful and developmentally appropriate employment and career exploration opportunities. Each provider will serve 50 youth. The maximum amount of grant award funds that can be applied for is $50,000 per grantee.

The Marion S. Barry Summer Youth Employment Program (MBSYEP) is a locally funded initiative administered by the Department of Employment Services (DOES) that provides District youth with enriching and constructive summer work experiences through subsidized placements in the non-profit, private and government sectors.

Eligibility: DOES will make these grants available through a competitive process. Eligible applicants include public and private non-profit and for-profit organizations eligible to do business with the District government, including but not limited to community-based organizations, faith-based organizations, public, charter or alternative secondary schools and post-secondary institutions. Applicants shall have demonstrated effectiveness providing the requested services and meeting the needs of the target population.

Available Funding for the Award: Up to $200,00.00 is available in total for awards through this RFA. DOES intends to issue up to four (4) grant awards in the amount of $50,000 per award to serve 50 youth per grantee. The MBSYEP Grant is funded 100% through local funds from the District of Columbia.

DOES will use the applicant's grant proposal to identify the number of participants the applicant plans to serve and determine an award amount. However, DOES maintains the right to adjust the grant award and amount based on funding availability. Determinations regarding the number of competitive grants to be awarded will be based on the quality and number of applications received and available funding. Successful applicants may be awarded amounts less than requested.

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge, or related experiences. Each application will be scored against a rubric, and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The Director of DOES or her designee will make all final award decisions.

Length of Award: The award period for this grant starts on the date of the grant award notification and ends on September 30, 2025, with four option years subject to funding availability.

Pre-Application Conference: All interested applicants are encouraged to attend the virtual pre-application conference on April 9, 2025, at 12:30 p.m. Please email OGAgrants@dc.gov if you will be attending the pre-application meeting to receive the meeting invite link.

Contact: For additional information regarding this grant competition, please contact:

Demetries M. Saunders
Department of Employment Services
Office of Grant Administration and Resource Allocation (OGARA)
Email: OGAGrants@dc.gov

Deadline for Applications: The deadline for application submissions is April 18, 2025, at 3:00 PM. Late or incomplete applications will not be forwarded to the review panel.

DEPARTMENT OF EMPLOYMENT SERVICES (DOES)

NOTICE OF FUNDING AVAILABLITY (NOFA)

FISCAL YEAR 2025

Marion S. Barry Summer Youth Employment Program (MBSYEP) - Pathways to the Financial Industry Grant

Application Release Date: March 28, 2025

Application Submission Deadline: April 18, 2025

The District of Columbia Department of Employment Services (DOES) will issue a Request for Applications (RFA) for the Office of Youth Programs Marion Barry Summer Youth Employment Program (MBSYEP) Pathways to the Finance Industry Grant. The RFA will be online on the Serve DC Grants Clearinghouse and on the DOES website at the following page: https://does.dc.gov/page/grant-opportunities.

The Marion Barry Summer Youth Employment Program (MBSYEP) is a locally funded initiative sponsored by the Department of Employment Services (DOES) that provides District youth ages 14 to 24 with enriching and constructive summer work experiences through subsidized placements in the private and government sectors.

DOES, through its Office of Youth Programs, is seeking applications from qualified and reputable organizations who can effectively develop and administer a high quality, structured program focused on exposure to careers in finance and providing related classroom instruction to District youth who are interested in becoming finance professionals and between the ages of 16-18 years old participating in MBSYEP. The six-week program will include a week long college tour, intensive professional development, training and a hands-on internship in the financial industry.

Eligibility: DOES will make these grants available through a competitive process. Eligible applicants include public and private non-profit and for-profit organizations eligible to do business with the District government, including but not limited to community-based organizations, faith-based organizations, public, charter or alternative secondary schools and post-secondary institutions. Applicants shall have demonstrated effectiveness providing the requested services and meeting the needs of the target population.

Available Funding for the Award: Up to $150,000.00 is available in total for awards through this RFA. DOES intends to issue at least one (1) grant award. The MBSYEP Grant is funded 100% through local funds from the District of Columbia.

DOES will use the applicant's grant proposal to identify the number of participants the applicant plans to serve and determine an award amount. However, DOES maintains the right to adjust the grant award and amount based on funding availability. Determinations regarding the number of competitive grants to be awarded will be based on the quality and number of applications received

and available funding. Successful applicants may be awarded amounts less than requested.

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge, or related experiences. Each application will be scored against a rubric, and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The Director of DOES or her designee will make all final award decisions.

Length of Award The award period for this grant starts on the date of the grant award notification and ends on September 30, 2025, with four option years subject to funding availability.

Pre-Application Conference: All interested applicants are encouraged to attend the virtual pre-application conference on April 9, 2025, at 11:00 a.m. Please email OGAgrants@dc.gov if you will be attending the pre-application meeting to receive the meeting invite link.

Contact: For additional information regarding this grant competition, please contact:

Demetries M. Saunders
Department of Employment Services
Office of Grant Administration and Resource Allocation (OGARA)
Email: OGAGrants@dc.gov

Deadline for Applications: The deadline for application submissions is April 18, 2025, at 3:00 p.m. Late or incomplete applications will not be forwarded to the review panel.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Proposed Air Quality Source Category Permit Renewal to Operate Existing Stationary Diesel-Fired Emergency Engines Exempt from NSPS Subpart IIII but Subject to NESHAP Subpart ZZZZ

Notice is hereby given that, pursuant to 20 DCMR §§ 200 and 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, proposes to issue a renewed source category permit to operate certain diesel-fired emergency engines that are exempt from the federal New Source Performance Standard (NSPS) for compression ignition internal combustion engines (40 CFR 60, Subpart IIII) but subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) in the District of Columbia. This source category permit will be designated Permit No. 7115-SC-R2.

To ensure that no engine covered by NSPS Subpart IIII is covered by this permit, certain exclusions related to the engine model year, order date, and manufacture date have been included in the applicability section of the source category permit.

More specifically, this source category permit covers only the operation of existing, emergency internal combustion engines, operated exclusively on diesel fuel, that are exempt from the requirements of 40 CFR 60, Subpart IIII on the basis that they have not been modified or reconstructed as defined in 40 CFR 60.14 or 60.15 and that they **do not** fall into any of the three following categories:

1. The model year of the engine is 2007 or later for engines that are not fire pump engines;

2. The engine is for a fire pump and its model year is equal to or newer than those specified in the following table, based on the size of the engine:

Fire Pump Engine Applicability Table		
Engine Power		Starting Applicability Model Year*
Mechanical Kilowatts (kW_m)	Horsepower (hp)	
kW_m <75	hp<100	2011
75≤kW_m<130	100≤hp<175	2010
130≤kW_m≤560	175≤hp≤750	2009
kW_m>560	hp>750	2008

*Fire pump engines with a maximum engine power greater than or equal to 37 kW_m (50 hp) and less than 450 kW_m (600 hp) and a rated speed of greater than 2,650 revolutions per minute (rpm) are covered only three years after the model year listed in this table for the applicable power category.

or;

3. The engine was ordered by the owner or operator after July 11, 2005 and one of the following is true:

    i. The engine was manufactured after April 1, 2006 and is not a fire pump engine; or

    ii. The engine was manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006;

In addition, to be covered by this source category permit, an engine must be subject to the requirements of 40 CFR 63, Subpart ZZZZ, on the bases that [See 40 CFR 63.6585 and 40 CFR 63.6590]:

1. The engine is not located at a major source of hazardous air pollutants (HAPs) (i.e. it is located at an area source of HAPs); and

2. The engine will not be used for economic or emergency demand response purposes.

Applicants who apply for coverage under a source category permit must document that their equipment meets the applicability criteria specified in the permit prior to approval of coverage and authorization to operate the unit under the authority of the source category permit.

The proposed emission limits to be included in the permit are as follows:

a. Visible emissions shall not be emitted into the outdoor atmosphere from the engine, except that discharges not exceeding twenty-seven percent (27%) opacity (unaveraged) shall be permitted for two (2) minutes during any start-up, cleaning, adjustment of combustion or operational controls, or regeneration of emission control equipment [20 DCMR 606.2(d)].

b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

    Violation of the requirements of this condition that occurs as a result of unavoidable malfunction, despite the conscientious employment of control practices, shall be an affirmative defense for which the owner or operator shall bear the burden of proof. A malfunction shall not be considered unavoidable if the owner or operator could have taken, but did not take, appropriate steps to eliminate the malfunction within a reasonable time, as determined by the Department. [20 DCMR 903.13(b)]

Emissions Estimate:

Emissions will vary widely, depending upon the size and age of the equipment to be covered. As such there is no set maximum emissions level except that no unit will be approved under this permit that has a potential to emit greater than 25 tons per year of oxides of nitrogen, the trigger threshold for further regulatory requirements under 20 DCMR §204 (non-attainment New Source

Review). However, based on past permitting activity implemented by AQD, very few applicants apply to operate diesel-fired emergency engines in the District of Columbia exceeding 4,000 horsepower (hp) in mechanical output. Based on a limitation in the permit of 500 hours per year of total operations, conservative emission factors for compression ignition engines, and a 4,000 hp engine size, the following represents an estimate of the maximum emissions expected from any emergency engine covered by this source category permit:

Pollutant	**Estimated Maximum Annual Emissions (tons/yr)**
Total Particulate Matter (PM Total)	0.7
Carbon Monoxide (CO)	5.5
Oxides of Nitrogen (NO_x)*	24.0
Volatile Organic Compounds (VOC)	0.7
Sulfur Dioxide (SO_2)	0.3

**Note that there is an applicability limit placed on the permit that no unit having the potential to emit more than 25 tons/year of NO_x will be covered by this source category permit.*

The draft permit and supporting documentation are available for public inspection at AQD and copies may be made available between the hours of 9:00 A.M. and 5:00 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 498-8143 or stephen.ours@dc.gov. Copies of the draft permit and related technical support memorandum are also available at http://doee.dc.gov/service/public-notices-hearings.

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

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

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

No comments or hearing requests submitted after April 14, 2025 will be accepted.

For more information, please contact Stephen S. Ours at (202) 498-8143.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Proposed Air Quality Source Category Permit Renewal to Operate Existing Stationary Natural Gas-Fired Emergency Engines Exempt from NSPS Subpart JJJJ but Subject to NESHAP Subpart ZZZZ

Notice is hereby given that, pursuant to 20 DCMR §§ 200 and 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, proposes to issue a renewed source category permit to operate certain natural gas-fired emergency engines that are exempt from the federal New Source Performance Standard (NSPS) for spark ignition internal combustion engines (40 CFR 60, Subpart JJJJ) but subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) in the District of Columbia. This source category permit will be designated Permit No. 7116-SC-R2.

To ensure that no engine covered by NSPS Subpart JJJJ is covered by this permit, the applicability criteria for coverage by this source category permit certain exclusions related to the engine maximum power and manufacture date, engine manufacturer's participation in voluntary manufacturer certification program, and the date of manufacture of such certified engine, or the order date, manufacture date and maximum power of the engine.

More specifically, this source category permit covers only the operation of existing, emergency internal combustion engines, operated exclusively on natural gas, that are exempt from the requirements of 40 CFR 60, Subpart JJJJ on the basis that they have not been modified or reconstructed as defined in 40 CFR 60.14 or 60.15 and that they **do not** trigger NSPS applicability based on one of the three following criteria:

1. The maximum engine power is less than or equal to 25 horsepower (HP) [19 mechanical kilowatts (kWm)] and it was manufactured on or after July 1, 2008;

2. The manufacturer participates in the voluntary manufacturer certification program described in 40 CFR 60, Subpart JJJJ and the date of manufacture of the emergency engine is after January 1, 2009; or

3. The emergency engine was ordered after June 12, 2006, was manufactured on or after January 1, 2009, and has a maximum engine power greater than 25 HP (19 kWm).

In addition, to be covered by this source category permit, an engine must be subject to the requirements of 40 CFR 63, Subpart ZZZZ, on the bases that [See 40 CFR 63.6585 and 40 CFR 63.6590]:

1. The engine is not located at a major source of hazardous air pollutants (HAPs) (i.e. it is located at an area source of HAPs); and

2. The engine will not be used for economic or emergency demand response purposes.

Applicants who apply for coverage under a source category permit must document that their equipment meets the applicability criteria specified in the permit prior to approval of coverage and authorization to operate the unit under the authority of the source category permit.

The proposed emission limits to be included in the permit are as follows:

a. Visible emissions shall not be emitted into the outdoor atmosphere from the engine, except that discharges not exceeding twenty-seven percent (27%) opacity (unaveraged) shall be permitted for two (2) minutes during any start-up, cleaning, adjustment of combustion or operational controls, or regeneration of emission control equipment [20 DCMR 606.2(d)].

b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

   Violation of the requirements of this condition that occurs as a result of unavoidable malfunction, despite the conscientious employment of control practices, shall be an affirmative defense for which the owner or operator shall bear the burden of proof. A malfunction shall not be considered unavoidable if the owner or operator could have taken, but did not take, appropriate steps to eliminate the malfunction within a reasonable time, as determined by the Department. [20 DCMR 903.13(b)]

Emissions Estimate:

Emissions will vary widely, depending upon the size and age of the equipment to be covered. As such there is no set maximum emissions level except that no unit will be approved under this permit that has a potential to emit greater than 25 tons per year of oxides of nitrogen, the trigger threshold for further regulatory requirements under 20 DCMR §204 (non-attainment New Source Review). However, based on past permitting activity implemented by AQD, very few applicants seek to operate natural gas emergency engines in the District of Columbia exceeding 2,000 horsepower (hp) in mechanical output. Based on a limitation in the permit of 500 hours per year of total operations, conservative emission factors for spark ignition engines, and a 2,000 hp engine size, the following represents an estimate of the maximum emissions expected from any emergency engine covered by this source category permit:

Pollutant	**Estimated Maximum Annual Emissions (tons/yr)**
Total Particulate Matter (PM Total)	0.27
Carbon Monoxide (CO)	20.46
Oxides of Nitrogen (NO_x)*	22.44
Volatile Organic Compounds (VOC)	0.66
Sulfur Dioxide (SO_2)	0.003

**Note that there is an applicability limit placed on the permit that no unit having the potential to emit more than 25 tons/year of NO_x will be covered by this source category permit.*

The draft permit and supporting documentation are available for public inspection at AQD and copies may be made available between the hours of 9:00 A.M. and 5:00 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 498-8143 or stephen.ours@dc.gov. Copies of the draft permit and related technical support memorandum are also available at http://doee.dc.gov/service/public-notices-hearings.

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

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

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

No comments or hearing requests submitted after April 14, 2025 will be accepted.

For more information, please contact Stephen S. Ours at (202) 498-8143.

DC DEPARTMENT OF HEALTH

COMMUNITY HEALTH ADMINISTRATION

NOTICE OF FUNDING AVAILABILITY (NOFA)

FO# CHA-CRC-3.28.25

COLORECTAL CANCER CONTROL PROGRAM

The District of Columbia, Department of Health (DC Health) is requesting proposals 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 DC Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

Funding Opportunity Title:	Colorectal Cancer Control Program
Funding Opportunity Number:	CHA-CRC-3.28.25
DC Health Administrative Unit:	Community Health Administration
DC Health Program Bureau	Health Promotion and Disease Prevention Bureau
Funding Opportunity Contact:	Senkuta Riverson, DC Cancer Programs Division Chief, dccancercoalition@dc.gov
Funding Opportunity Description:	DC Health is seeking proposals to increase screening for colorectal, breast, cervical, and lung cancers in primary care clinics by implementing evidence-based interventions; addressing patient barriers to screening by connecting individuals to health care and social needs resources; and enhancing clinical workflows and electronic health records.
Eligible Applicants	• Federally Qualified Health Centers (FQHCs), • FQHC look-alikes, and • Hospitals Note: The eligible organizations must provide primary care services to the Medicaid population, and/or adults 18 years old living in Wards 5,6,7 and 8.
Anticipated # of Awards:	Two to three
Anticipated Amount Available:	$300,000

Annual Floor Award Amount:	$ 50,000
Annual Ceiling Award Amount:	$ 220,000
Legislative Authorization	District of Columbia Budget Support Act 301(a) and 317(k)(2) of the Public Health Service Act, [42 U.S.C. Section 241(a) and 247b(k)(2)], as amended Public Health Service Act, as amended, Section 301(a) and Section 317K, 42 U.S.C. 241(a); 42 U.S.C. 247b12
Associated CFDA#	93.800-Oganized Approaches to Increase Colorectal Cancer Screening 93.898
Associated Federal Award ID#	5 NU58DP006834-05-00, 5 NU58DP007155-03-00
Cost Sharing/Match Required?	No
RFA Release Date:	March 28th, 2025
Letter of Intent Due date:	Not Applicable
Application Deadline Date:	April 29th, 2025
Application Deadline Time:	3:00 p.m.
Links to Additional Information about this Funding Opportunity	DC Grants Clearing house https://communityaffairs.dc.gov/content/community-grant-program#4 DC Health EGMS https://egrantsdchealth.my.site.com/sitesigninpage

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 Tax ID#, and be registered in the federal Systems for Award Management (SAM) with an active UEI# to be registered in DC Health's Enterprise Grants Management System.

DEPARTMENT OF HEALTH
HEALTH SYSTEMS AND PREPAREDNESS ADMINISTRATION

NOTICE OF VIRTUAL MEETING

Board of Medicine
March 26, 2025

On March 26, 2025, at 8:30 am, the Board of Medicine will hold a virtual meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and violations of law or regulations.

The meeting will be conducted via videoconference. The public may attend the open session through one of the following:

Meeting link:
https://dcnet.webex.com/dcnet/j.php?MTID=m7f823658b3b1e1556a59c90709042b04

Meeting number:
160 487 2313

Password:
eTJJfPgx322

Join by video system
Dial 1604872313@dcnet.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Join by phone
+1-202-860-2110 United States Toll (Washington D.C.)
1-650-479-3208 Call-in number (US/Canada)
Access code: 160 487 2313

Executive Director for the Board – Sithembile Chithenga MD, MPH
(sithembile.chithenga@dc.gov)

DEPARTMENT OF HEALTH

PUBLIC NOTICE

IDENTIFYING PUBLIC HEALTH ISSUES FOR CONTINUING EDUCATION

The Director of the Department of Health (Director) hereby gives notice of the topics identified as public health priorities for the purpose of the continuing education required for the renewal, reactivation, or reinstatement of health professional licenses, certifications, or registrations, issued in accordance with DC Official Code § 3-1201.01 *et* seq; hereafter referred to as health professionals.

With the goal of enhancing the protection and promotion of public health and in accordance with the rulemaking authority under DC Official Code§ 3-1203.02(12), the Director has promulgated rules requiring health professionals to complete at least ten percent (10%) of their required total continuing education in the public health priorities of the District as determined and published every five (5) years or less frequently as deemed appropriate. The Director has identified five (5) public health domains and provided content examples that would align with each domain. These examples are not intended to be exhaustive; however, they are designed to guide renewal applicants in identifying areas of public health that are aligned with the priorities of the public health authority but also beneficial and germane to the specific license, certification, or registration type.

1. Sexual and Reproductive Health
    a. Obtaining a sexual history and discussing sexual experiences with patients
    b. Adolescent sexual and reproductive health and rights
    c. Cervical cancer
    d. Family planning and contraception
    e. Maternal and perinatal health
    f. Violence against women and girls
    g. Breastfeeding Promotion
2. Chronic Disease Management
    a. Obesity prevention and treatment
    b. Lifestyle change management
    c. Disease-specific management (hypertension, diabetes, stroke, kidney disease, etc.)
3. One Health (https://www.cdc.gov/one-health/about/index.html)
    a. Vector and non-vector borne diseases
    b. Water quality and safety
    c. Zoonotic diseases
    d. Antimicrobial-resistant germs

e. Food security
f. Environmental contamination
g. Air quality
h. Impact of climatological changes on health

4. Healthcare Professional Retention and Capacity Building
   a. Suicide prevention
   b. Avoidance and managing burnout
   c. Quality improvement
   d. Substance use/misuse and substance use disorder
   e. Implicit bias, cultural humility, and Culturally and Linguistically Appropriate Services (CLAS) in health and healthcare.
5. Community and Patient Safety
   a. Fall and injury prevention
   b. Violence prevention, including gun violence
   c. Emergency preparedness for patients
   d. Effects of social media
   e. Infection control
   f. Identifying cognitive impairment in patients

Each health professional licensing board shall disseminate the identified public health domains to its health professionals via electronic communication and through publication on its web page. Since the goal of this list is to engage and educate health professionals in the promotion and protection of public health, it is intended to be liberally interpreted by each health professional licensing board with regulatory authority over each license, certification, and registration type.

The requirement for continuing public health education may be found in specific professional rules under Title 17 of the District of Columbia Municipal Regulations (DMCR), such as section 7808.2 for audiologists (17 DCMR § 7808.2); section 6906.4 for psychologists (17 DCMR § 6906.4); section 7008.4 for social workers (17 DCMR § 7008.4). This requirement may still be under rulemaking process for certain professions and is therefore not yet in effect for those professions. To determine whether public health continuing education is required for a specific license, certification, or registration, visit the specific professional licensing board web pages at www.dchealth.dc.gov or contact the Department of Health at (202) 422-5955. Health professional regulations may be found at www.dcregs.dc.gov .

DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 25-01: John Joseph Earley House (including interior spaces)
1710 Lamont Street NW (2602, Lot 34)
Designated February 27, 2025
Applicants: Raymond Di Phillips and David Alfuth (owners) and the D.C. Preservation League
Affected Advisory Neighborhood Commission: 1D

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
RENTAL ACCOMMODATIONS DIVISION

NOTICE OF REVISED FORM

Housing Provider's Notice to Tenant of Rent Adjustment ("RAD Form 8")

Pursuant to authority set forth in the Rental Housing Act of 1985, effective July 17, 1985 ("Act") (D.C. Law 6-10; D.C. Official Code § 42-3502.04 (2001 ed., as amended, § 42-3501.01 *et seq.*) ("Act"), *see also* § 14-3900.1(c) of the *District of Columbia Municipal Regulations* ("DCMR") (2004 ed., as amended), the Rent Administrator gives notice that the Housing Provider's Notice to Tenant of Rent Adjustment ("RAD Form 8") disclosure, as required by the provisions of the Act for use by housing providers, was revised.

Section 42-3502.08 of the Act establishes the criteria for a housing provider to adjust the rent charged for a rent-stabilized rental unit. A housing provider must provide a tenant of a rental unit not less than sixty (60) days advance written notice of a rent adjustment with proper service on the tenant, in accordance with § 4205 of the DCMR.

Revising RAD Form 8 was necessitated by: (1) incorporating the 2025 Consumer Price Index for Urban Wage Earners ("CPI-W") in the Washington D.C. Area as published by the Rental Housing Commission in the Certification and Notice of Rent Adjustment of Generally Applicability and Qualifying Incomes for Rent Exemptions in volume 72, page 000518 (Jan. 17, 2025) of the *District of Columbia Register*; (2) providing additional information about a rent adjustment, tenant rights, and housing provider responsibilities; and (3) clarifying that RAD Form 8 is not a government-issued notice but instead a housing provider generated notice to be served on rental accommodation tenants.

Use of the revised RAD Form 8 is effective immediately. RAD Form 8 and accompanying instructions describing how to complete the form, how to file the form, how to serve tenants, and when to use the form are available on the Department of Housing and Community Development's website at dhcd.dc.gov/rentcontrol.

Questions concerning this Notice should be directed to:

Tonya Butler-Truesdale
Rental Property Program Specialist
Department of Housing and Community Development
Housing Regulation Administration
1909 Martin Luther King, Jr. Avenue, S.E.
Washington, D.C. 20020,

by email to tonya.butler-truesdale@dc.gov or call RAD on (202) 442-9505.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF PUBLIC MEETING

District of Columbia Board of Real Estate Appraisers

The District of Columbia Board of Real Estate Appraisers ("Board") hereby gives notice of its regular meeting, pursuant to the section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its upcoming meeting on Wednesday, March 19, 2025, at 10:00 a.m.

The Board holds its meetings on the third Wednesday of every month at 10:00 a.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Ms. Brittney Cheshier, Board Administrator, at (202) 442-4461 or Brittney.Cheshier1@dc.gov.

DRAFT AGENDA

1. Call to Order – 10:00 a.m. (*Public Session*)
2. Attendance
3. Comments from the Public
4. Approval of Meeting Minutes
5. Recommendations – Education Committee Report
6. Correspondence
7. Old Business
   New Business
8. Executive Session (*Closed Session*) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications, and legal counsel report.
9. Recommendations
   a. Applications
   b. Legal recommendations for complaints and legal matters
10. Adjourn – Next Scheduled Meeting – April 23, 2025

Meeting Link:
https://dc-gov.zoom.us/j/89430270499
Meeting Number: 894 3027 0499

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 open.govoffice@dc.gov.

MUNDO VERDE BILINGUAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Strategic Planning Services

Mundo Verde PCS seeks proposals to support with strategic planning, culminating in the development of a new five-year strategic plan to guide Mundo Verde in its next chapter. The RFP with bidding requirements and supporting documentation can be obtained by contacting Rocio Yoc at ryoc@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

The deadline for RFP submission is 3:00 pm on March 28, 2025

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY25 Chinatown Lease Incentive Grant Program

Request for Application (RFA) Release Date: March 28, 2025

Grant Identification No.: DMPED-FY25-BCLO-CLIGP

Background:
The Office of the Deputy Mayor for Planning and Economic Development ("**DMPED**") invites the submission of applications from qualified organizations for the FY25 Chinatown Lease Incentive Grant Program ("**CLIGP"** or "**Program**"). The purpose of the Program is to provide grants to support small businesses that (i) sign long-term leases of at least five years in the Chinatown neighborhood in the District of Columbia (**"District"**) and (ii) maintain or enhance the cultural heritage of the neighborhood.

Purpose:
The Program will provide up to $125,000 in total grant funding in FY25 to eligible businesses to offset the costs of rent. Successful applicants may receive the awarded amount annually for a total of up to five years, subject to the availability of funds and annual certification that the awardee remains in the lease agreement outlined in the RFA.

The Program will be funded pursuant to the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-169; D.C. Official Code §1-328.04(ii))

Eligibility:
Applicants must meet the following eligibility criteria to be considered an eligible business for an award:

- Be registered as an entity in the District of Columbia;
- Be in good standing with the District of Columbia's Department of Licensing and Consumer Protection (DLCP), the Office of Tax and Revenue (OTR), the Department of Employment Services (DOES);
- If the applicant is a for-profit entity, be registered as, or be eligible to be registered as, a certified business enterprise;
- Have fewer than 30 full-time employees;
- Sign or intend to sign a long-term lease of a commercial property; and
- Offer retail, educational programs, entertainment, food, or other services or activities that maintain and enhance the cultural heritage of the Chinatown neighborhood.

- Demonstrate that the property where the eligible business is or will be located is an eligible property located within the Chinatown neighborhood as show on the map here: https://dcgis.maps.arcgis.com/apps/instant/lookup/index.html?appid=1eecc24424d04613b61e5664ea3e6adf

Anticipated Number of Awards: The total amount of funding available for this Program is $125,000 for FY25. DMPED anticipates making up to five (5) awards ranging from $25,000 - $125,000. Successful applicants may receive the awarded amount on a yearly basis for a total of up to five years, subject to the availability of funds, successful recertification of an active lease, and compliance with the terms and conditions of a grant agreement.

Grant Information Session: DMPED will host a virtual information session for interested applicants. Please check https://dmped.dc.gov/service/grant-opportunities for more details.

Contact Name: DMPED Business Development Unit **Phone:** (202) 727-6365 **Email:** bizdev@dc.gov

Availability of RFA: The RFA will be released on **March 28, 2025** and posted at https://dmped.dc.gov/.

Application Process: The grant application process will include an initial screening of applications to evaluate the completeness of the application, followed by scoring by an internal review panel. Based on the internal review panel recommendations, the Mayor's budget priorities, the available resources, and the goals of the Program, the Deputy Mayor will make the final funding decision.

Grant Application Deadline for Electronic Submission: Applications will be accepted until May 30th, 2025 at 4:00PM EST. The application link and more information about the Program can be found at https://dmped.dc.gov/.

Final Determination of Award: Applications will be processed according to the RFA. Final determinations on awards and funding are final and cannot be appealed.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA,

FORMAL CASE NO. 1134, IN THE MATTER OF THE INVESTIGATION INTO THE PROCUREMENT COST ADJUSTMENT FOR STANDARD OFER SERVICE,

and

ELECTRIC TARIFF 2025-01, IN THE MATTER OF THE POTOMAC ELECTRIC POWER COMPANY'S ANNUAL PROCUREMENT COST ADJUSTMENT TARIFF, P.S.C-D.C. No. 1,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,[1] of its intent to act upon the Potomac Electric Power Company's (Pepco or Company) annual Procurement Cost Adjustment (PCA) rate calculation tariff filing in not less than thirty (30) days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register.*

2. The PCA is one component of the Standard Offer Service (SOS) tariff and is an adjustment made in order to true-up the rates customers are billed to reflect the Company's actual cost of providing SOS.[2] The Commission directed Pepco to file the first and then annually thereafter, its PCA tariff and workpapers by no later than February 28, 2022.[3] For 2025, Pepco filed its amended PCA tariff pursuant to the Commission's directive on January 31, 2025.[4]

3. Pepco states that the PCA is a dollar per kilowatt hour ($/kWh) rate applied to the customer's billed kilowatt-hours and will be calculated and updated in accordance

---

[1] D.C. Code § 2-505 and D.C. Code § 34-802.

[2] *See Formal Case No. 1134, In the Matter of the Investigation into the Procurement Cost Adjustment for Standard Offer Service* (*Formal Case No. 1134*), Order No. 21060, ¶ 2, rel. November 18, 2021 (Order No. 21060) (citing Pepco's 2005 Rate Schedules, Electric---P.S.C. of D.C. No. 1, Original Page No. R. 41.8).

[3] Order No. 21060, ¶ 1, 12.

[4] *Formal Case No. 1017, In the Matter of the Development and Designation of Standard Offer Service in the District of Columbia, Formal Case No. 1134,* and *Electric Tariff 2024-01, In the Matter of the Potomac Electric Power Company's Annual Procurement Cost Adjustment Tariff, P.S.C.-D.C. No. 1*, Potomac Electric Power Company's Annual Procurement Cost Adjustment (PCA) Rate Calculation Tariff Filing, filed January 31, 2025 (PCA Tariff Filing).

with Order No. 21060.[5] The current PCA tariff filing reflects the proposed annual PCA rates for Residential customers at 0.00316 $/kWh, an increase from 0.00083 $/kWh the previous year, Small Commercial customers at (0.00427) $/kWh, a decrease from (0.00383) $/kWh the previous year, and Large Commercial customers at (0.00054) $/kWh, a decrease from 0.00012 $/kWh.[6] Pepco states that pursuant to Order No. 21060 and discussions with the PCA Working Group, it will monitor PCA balances bi-annually to review for significant over- and under-collections, and the true-up adjustment to the rates will be made on at least an annual basis.[7] The Company proposes the PCA rate to have an effective date beginning June 1, 2025, through May 31, 2026.[8] The Company proposes to revise the following pages to reflect the new tariff:

ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
New:
One Hundred-Sixty-Fifth Revised Page No. R-1
One Hundred-Sixty-Fifth Revised Page No. 2
One Hundred-Fifty-Eighth Revised Page No. 2.1
One Hundred-Fifty-Sixth Revised Page No. 2.2
Forty-First Revised Page No. R-41.8

Superseding, Previous:
One Hundred-Sixty-Fourth Revised Page No. R-1
One Hundred-Sixty-Fourth Revised Page No. 2
One Hundred-Fifty-Seventh Revised Page No. 2.1
One Hundred-Fifty-Fifth Revised Page No. 2.2
Fortieth Revised Page No. R-41.8

4. Any person interested in commenting on the subject matter of this NOPT may submit written comments no later than thirty (30) days after publication of this Notice in the *D.C. Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C., 20005, or electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Once at the website, open the "eDocket" tab, click on "Search Current Dockets," and input "FC1017" or "FC1134" or "ET2025-01" as the case number. Copies of this NOPT may be obtained by visiting the Commission's website at www.dcpsc.org or at a cost by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPT should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov. After the comment period has expired, the Commission will take final action on the tariff amendment.

---

5 PCA Tariff Filing at Attachment B: Forty-First Revised Page No. R. 41.8.

6 PCA Tariff Filing at 1, Attachment A, and Attachment B: Fortieth Revised Page No. R. 41.8.

7 PCA Tariff Filing at 1.

8 PCA Tariff Filing at 1.

A TRUE COPY: **BY DIRECTION OF THE COMMISSION:**

CHIEF CLERK: **BRINDA WESTBROOK-SEDGWICK**
COMMISSION SECRETARY

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF CLOSED MEETING

Board of Trustees
March 20, 2025, 9:00 a.m.
900 7th Street, N.W., 2nd Floor
Washington, D.C 20001

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2309 271 3612	Meeting Password: 7NpRWfQUa73

The District of Columbia Retirement Board (DCRB) will hold a closed meeting on Thursday, March 20, 2025, at 9:00 a.m. for the purpose of training and developing members of a public body and staff pursuant to D.C. Code § 2-575(b)(12).

This meeting will be held virtually via WebEx. The entire meeting will be closed pursuant to D.C. Code § 2-575(b)(12) for training.

For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov, or visit https://dcrb.dc.gov/page/agendas-board-committee-meetings.

AGENDA

I.	Call to Order and Roll Call	Chair Bress
II.	Move to enter into closed session to train and develop members of a public body and staff pursuant to DC Code § 2-575(b)(12)	Chair Bress
III.	Move to end closed session and adjourn the meeting	Chair Bress

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.

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF INVESTMENT COMMITTEE MEETING

March 20, 2025, 10:00 a.m.
900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C 20001

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2315 328 0760	Meeting Password: 5uSjuAw6kv7

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, March 20, 2025, at 10:00 a.m. to consider investment matters. This meeting will be held virtually via WebEx. A general agenda for the open portion of the meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov.

AGENDA

I.	Call to Order and Roll Call	Committee Chair Weers
II.	Approval of Investment Committee Meeting Minutes	Committee Chair Weers

Agenda items III through V will be in closed session in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of DCRB to implement investment decisions or to achieve investment objectives.

III.	Chair's Comments	Committee Chair Weers
IV.	Chief Investment Officer's Report	Mr. Sahm
V.	Other Business	Committee Chair Weers
VI.	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.

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF PUBLIC MEETING

Board of Trustees
March 20, 2025, 1:30 p.m.
900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold a virtual Open Board meeting on Thursday, March 20, 2025, at 1:30 p.m. via WebEx. The meeting's general agenda is below.

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2301 813 3593	Meeting Password: Pm7tYagHg94

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov, or visit https://dcrb.dc.gov/page/agendas-board-committee-meetings.

AGENDA

I.	Call to Order and Roll Call	Board Chair Bress
II.	Approval of Board Meeting Minutes	Board Chair Bress
III.	Chair's Comments	Board Chair Bress
IV.	Executive Director's Report	Mr. Balestrieri
V.	Investment Committee Report	Committee Chair Weers
VI.	Operations Committee Report	Committee Chair Saunders
VII.	Benefits Committee Report	Committee Chair Gregg
VIII.	Legislative Committee Report	Committee Chair Blanchard
IX.	Audit Committee Report	Committee Chair Harris
X.	Other Business	Board Chair Bress
XI.	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.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after May 15, 2025.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 899 North Capitol Street, Suite 8100, Washington, D.C. 20002 within seven (7) days of the publication of this notice in the *D.C. Register* on March 14, 2025. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

Aksu	Mustafa	Self (Dual) 736 Gresham Place, NW	20001
Ali	Kareem Khiry	PNC Bank 1920 L Street, NW	20036
Anderson	Elyse Rochel	HUD Federal Credit Union 451 7th Street, SW, Suite 3241	20410
Aris	Deborah	Cohen Milstein Sellers & Toll 1100 New York Avenue, NW, Suite 800	20005
Barkas	Jennifer	United States Senate Federal Credit Union 120 Constitution Avenue, NE	20002
Boudreaux	Leah	Self 2120 Vermont Avenue, NW, #516	20001
Brady	Michelle	Sibley Memorial Hospital 5255 Loughboro Road, NW	20016
Branham	Felicia	Self 1447 Chapin Street, NW, #303	20009
Briggs	Savannah Faye	Marriott Vacation Club 1130 Connecticut Avenue, NW, Suite 700	20036
Brooks	Ashley	TSB Title 1775 I Street, NW, Suite 1150	20006
Carpenter	Morgan Tyler	Self 4128 New Hampshire Avenue, NW	20011
Chan	Alexa	Self (Dual) 1250 Half Street, SE	20003
Clough	Meredith	ArentFox Schiff, LLP 1717 K Street, NW	20006

Dixon	Joy CB	Girl Scouts Nation's Capital 4301 Connecticut Avenue, NW, Suite M-2	20008
Espinal	Siara	Harrison, LLP 2233 Wisconsin Avenue, NW, Suite 400	20007
Etienne Coleman	Aneesa	DBT Development Group, LLC 400 7th Street, SE	20003
Field	Erica	Neal R. Gross & Company Court Reporters 1716 14th Street, NW, Suite 200	20009
Fleitas	Lidia	The Family Place 3309 16th Street, NW	20010
Flood	Holly Beth	Self 1736 Columbia Road, NW, #209	20009
Foster	Kara	Self 3750 Jamison Street, NE, #312	20018
Fuglestad	Allison Marie	Monument Realty 750 17th Street, NW, Suite 1100	20006
Gobern	Alexis Eliana	Ballard Spahr 1909 K Street, NW	20006
Goodman	Chandra	Self 233 Missouri Avenue, NW	20011
Hammock	Kathleen Marie	Alliance Defending Freedom 440 First Street, NW	20001
Harmon-England	Quentin	The Employment Law Group 1717 K Street, NW, Suite 1110	20006
Harrell	Nychet Amanda	A Clear Way, LLC 5956 Southern Avenue, SE	20019

Hatcher	Cynthia	NCTA - The Internet & Television Association 25 Massachusetts Avenue, NW, Suite 100	20001
Jackson	Dwan D.	National Community Church 700 M Street, SE	20003
Jacobs	Shawnetta Selena	Self (Dual) 3408 13th Street, SE, #302	20032
Johnson	Michael	Potomac Trace, LLC 1701 Pennsylvania Avenue, NW, Suite 200	20006
Klahr	Jessica Mae	Quinn Evans 2101 L Street, NW, Suite 950	20037
Lindsay	Sabrina	Self 251 Farragut Street, NW	20011
Manzanero	Jan	American University 4801 Massachusetts Avenue, NW	20016
Massey	Tracy	District of Columbia Office of the State Superintendent of Education 1050 First Street, NE	20002
Motley-Tilghman	Flomeeka Trice	Self 1206 Kennedy Street, NW, #301	20011
Mulligan	Ronan Michael	Cbre, Inc. 555 Pennsylvania Avenue, NW, Suite B247	20001
Nable	Jose Victor	Self 1214 Shepherd Street, NW	20011
Nevel	Cassandra Megan	The Cochran Firm 1666 K Street, NW, Suite 1150	20006

Ohrtman	Caleb	Ballard Spahr, LLP 1909 K Street, NW	20006
Parks	Angela M.	Self 804 3rd Street, SW	20024
Price	Shantel	ArentFox Schiff, LLP 1717 K Street, NW	20006
Purvis	Anita	Self 6113 3rd Street, NE	20011
Radcliff	Rodney Ross	Kutak Rock, LLP 1133 Connecticut Avenue, NW, Suite 1200	20036
Reed-Hoole	Elizabeth Ann	Continuity Wealth Group 1025 Thomas Jefferson Street, NW, Suite W-3400	20007
Roberts	Nigi	Andersen 1850 K Street, NW, Suite 625	20006
Robinson Wood	Erinn	United Construction Services 316 F Street, NE, Suite 104	20002
Ruli	Besmir	Population Services International 1120 19th Street, NW, Suite 600	20036
Sanders	Phoebe Katherine	Cuneo Gilbert & LaDuca, LLP 2445 M Street, NW, Suite 740	20037
Simmons	Tedde-Shahara Ayana	Action Against Hunger 999 E Street, NW, Suite 300	20004
Smith	Bijan	District of Columbia Department of Behavioral Health 64 New York Avenue, NE	20002
Smith	Eric Omar	Self 2105 First Street, NW, #Lower B	20001
Smith	Tiffany Lee	The National Press Club 529 14th Street, NW	20045

Tadesse	Helen	Veritext Legal Solutions 1250 I Street, NW, Suite 901	20005
Tankersley	Renee A.	Marriott Vacation Club 1130 Connecticut Avenue, NW, Suite 700	20036
Thompson	Stacia G.	Self (Dual) 1233 Delafield Place, NE	20017
Vargas Matar	Nicole	Rule Garza Howley 901 7th Street, NW, Suite 600	20001
Velez	Jacqueline	Self 4201 Massachusetts Avenue, NW, #5040	20016
Williams	Shana	Self 338 Adams Street, NE, #A	20002
Wilson	Jennifer Justina	Trustpoint One 1029 Vermont Avenue, NW, 10th floor	20005
Zamanuel	Etsegenet B.	Signal Financial FCU 1101 New York Avenue, NW	20005

DISTRICT OF COLUMBIA SENTENCING COMMISSION

NOTICE OF HYBRID MEETING

The Commission meeting will be held on Tuesday, March 18, 2025, at 5:00 p.m. via Zoom and in-person. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at http://www.scdc.dc.gov

For additional information, please contact Brittany Bunch, Outreach Specialist, at (202) 727-8822 or email scdc@dc.gov

To attend the upcoming monthly meetings, register to add using the link below.

https://scdc.dc.gov/page/commission-meetings

The Commission's meeting are available both in-person and virtually. Meetings can be viewed on the Commission's Facebook page.

Agenda

1. Review and Approval of the Minutes from the Tuesday, February 18, 2025, Commission meeting – Action Item, Judge Dayson, Chairman.

2. Director's Report – Information Item, Linden Fry, Executive Director

3. Commission Discussion – Information Item, Commission Members

4. Next Scheduled Meeting – Tuesday, April 15, 2025

5. Adjourn

Please note: This agenda is subject to change. Please check our website for the most up-to-date information. https://scdc.dc.gov/

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.

THE SEED PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Vended-Managed School Meal Services

The SEED Public Charter School located in Washington DC invites proposals for Vended-Managed School Meal Services. Submission deadline is 12:00 PM Eastern Time on April 30, 2025. For inquiries, email foodservice@cpa.coop.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will hold a meeting via Microsoft Teams on Thursday, March 27, 2025, at 9:30 a.m. This meeting will **not** be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. The Chief Executive Officer and General Manager invites the public to attend the meeting via Microsoft Teams. Below is the draft agenda for this meeting. Please see the final agenda posted to DC Water's website at www.dcwater.com, which will include remote access information for this meeting.

For additional information, please contact Michelle Rhodd, Board Secretary at (202) 787-2331 or Michelle.Rhodd@dcwater.com.

DRAFT AGENDA

1. Call to Order	Committee Chairperson
2. March 2025 Financial Report	Vice President, Budget
3. Action Items	CFO and EVP, Finance and Procurement
4. Agenda for April 2025 Committee Meeting	Committee Chairperson
5. Executive Session	Committee Chairperson
6. Adjournment	Committee Chairperson

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.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will hold a meeting on Tuesday, March 25, 2025, at 9:30 a.m. The meeting will not be held in the Board Room (2nd floor) at 1385 Canal Street, S.E, but will be held via Microsoft Teams. Below is the draft agenda for this meeting. A final agenda will be posted on DC Water's website at www.dcwater.com. Please see the website for remote access information for this meeting.

For additional information, contact Michelle Rhodd, Board Secretary at (202) 787-2331 or Michelle.Rhodd@dcwater.com.

DRAFT AGENDA

1. Call to Order	Committee Chairperson
2. Monthly Updates	CFO and EVP, Finance & Procurement
3. Committee Work Plan	CFO and EVP, Finance & Procurement
4. Other Business	CFO and EVP, Finance & Procurement
5. Adjournment	Committee Chairperson

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal No. 19961 of Advisory Neighborhood Commission 1C, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on November 2, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1806082 to allow a three-story building in the RF-1 Zone at 2910 18th Street, N.W. (Square 2587, Lot 495).

HEARING DATES: April 3 and June 19, 2019
DECISION DATES: July 31, 2019 and February 26, 2025

ORDER GRANTING APPEAL IN PART AND DENYING APPEAL IN PART

This appeal was submitted on December 31, 2018 on behalf of Advisory Neighborhood Commission 1C (the "ANC" or "Appellant") to challenge a decision made November 2, 2018 by the Zoning Administrator, at the Department of Consumer and Regulatory Affairs ("DCRA"), to approve issuance of a building permit authorizing construction of a building in the RF-1 zone at 2910 18th Street, N.W. (Square 2587, Lot 495).[1] Following a public hearing, the Board voted to grant the appeal in part and to deny the appeal in part.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing. By memoranda and letters dated February 14, 2019, the Office of Zoning provided notice of the appeal and of the public hearing to ANC 1C as the Appellant and the ANC in which the subject property is located, the Single Member District ANC 1C05, the Zoning Administrator, the Office of Planning, the Office of Advisory Neighborhood Commissions, 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. On December 31, 2018, the Appellant provided a copy of the appeal to Kehoe 2910 18TH ST NW, LLC, the owner of the subject property ("Property Owner"). Notice was published in the *D.C. Register* on February 8, 2019 (66 DCR 1818).

Party Status. Pursuant to Subtitle Y § 501.1, ANC 1C, DCRA, and the owner of the subject property, Kehoe 2910 18th ST NW LLC, were automatically parties in this proceeding. The Board granted a request for intervenor status submitted by Guillermo and Wendy Rueda ("Intervenors"), the owners of a dwelling on a property abutting the subject property.

[1] As of October 1, 2022, the zoning functions formerly performed by the Department of Consumer and Regulatory Affairs were assumed by the new Department of Buildings. *See* D.C. Official Code § 10-561.01 *et seq*.

Appellant's Case. At a public meeting on December 5, 2018 with a quorum present, ANC 1C adopted a resolution authorizing the ANC to appeal a building permit issued for construction at the subject property. The resolution alleged that the building permit was issued in violation of certain provisions of the Construction Code as well as zoning regulations governing building height and the retention of rooftop architectural elements original to a building. (Exhibit 3.) In its revised statement, ANC 1C argued that the building permit violated zoning requirements by allowing a building that would exceed height limits in feet and number of stories, would fail to restore architectural features that had been improperly removed, and would interfere with a solar array on an abutting property. (Exhibit 21.)

DCRA. The Department of Consumer and Regulatory Affairs asked the Board to deny the appeal because the building permit was consistent with applicable zoning requirements. (Exhibit 42.)

Property Owner. Kehoe 2910 18th ST NW LLC asserted that ANC 1C had failed to meet its burden of proof to show that the Zoning Administrator erred and that the appeal therefore should be denied. The Property Owner contended that DCRA had correctly determined that the proposed building height was permitted under the applicable zoning regulations, and that the project at the subject property involved a new building, not an addition, and therefore Subtitle E § 206 did not apply. (Exhibits 39, 69.)

Intervenors. The Intervenors contended that the building permit was inconsistent with zoning requirements with respect to original rooftop architectural elements and building height, resulting in "substantial interference" with the Intervenors' solar array caused by "the additional height and massing of the construction authorized by the permit." (Exhibit 24.) The Intervenors presented expert witness testimony from Guillermo Rueda, as an expert in architecture, and Laura Richards, as an expert in zoning.

FINDINGS OF FACT

1. The property that is the subject of this appeal is an interior lot on the west side of 18th Street N.W. midblock between Summit Place and Quarry Road N.W. (Square 2587, Lot 495).

2. The subject property is rectangular, 20 feet wide and approximately 89.5 feet deep. The lot area is approximately 1,790 square feet.

3. The subject property was improved with a two-story row dwelling built circa 1925.

4. A prior owner began a project at the subject property around 2014. The prior owner removed portions of the building, including its roof, dormers, and a mansard roof at the front of the building. (Exhibit 21DD.)

5. After a snowstorm, additional portions of the building collapsed on January 26, 2016, causing damage to the row dwellings on the abutting lots. DCRA undertook measures,

including the construction of a brace frame at the subject property, to stabilize the remaining structure and its party walls.

6. Photographs show that, after the snowstorm, much of the front façade, the party walls, and the foundation remained in place. (Exhibits 21C, 43, 44, 73A.)

7. The Property Owner acquired the subject property in December 2017.

8. The Property Owner submitted an application for a building permit. DCRA accepted the application for Building Permit No. B1806082 as complete on May 7, 2018. (Exhibit 72; Transcript of June 19, 2019 at 38, 50.)

9. By email sent May 31, 2018 to the Zoning Administrator and other staff at the Office of the Zoning Administrator ("OZA"), Intervenor Guillermo Rueda stated that "the application submitted for the 2910 project does not identify a couple of contextual elements relevant for a proper zoning review: a chimney at 2908 and a 5.52kW solar array to the North at 2912…." (Exhibit 21P.) DCRA issued Solar Permit No. SOL1700071 to Guillermo Rueda for the installation of a "5.52 kW Solar PV System. Parapet Mounted" at 2912 18th Street, N.W. on November 7, 2016. (Exhibit 21N.) The solar energy production system began operation in February 2017. (Exhibit 24.)

10. By email sent June 26, 2018 to the Office of the Zoning Administrator, the architect for the Property Owner's project responded to zoning review comments, stating that the "[existing] building was demolished by previous owner and the only front wall was left," as shown on sheet A101. The architect had been told by the Property Owner's attorney that "we don't need to restore the original roof elements," including a cornice that was original to the building, and asked DCRA to confirm that assertion. (Exhibit 21L.)

11. By email sent July 30, 2018 to the Office of the Zoning Administrator, the Property Owner's architect stated that (i) OZA had indicated that the project would be approved "if we brought back the roof dormer and the cornices. We had revised the drawings per [OZA] comments" and uploaded "all updated drawings" on July 13, 2018; and (ii) "we had modified the front façade design to include the dormers and the cornices to match the neighbors" and uploaded the revised drawings on July 13. (Exhibit 21L.)

12. By email sent to Guillermo Rueda on September 4, 2018, the Zoning Administrator indicated that the "pending building permit application #B1806082 [had been placed] back under Zoning review, until the applicant addresses the following comment: 'Proposed 3rd Story [Addition] is subject to DCMR Title 11, Subsection E206.1(c), (1), (2). Provide an updated site plan and project image – A101 showing the existing condition of both neighboring properties roof design. There is an existing permit for a panel system (SOL170071) issued 12-21-16. Provide a solar shading study for the neighboring property….'" (Exhibit 21Q.)

13. By email sent September 25, 2018 from the Property Owner's architect to the Zoning Administrator and other OZA staff, the architect indicated that, at a recent meeting, the Zoning Administrator "confirmed that if we are a raze for zoning purposes, then for zoning purposes, this is not 'an addition' and therefore Section E-206 does not apply, as it only applies to an addition. [The Zoning Administrator] agreed that we could do this, so we are submitting this revision" to A105 demolition plan and elevation. The email stated that the changes were "bubbled" on the plans to reflect removal of "a little more of the front façade, down to two feet…. [The Zoning Administrator] agreed we could be deemed a zoning raze without necessarily being a raze for building code purposes." (Exhibit 21L.)

14. By email sent October 10, 2018 to the Property Owner's architect, OZA indicated that the Property Owner "will need to provide elevations and section plans based on the proposed raze of the property. The plans will need to meet the requirements of Zoning Commission order 17-18, subsection 100.2, definitions for natural and finished grade. [The Property Owner] will need to show the natural grade and finished grade clearly labeled on all elevation and section plans." (Exhibit 21G.)

15. On November 2, 2018, DCRA issued Building Permit No. B1806082 for the subject property. The "permit type" was shown as "Addition Alteration Repair."[2] The description of work was stated as: "Keep existing use two family flat, remove existing front wall down to 4 feet above first floor, build 3 story building, cellar and underpinning. ****DEMO, ADDITON POP OUT, ALTERATION LEVEL." The number of stories and "Floors, Involved" were shown as three. (Exhibit 5.)

16. The plans for Building Permit No. B1806082 include a "building elevation" (A301) that showed the building height measuring point ("BHMP") at the center of the building, at existing grade under the porch. The "Building Section & Details" plan (A402) indicated that the building height of the Property Owner's project would be 34 feet, 11 inches as measured from the BHMP. (Exhibits 40, 41.)

17. The "Building Section & Details" plan (A402) indicated that the distance between the ceiling of the lowest level of the building (labeled a "cellar") and the existing/natural grade of the subject property would be three feet, eight inches. (Exhibit 41.)

18. By email sent to Guillermo Rueda on November 5, 2018, the Zoning Administrator stated:

> The current owner, who submitted building permit application #B1806082, originally proposed keeping enough of the existing building and adding a new third level so as to be classified as an upper floor addition. You raised concerns over impacts of the third

[2] The Zoning Administrator testified that terminology used to denote the type of permit (in this case, "Addition Alteration Repair") was decided by a different division of DCRA, not OZA, and "does not always jive with the zoning regulations." (Transcript of June 19, 2019 at 170-171.) The Zoning Administrator explained that he would make an independent determination of permit description or permit category based on plans and the permit applicant's representations about a particular project.

floor addition on the solar array on your property, and raised the limitations under Section E-206.1(c). However, the [Property Owner] decided to instead remove the existing building so as to be classified as a 'zoning raze' and to construct a new three-story building. The provision of the zoning regulations that would have applied to the first scenario is Section E-206:

E-206 ROOF TOP OR UPPER FLOOR ADDITIONS
E-206.1 In an RF zone district, the following provisions shall apply:
(a) A roof top architectural element original to the building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;
(b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition; and
(c) Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph, the following quoted phrases shall have the associated meanings:
(1) "Significantly interfere" shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and
(2) "Existing solar energy system" shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:
(A) Legally permitted, installed, and operating; or
(B) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system.

(Exhibit 28; underlining provided in email.)

19. The November 5, 2018 email indicated that "However, the approved application for a new three-story building and is not an addition, and therefore is not subject to the above

provision because there is no existing building that is being added to." The Zoning Administrator concluded "that the revised application was not subject to Section E-206.1, and as per [the Zoning Administrator's] direction, the Zoning reviewer approved it after documenting compliance with all applicable zoning standards." (Exhibit 28.)

20. By letter dated December 21, 2018, DCRA issued a "notice to correct" to the Property Owner. The letter provided notice of a need to correct deficiencies in the plans affiliated with Building Permit No. B1806082, or DCRA would revoke the building permit. Specifically, citing provisions of the Construction Codes (12A DCMR), DCRA directed the Property Owner, at a minimum, to:

(a) apply for a revised building permit referencing and including the supporting documents for the original permit;

(b) upload all technical objections and responses between Guillermo Rueda and the Property Owner and its contractors and employees;

(c) revise and upload Architectural Plan A101 to depict the solar panels at 2912 18th Street, N.W. and to show the existing conditions at the subject property and the adjoining properties to the east and west;

(d) upload, for the revised permit, an engineer's report documenting the existing bracing design, the plan for how the party walls will be supported during various phases of construction, the plan for additional shoring and bracing for the removal of the front wall at the subject property, and an explanation for how the second-floor sleeping porch addition at 2912 18th Street will be supported during each phase of the construction, with photographs of the existing bracing design as well as any other conditions related to the stability of the party walls, party wall foundations, and soil conditions at the party wall foundations;

(e) upload a revision notification form reflecting that the Property Owner renotified 2912 18th Street and requested access to the roof of that property to inspect its roof assembly and to verify that the height of the parapet wall above the roof level of 2912 18th Street is consistent with the assumptions made by the engineer in the snow drift calculations provided for the original building permit.

(f) upload a revised Architectural Plan A105 to depict existing bracing conditions at the subject property, identifying all member sizing, posts, footings, etc.; and

(g) upload the monitoring plan, containing the signature and seal of a licensed structural engineer, for the party wall at 2908 18th Street as part of the underpinning drawings submittal, and the temporary party wall bracing design and construction drawing details for 2908 18th Street.

(Exhibit 21D.)

21. The Applicant subsequently applied for a revised building permit (No. B1904575). The revised permit was issued around June 2019 to address structural issues pertaining to provisions set forth in the Construction Codes.

22. By order effective August 17, 2018, the Zoning Commission approved text amendments to certain subtitles of the Zoning Regulations, including Subtitle B (Definitions, Rules of Measurement, and Use Categories) and Subtitle E (Residential Flat (RF) Zones), regarding the measurement of height. The adopted rules altered Subtitle B, Chapter 1 by revising certain definitions, including the definitions of "basement" and "cellar," as well as amending the rules of measurement in Chapter 3 pertaining to building height. Conforming amendments were made to Subtitle E. (See Zoning Commission Order No. 17-18 in Z.C. Case No. 17-18.)

23. The text amendments adopted in Z.C. Order No. 17-18 changed provisions governing the administration and enforcement of the Zoning Regulations by adding a new vesting provision to protect foundation-to-grade permit applications that were then in process.

(a) Subtitle A § 301.4 was amended: "Except as provided in Subtitle A §§ 301.9 through 301.15, any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued, subject to the following conditions: (a) The permit holder shall begin construction work within two (2) years of the date on which the permit is issued; and (b) Any amendment of the permit shall comply with the provisions of this title in effect on the date the permit is amended…."

(b) New Subtitle A § 301.15 was added: "Notwithstanding Subtitle A § 301.4, any building permit application including a foundation-to-grade permit application (the Permit Application), shall be processed, and any work authorized by the permit may be carried to completion pursuant to the rules for measuring floor area ratio, height, and stories as existed on August 17, 2018 if the Permit Application was legally filed with, and accepted as complete by the Department of Consumer and Regulatory Affairs on or before that date and not substantially changed after filing."

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).) Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved, or organization authorized to represent that person, or by any officer or department of the government of the District of Columbia or the federal government affected by any decision of an administrative officer granting or refusing a building permit based in whole or part on any zoning regulations or map adopted pursuant to the Zoning Act. (D.C. Official Code § 6-641.07(f).) *See also* Subtitle Y § 302.1.

The Appellant argued that the building permit at issue in this appeal failed to meet zoning requirements principally in two respects: (i) by allowing building height in excess of applicable limits, both with respect to feet and number of stories, due to an incorrect measurement of building height and (ii) by failing to comply with Subtitle E § 206. For the reasons discussed below, the Board finds no error with respect to building height but agrees that the building permit was improperly issued without a determination that the approved construction would satisfy the requirements of Subtitle E § 206.

Building height. The subject property is located in a Residential Flat zone, RF-1, where the maximum permitted height of buildings and any additions is limited to 35 feet and three stories (with certain exceptions not relevant to this appeal). (Subtitle E § 303.1.) The zoning regulations in effect when the application for Building Permit No. B1806082 was accepted as complete provided rules of measurement for the determination of the height of buildings in the RF zones. The rules of measurement included that the building height measuring point ("BHMP") must be established at the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line. (Subtitle B § 308.2.)

The Appellant argued that the BHMP had been determined incorrectly and, as a result, the building at the subject property would be four stories and in excess of 35 feet in height. According to the Appellant, the project plans misrepresented the grade at which the BHMP should be located pursuant to Subtitle B §§ 308 and 310. The Appellant contended that a site plan identified "a modified BHMP … that is neither the 'existing' nor 'natural grade' as described in Subtitle B, which states: the established elevation of the ground, exclusive of the improvements or adjustments to the grade made in the five (5) years prior to applying for a building permit." (Exhibit 21.) Instead, according to the Appellant, the "modified BHMP" was incorrectly located "at a fictional point shown on the developer's survey, six inches (6 inches) above 'natural or existing grade….'" (Exhibit 21.) The Appellant contended that, as a result of the misplaced BHMP, the lowest level of the building had been incorrectly characterized as a "cellar" rather than a basement so that it would not be counted as a story.

In disputing the Appellant's contention, DCRA cited the plans submitted by the Property Owner as part of the building permit application, especially a building elevation (A301) and a "building section & details plan" (A4021) (see Exhibits 40, 41). According to DCRA, the Zoning Administrator correctly identified the lowest level as a cellar because the finished floor of the ground floor would be less than four feet above the adjacent grade, and appropriately determined that the planned construction would create three stories above a cellar, with a building height that would not exceed 35 feet.[3]

[3] The Zoning Regulations defined a "cellar" as "that portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent finished grade." (Subtitle B § 100.2.) For the purpose of determining the maximum number of permitted stories, the term "story" does not include cellars or penthouses. (Subtitle B § 310.2.)

The Board concludes that the Zoning Administrator properly made determinations regarding building height in accordance with the regulations in effect at the time the Property Owner's building permit application was accepted as complete; that is, before the effective date of the text amendments adopted by the Zoning Commission in Z.C. Case No. 17-18.[4] The Board credits the Zoning Administrator's explanation about why the subsequent revisions made to the plans were not of a significant magnitude to warrant processing under the recent text amendments. Consistent with a long-standing practice, the Zoning Administrator determined that the original building permit application was complete based on the adequacy of information provided, which was sufficient for the Office of the Zoning Administrator and other DCRA disciplines to perform the necessary reviews. (Transcript of June 19, 2019 at 39-40, 43.) In this case, the Zoning Administrator reasonably determined that the vesting date of the permit application was not altered after the application was accepted as complete, even though the Office of the Zoning Administrator sought certain corrections, because the resulting revisions did not result in a "substantial deviation of plans" affecting a "major element" such as, for example, a change in the number of stories, the gross square footage, lot occupancy, or use. The Zoning Administrator described the revisions obtained from the Property Owner as some clarification of dimensions that were not substantial deviations. Accordingly, the Zoning Administrator reasonably determined that the recent text amendments adopted in Z.C. Case No. 17-18 did not apply to the Property Owner's building permit application.

Addition or new building. The Appellant argued that the Zoning Administrator made an unauthorized determination "that the proposed addition and alteration could be viewed as a 'new building' to improperly allow the addition of a new story to the illegally demolished and collapsed building." As a result, according to the Appellant, the "building permit violates Subtitle E, §206.1(a) by approving a new story to what was the existing building and includes a design that significantly alters the size and height of the architectural rooftop elements that were unlawfully removed [in violation of] Subtitle E, §206.1(a)" and Subtitle E § 206.1(c). (Exhibit 21.)

DCRA and the Property Owner contended that the project was properly approved as a new building, which was not subject to Subtitle E § 206 because that provision, by its terms, applies only to an addition to an existing building.[5] (Exhibits 39, 42.) DCRA noted that the roof of the

[4] DCRA initially believed that the new text amendments were applicable to the building permit application because the permit was issued November 2, 2018, after Zoning Commission Order No. 17-18 became effective on August 17, 2018 (see Exhibit No. 66). However, after review of the vesting rules adopted to implement the text amendments (see Subtitle A §§ 301.4, 301.5), DCRA reconsidered the question and determined that the building permit application should be processed under the previous regulations because the application had already been accepted as complete before the effective date of the text amendments and was not substantially changed after filing. (Exhibit 72; Transcript of June 19, 2019 at 74-75.)

[5] DCRA and the Property Owner emphasized the heading of Subtitle E § 206 – "Roof Top Or Upper Floor Additions" – in support of their assertions that Subtitle E § 206 applies only to additions. (Exhibits 39, 42.) However, "[t]itles are of limited utility when weighed against plain statutory language." *Facebook, Inc. v. Wint*, 199 A.3d 625, 629-630 (D.C. 2019), *quoting Cherry v. District of Columbia*, 164 A.3d 922, 928 (D.C. 2017) ("The significance of a title of [a] statute should not be exaggerated…. It cannot limit the plain meaning of the text.") and *Bhd. of R.R. Trainmen v. Balt. & Ohio R.R. Co.*, 331 U.S. 519, 528-529, 67 S.Ct. 1387, 91 L.Ed. 1646 (1947) ("[H]eadings and titles are not meant to take the place of the detailed provisions of the text. Nor are they necessarily designed to be a reference guide or synopsis. Where the text is complicated and prolific, headings and titles can do no more than indicate the provisions

building at the subject property "collapsed during a snow storm" and soon thereafter "a bracing system was installed against the party walls of 2910 18th Street to preserve the integrity of the neighboring party walls," so that "[a]s a result, the property presently consists of no rear wall, two party walls, approximately four feet of the original front wall and a bracing system … [without] floors [or] roof."[6] (Exhibits 42-44.) DCRA asserted that, "[b]ased on the current state of the property, the Owner is not adding, extending or enlarging anything, because no building currently exists. Accordingly, the Zoning Administrator correctly determined that the proposed construction was a new building and no 'addition' was involved." (Exhibit 42.)

The Board was not persuaded by arguments presented by the Appellant and the Intervenors that challenged the Zoning Administrator's authority to determine the existence of a "zoning raze" (as distinguished from a raze undertaken consistent with Construction Code requirements).[7] However, the Board did not agree with DCRA or the Property Owner that the project at the subject property should be considered a new building and not an addition to the existing building. The building permit at issue in this appeal was obtained for "Addition Alteration Repair" with the description of work that would include "remov[al of] existing front wall down to 4 feet above first floor," which indicated an intent to retain the existing structure.

---

in a most general manner; to attempt to refer to each specific provision would often be ungainly as well as useless. As a result, matters in the text which deviate from those falling within the general pattern are frequently unreflected in the headings and titles. Factors of this type have led to the wise rule that the title of a statute and the heading of a section cannot limit the plain meaning of the text.").

The wording of Subtitle E § 206 does not uniformly limit its applicability only to additions. Two provisions state restrictions applicable to "any addition, including a roof structure or penthouse"; that is, Subtitle E § 206.1(b), concerning a chimney or other external vent on an adjacent property, and Subtitle E § 206.1(c), concerning the operation of an existing solar energy system on an adjacent property. However, pursuant to Subtitle E § 206.1(a), a "roof top architectural element original to the building, such as cornices [etc.] shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots…." By its terms, the proscription stated in Subtitle E § 206.1(a) is not limited to an addition to an existing building, and the provision does not specifically exempt the removal of a rooftop architectural element in connection with the raze of an existing building. The Board makes no determination in this proceeding with respect to the Zoning Administrator's interpretation of Subtitle E § 206 as applicable only to an addition.

[6] The reference to "approximately four feet of the original front wall" was not consistent with the photographs DCRA submitted to the record, which showed that most of the front façade remained (as seen from the rear of the site). The reference apparently reflected the Property Owner's proposed project, for which the building permit was issued.

[7] DCRA acknowledged that the Zoning Regulations do not provide a definition for "raze" and explained that the Office of the Zoning Administrator created a standard to distinguish a raze or zoning raze from a demolition or partial building removal. "The Office of the Zoning Administrator generally finds that a raze has occurred if there was a change in lot occupancy and [depending on] whether a minimum of 40% of the pre-existing wall surface area was retained. If more than 40% of the pre-existing wall surface remains, the construction is deemed a demolition." (Exhibit 72.) The Zoning Administrator testified that "[i]f the footprint of the building has not changed," then OZA will require retention of "at least four feet of the enclosing perimeter walls of that building" to avoid classification as a zoning raze; "the 40 percent standard" applies "[i]f the building footprint is changed." (Transcript of June 19, 2019 at 164.)

In this case, the Zoning Administrator determined that neither standard applied "because the distinguishing characteristic is the building collapsed … there's no present building there to retain." Instead, the Zoning Administrator concluded that "The building had collapsed [and therefore the Property Owner's project is] new construction of a new building." (Transcript of June 19, 2019 at 164-165.)

Nor does the Board agree that the existing building entirely collapsed. The testimony and photographs in the record demonstrated that the party walls, a substantial portion of the front façade, and the foundation remained in place, although the floors and other interior aspects had been destroyed. DCRA acknowledged that "the two pre-existing party walls of the row home exist, which constitutes 50% of the pre-existing wall surface area" – that is, more than the 40-percent retention that usually denotes demolition, not raze – but DCRA rejected that "narrowly tailored view," asserting that "the general Zoning Administrator's analysis is inapplicable here because no building exists at the site."[8] According to DCRA, "The current state of the site was not the result of a raze or demolition, but an act of God. Given that the current condition of the property is neither the result of a raze nor a demolition, the proposed activity is considered new construction." (Exhibit 72.) The Intervenors disputed that contention, arguing that the collapse was the result of the actions and inactions of the prior owner; the Intervenors had warned DCRA of the likelihood of a collapse before the 2016 snowstorm (see Exhibit 25).

The Board makes no findings about the exact cause or circumstances of the building collapse based on the record in this proceeding. Regardless of the cause of the collapse, the Board concluded that a sufficient portion of the existing building remained so that the Property Owner's project did not constitute a new building. The Board was not persuaded by the Property Owner's contention that the existing building, in its current form, did not meet the zoning definition of building, and instead viewed the issue in terms of whether a "zoning raze" had occurred, since there is no dispute that the subject property formerly contained a building that had been partially destroyed.

The Property Owner sought to characterize the project as new construction to avoid the restrictions imposed by Subtitle E § 206, leading to the submission of revised plans and an intention to remove more of the front façade so that the project could be characterized as a raze. The Property Owner may have known about the zoning irregularities before acquiring the subject property, and certainly became aware of the Intervenors' concerns about their solar array and the issues raised by ANC 1C about the removal of rooftop architectural elements before seeking a building permit. In response, the Property Owner attempted to modify the project for consideration as "new construction" instead of an addition and DCRA accepted that characterization. Agreeing with the Property Owner, DCRA argued that "there is no building at 2910 18th Street, N.W. The proposed construction consists of an entirely new building." (Exhibit 42)

In light of the portions of the existing building that remain on the site, the Board did not agree with DCRA or the Property Owner that the project should be considered a new building not subject to

[8] The Zoning Administrator's determination was based in part on a finding that the collapse was "something that was beyond the control of the property owner" that resulted in a "situation now [that] there's no building to build an addition to." (Transcript of June 19, 2019 at 160.) In response to a question by Intervenors' counsel, about whether the project would have been considered new construction "if there were no act of God here, if, in fact, the removal had been the result of just illegal demolition or neglect," the Zoning Administrator acknowledged that "in the absence of an act of God then it would be treated differently." (Transcript of June 19, 2019 at 172-173.) Both the Property Owner and the Intervenors argued "that the whole question of act of God is legally irrelevant to the question of whether or not this is an addition" and a "red herring." (Transcript of June 19, 2019 at 193, 214.) However, the parties did not agree on whether the collapse necessitated the characterization of the Property Owner's project as a new building.

Subtitle E § 206. Under the circumstances, the Board concludes that the existing building was not razed and was not completely destroyed in the 2016 collapse; therefore, the project must be considered an addition, not a new building. Accordingly, the Board determines that Building Permit No. B1806082 was issued in error due to the lack of a determination of compliance with Subtitle E § 206, including with respect to rooftop architectural elements and the potential interference with the operation of an existing solar energy system on an adjacent property.

Great weight. The Board is required to give "great weight" to the issues and concerns raised by an 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 1C submitted the appeal. For the reasons discussed above, the Board concluded that the appeal should be granted in part and denied in part.

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this appeal, a proposed order was provided to the parties on January 23, 2025 to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d). The Board received no comments.

Based on the findings of fact and conclusion of law, the Board concludes that the Zoning Administrator erred in not applying Subtitle E § 206 but did not err in the determination of building height in the issuance of Building Permit No. B1806082 to allow a three-story building in the RF-1 Zone at 2910 18th Street, N.W. (Square 2587, Lot 495). Accordingly, it is therefore **ORDERED** that the **APPEAL** is **GRANTED** in part and **DENIED** in part, and the Zoning Administrator's determination is **SUSTAINED** in part and **REVERSED** in part.

VOTE: 4-1-0 (Frederick L. Hill, Carlton E. Hart, Lesyllee M. White, and Peter G. May voting to grant the appeal in part and deny the appeal in part; Lorna L. John opposed)

VOTE: 5-0-0 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, Lorna L. John, and Joseph S. Imamura voting to issue this Order)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 27, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT

DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal No. 20183 of The Residences of Columbia Heights, a Condominium, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on September 30, 2019 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1908601 to permit a new building with 50 residential apartments for Short Term Family Housing (STFH) in the MU-5A Zone at 2500 14th Street, N.W. (Square 2662, Lot 205).

HEARING DATES: January 29 and February 26, 2020
DECISION DATES: May 6, 2020 and February 26, 2025

ORDER DENYING APPEAL

This appeal was submitted on October 24, 2019 on behalf of The Residences of Columbia Heights, a Condominium (the "Appellant") to challenge a decision made September 30, 2019 by the Zoning Administrator, at the Department of Consumer and Regulatory Affairs ("DCRA"), to approve issuance of a building permit authorizing construction of a new building in the MU-5A zone at 2500 14th Street, N.W. (Square 2662, Lot 205).[1] Following a public hearing, the Board voted to deny the appeal.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing. By memoranda and letters dated December 9, 2019, the Office of Zoning provided notice of the appeal and of the public hearing to the Appellant, the Department of General Services ("DGS"), on behalf of the District of Columbia as the owner of the subject property, the Zoning Administrator, Advisory Neighborhood Commission ("ANC") 1B, the ANC in which the subject property is located, and to Single Member District ANC 1B06, the Office of Planning, the Office of Advisory Neighborhood Commissions, 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 November 22, 2019 (66 DCR 15413).

Party Status. Pursuant to Subtitle Y § 501.1, the Appellant, DCRA, DGS, and ANC 1B were automatically parties in this proceeding. There were no requests for intervenor status.

[1] As of October 1, 2022, the zoning functions formerly performed by the Department of Consumer and Regulatory Affairs were assumed by the new Department of Buildings. *See* D.C. Official Code § 10-561.01 *et seq*.

Appellant's Case. The Appellant represented the owners of a 36-unit residential condominium building located on a lot abutting the subject property. The Appellant argued that the building permit issued for the new construction at the subject property violated zoning requirements with respect to rear yard, parking, and loading, and improperly authorized an emergency shelter use that was not permitted as a matter of right but required approval by the Board as a special exception under Subtitle U § 513.1(b).

DCRA. The Department of Consumer and Regulatory Affairs asked the Board to deny the appeal because the building permit was consistent with applicable zoning requirements. According to DCRA, the project at the subject property met the zoning definition of "apartment house," a use permitted as a matter of right at the subject property, and was not an "emergency shelter." DCRA contended that the project satisfied zoning requirements with respect to parking and loading for an apartment house, as well as the rear yard requirement because the new construction would constitute an addition to the existing building at the site in light of the planned connection between the two portions of a single building. (Exhibit No. 33.)

DGS. The Department of General Services initially argued that the appeal should be dismissed as untimely. In support of its argument that the appeal should be denied, DGS provided testimony from Laura Zeilinger, the director of the Department of Human Services, the agency that would operate the project and an expert in homelessness and shelter programming for families with minor children. (Exhibits 42, 63.)

FINDINGS OF FACT

1. The property that is the subject of this appeal is a rectangular corner lot on the west side of 14th Street, N.W. with frontage on Chapin and Clifton Streets in addition to 14th Street (Square 2662, Lot 205).[2] The lot area is approximately 41,099 square feet.

2. The southern portion of the subject property is improved with a two-story building used as a community center, the Rita Bright Family and Youth Center. The northern portion of the lot is paved and used as a parking lot with 13 vehicle parking spaces.

3. The Department of General Services and the Department of Human Services ("DHS") undertook the development of new short-term family housing in each ward of the District of Columbia in accordance with the Homeless Shelter Replacement Act of 2016 ("HSRA"), D.C. Law 21-141, 63 D.C. Reg. 8453 (effective July 29, 2016), and the Homeless Shelter Replacement Amendment Act of 2018 ("HSRAA"), D.C. Law 22-167, 65 D.C. Reg. 13693 (effective October 30, 2018).

[2] The Zoning Regulations define a "corner lot" as "A lot fronting on two (2) or more streets at their junction, with the streets forming with each other an angle of forty-five degrees (45°) up to and including one hundred thirty-five degrees (135°). (Subtitle B § 100.2.)

4. Pursuant to HSRAA § 2(1)), the Mayor was "authorized to use funds appropriated for capital project HSW01C – Ward 1 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing 35 2- and 3-bedroom apartment-style units on District-owned land at 2500 14th Street, N.W., Square 2662, Lot 205; provided, that the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services; provided further, that the site may also be used to locate 15 units of permanent supportive housing, as defined in section 2(28) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(28)), for seniors and the Rita Bright Recreation Center." (Exhibit 38.)

5. According to a document entitled "Short-term Family Housing in Ward 1 / Questions and Answers" published by the Executive Office of the Mayor, short-term family housing "provides dignified, service-enriched temporary housing for families with minor children who are experiencing homelessness." The publication stated that the number of short-term family housing units planned at the subject property was "driven by the needs of the homeless services system," noting that "District law…requires that the Department of Human Services have in their inventory a minimum of 121 apartment-style shelter units" in addition to emergency shelter units. (Exhibit 46.)

6. On May 21, 2018, DGS issued a request for proposals ("RFP") for "a design-build project/Ward 1 Short Term Family Housing Facility" (Solicitation No. DCAM-18-CS-0085). The RFP called for the provision of "50 Apartment Style[3] site based Short Term Family Housing units (19 two bedroom, 11 three bedroom units)…and 15 one bedroom Permanent Supportive Housing[4] units" and specified that "[e]ach STFH dwelling unit in the building will have two or three bedrooms, kitchen, bathroom and living/dining area." (Exhibit 48.)

7. The scope of work stated in the RFP specified that the facility must provide:
   (a) 35 apartment-style living units (STFH) with the following requirements:
      - An open-plan kitchen / living / dining room of at least 350 square feet, with a "clearly defined dining space with dining table";

[3] "Apartment style" means a housing unit with:
(A) Separate cooking facilities and other basic necessities to enable families to prepare and consume meals;
(B) Separate bathroom facilities for the use of the family; and
(C) Separate sleeping quarters for adults and minor children in accordance with the occupancy standards of Title 14 of the District of Columbia Municipal Regulations (Housing). (D.C. Official Code § 4-751.01(3).)

[4] "Permanent supportive housing" means a program that provides rental assistance and supportive services for an unrestricted period of time to assist individuals and families experiencing chronic homelessness, or at risk of experiencing chronic homelessness, to obtain and maintain permanent housing and to live as independently as possible. (D.C. Official Code § 4-751.01(28).)

- Two-bedroom apartments with one bathroom and tub or three-bedroom apartments with two bathrooms with at least one tub and shower; and
- Six units that are ADA compliant (four two-bedroom units and two three-bedroom units), at least one per floor.

(b) 15 apartment-style living units (PSH) with the following requirements:
- An open-plan kitchen / living / dining room of at least 250 square feet, with a "clearly defined dining space with dining table";
- One-bedroom apartments with one bathroom and tub; and
- Five ADA-compliant units.

(c) Administrative space for four case managers on the first floor, including work stations, filing space, a conference room for private client meetings, a staff lounge with lockers, and separate restrooms for the public and the staff.

(d) A security desk within 10 feet of the main entrance to control access to the building.
- All residents and guests would be required to use the main entrance.
- All exterior doors would be controlled by swipe cards.

(e) A security desk on each floor with a line of sight to all public areas. (Exhibit 48.)

8. The RFP specified the furniture, fixtures, and equipment ("FF&E") for each living unit in the facility as two single beds per bedroom, one side locker per bed, one chest of drawers per bedroom, a four-person dining table and chairs for the two-bedroom units and a six-person dining table and chairs for the three-bedroom units, a built-in closet with rail and shelf per bedroom and at least eight square feet of general storage near each apartment entrance, and a three-person couch, two single chairs, one coffee table, a side table, and one television stand in each living area. (Exhibit 48.)

9. Other elements specified in the RFP included laundry rooms on each floor, a community room with direct access to an outdoor play area with play equipment designed for children ages five through 12 and a seating area for adults, at least 24 vehicle parking spaces (with 13 spaces reserved for the existing community center), bicycle parking, and a trash room at the street level. (Exhibit 48.)

10. On March 14, 2019, the Zoning Administrator met with land use counsel to discuss aspects of the project at the subject property. By email sent March 25, 2019, the Zoning Administrator confirmed agreement with the counsel's analysis and conclusions; specifically that:
(a) The new short-term family housing facility would be constructed on the same lot as the existing community center.
(b) The project would be considered one building for zoning purposes because the new construction would be connected to the community center via a ground-floor connection.

(c) The planned connection would satisfy the requirements of Subtitle B § 309.1 because:
(i) the connection would be entirely above grade, as was reflected in drawings showing that the area of connection would be included in the calculation of gross floor area using the grade-plane method in Subtitle B § 304.5,
(ii) the connection would be entirely inside the building and therefore would be enclosed,
(iii) the connection would be heated and artificially lit, and
(iv) the connection would allow free and unrestricted passage (other than doors required by the Construction Codes) between the parking area within the short-term family housing facility and the community center, given that the parking reserved for the community center would be located in the new construction.

(d) Because both buildings would be connected and considered a single building for zoning purposes, under Subtitle B § 318.8 the depth of the rear yard could be measured from the center line of the street abutting the lot at the rear of the building. Thus, the required 15-foot rear yard for the proposed building could be measured to the center line of Chapin Street. (Exhibit 5.)

11. The Zoning Administrator's March 25, 2019 email included a disclaimer stating that "This email was issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination…. This email is NOT a "final writing"… nor a final decision of the Zoning Administrator … but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this email based on the information submitted for the Zoning Administrator's review. Therefore this email does NOT vest an application for zoning or other DCRA approval process … which may only occur as part of the review of an application submitted to DCRA." (Exhibit 5.)

12. By memorandum dated April 18, 2019, the Appellant's counsel provided a "zoning compliance analysis" to the board of directors of the condominium association. The analysis was based on a zoning summary table included in the plans as Plan Sheet No. A0.11. The Appellant's counsel found "a number of significant deficiencies in the conclusions expressed in the Table," many of which "flow[ed] from a fundamental mischaracterization of the use proposed for the subject property…." The memorandum noted that the plans characterized the addition "as an apartment building and, hence, a residential use that is a matter-of-right use under [Subtitle U § 512.1]."[5] However,

[5] The MU-5-A zone is included in MU-Use Group E. (Subtitle U § 500.2.) Pursuant to Subtitle U § 512, "Matter of Right Uses (MU-Use Group E)," the uses permitted as a matter of right in the MU-5-A zone generally include any use permitted as a matter of right in any Residential House (R), Residential Flat (RF), and Residential Apartment (RA) zone as well as all uses permitted as a matter of right in MU-Use Group D (with certain exceptions not applicable in this case). (Subtitle U § 512.1(a).) The uses permitted as a matter of right in RA zones (except RA-1 and RA-6) include "Multiple dwellings provided that in an apartment house, accommodations may be

according to the memorandum, the "simplistic analysis" stated in the project narrative – that the new building would contain 50 residential apartments – "ignored … the details that what is involved are two quite distinct use categories"; that is, 35 units for "families in need of short term emergency housing (STFH)" and "the remaining residential units … for individuals in need of Permanent Supportive Housing (PSH)." The memorandum assumed that the PSH units were permitted as a matter of right but concluded that approval as a special exception under Subtitle U § 513.1(b) was required to allow the STFH units because they would constitute an emergency shelter use, noting that "the other shelters that are a product of the Homeless Shelter Replacement Act of 2016 ('HSRA') were all reviewed and approved by the BZA under the 'emergency shelter' development standards in the Zoning Regulations." (Exhibit 6.)

13. The memorandum from the Appellant's counsel concluded that the "advisory statement" provided by the Zoning Administrator, in the email of March 25, 2019, was "legally erroneous" in its conclusion that the planned connection between the new construction and the existing community center building would be sufficient to create one building for zoning purposes.[6] According to the memorandum, the email's reliance on a rule of measurement (that is, Subtitle B § 304.5) "effectively rewrites" the connection requirement of Subtitle B § 309.1 by allowing a connection that would not be fully above grade. Instead, the memorandum noted that "it appears from the Plans that the main connection between the Community Center and the new building is in the P1 floor level, which is below grade." (Exhibit 6.)

14. The memorandum cited another "fundamental problem" related to Subtitle B § 309.1 – that is, "conflict with the general rule stated in [Subtitle A § 301.3] prohibiting more than one principal structure on one lot of record" – since "there is no doubt that the structure to be added to the Property is a distinctly different principal use than the pre-existing community center use." According to the memorandum, "the plain intent of [Subtitle B § 309.1] is to allow two buildings on the same lot only when they are going to operate as a single functional unit." (Exhibit 6.)

15. The memorandum stated that the project would not comply with zoning requirements for vehicle parking because the plans contained a calculation based on the purported apartment house use and the proposed number of spaces would not meet the higher requirement for an emergency shelter use. (Exhibit 6.)

16. The memorandum stated that the project would not comply with zoning requirements for loading, because the plans projected that no loading facilities were needed for the existing

---

provided only to residents who stay at the premises a minimum of one (1) month." (Subtitle U § 401.1(d)(1).)

[6] The memorandum referred to the March 25, 2019 email as the "Zoning Administrator's preliminary advisory statement [that] should be re-evaluated in a final decision that could be appealed to the BZA." (Exhibit 6.)

community center or the purported apartment house use but the emergency shelter use would create a loading requirement. (Exhibit 6.)

17. By letter dated May 3, 2019, counsel for DGS wrote to the Appellant's counsel, providing "a comprehensive response to the Memorandum" and asserting that "the Project complies with all zoning requirements." The letter addressed matters including the differences between the project at the subject property and emergency shelters approved in other wards, why the project would constitute an "apartment house" and not an "emergency shelter," for zoning purposes, the planned connection between the new construction and the existing community center building so as to create one building, and zoning requirements pertaining to rear yard, vehicle and bicycle parking, and loading facilities. (Exhibit 7.)

18. By letter dated May 8, 2019 to the Zoning Administrator, counsel for the Appellant indicated his disagreement with the assertions contained in the May 3, 2019 letter from counsel for DGS. The Appellant's letter to the Zoning Administrator reflected that a copy of the memorandum to the board of directors of the condominium (Exhibit 6) was previously provided to the Zoning Administrator and that the Appellant and their counsel were expected to meet with the Zoning Administrator on the following Friday (i.e. May 10, 2019). (Exhibit 8.)

19. On June 3, 2019, DCRA issued a foundation permit (No. FD1900028) and a sheeting and shoring permit (No. SH1900029) to DGS for the project. (Exhibit 45.)

20. On September 30, 2019, DCRA issued Building Permit No. B1908601 to the District of Columbia for construction at the subject property. The description of work was stated as: "DGS New building with 50 residential apartments for Short Term Family Housing (STFH). 35 will be 2 and 3 bedroom apartments. The remaining units will be 1 bedroom apartments for Permanent Supportive Housing (PSH). Staff parking (9-12 spaces) is located on one level, partially below grade in the new building. The building will be one partially below grade parking level and five above grade levels including residential units, parking and building services, community rooms, and administrative space. The site will also include outdoor recreation space, a courtyard playground for use by residents of the STFH program and a terrace for the PSH residents. The building is expected to achieve a LEED for Homes Gold rating with sustainable features such as high efficiency systems and fixtures, green roofs, and a continuous thermal envelope." The proposed use was stated as "Apartment Houses – R-2." (Exhibit 9.)

21. The project at the subject property will have five floors above a parking level and will contain approximately 80,000 square feet of gross floor area including residential units, parking and building services, community rooms, and administrative space. The residential units will be provided in approximately 68,000 square feet of contiguous space. (Exhibits 13, 48.)

22. The new construction will be configured as a total of 50 residential units, comprising 35 "apartment-style units" for families experiencing homelessness (the Short-Term Family Housing or STFH units) and 15 units of "permanent supportive housing" for seniors (the PSH units). The building will have separate entrances to the STFH units and the PSH units, on 14th Street and Clifton Street, respectively.

23. In addition to 21 vehicle parking spaces, the parking level will contain a lobby, an office for a case manager, a conference room, and a lounge. (Exhibits 63F1, 63F2.)

24. The first floor will also provide a lobby as well as STFH units, a community room, and a trash room. An outdoor "play terrace" will be provided at the ground level. (Exhibits 63F1, 63F2.) The second through fifth floors will contain STFH units and PSH units.

25. The building will not provide a communal dining room.

26. The 35 STFH units will be configured as 26 two-bedroom units and nine three-bedroom apartment-style units. Each unit will have a kitchen and bathroom as well as living space separate from the sleeping area. (Exhibits 38C, 38D, 63F1.)

27. The 15 PSH units in the project at the subject property will each have one bedroom as well as a kitchen, a bathroom, and living space separate from the sleeping quarters. (Exhibits 38B, 38C, 38D, 63F1.)

28. Residents of the new building will not pay rent but will sign written "residency agreements" with DHS (or an entity selected by DHS), before occupying their units. The agreements state program rules, establish the conditions for occupancy, and give the residents the exclusive right to occupy and control their assigned unit with limited intervention from staff for safety measures and room inspections in the event of emergency.

29. Each unit will be assigned to one household and will not be shared with other persons who are not part of that household.

30. Access to the residential units will be controlled by keys or keycards. Residents will be able to control entry to the units.

31. The subject property exhibits a slope such that the northern portion of the site is at a higher elevation than the south portion. (Exhibit 38F.)

32. The new construction will be sited to the north of the existing community center building, with an existing plaza remaining near the center of the site. The plaza contains steps from 14th Street, providing access to the building.

33. A hallway at the P1 level will provide access between the community center building and the parking area in the new construction. Because of the change in grade at the subject property (shown as a solid red line on Exhibit 38F), the hallway will be located entirely above grade.[7] The hallway was designed with interior doors to provide a passage between the new construction and the existing building. An exterior door from the hallway will provide outdoor access at the plaza level. (Exhibit 63F2.)

34. Vehicle parking spaces for the new building and for the community center will be provided on one level in the new project. Some vehicle parking spaces will be reserved for the community center use; the remainder will be available for employees in the new project. Vehicle parking will not be provided for residents.

35. The streets abutting the subject property to the north (Clifton Street) and to the south (Chapin Street) are 50 and 65 feet wide, respectively.

36. The subject property is located in a Mixed Use (MU) zone, MU-5A. Uses permitted as a matter of right in the MU-5A zone include "[m]ultiple dwellings provided that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one (1) month." (See Subtitle U §§ 401.1(d), 500.2, 512.1.)

37. The Zoning Regulations define an "apartment" as "One 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." (Subtitle B § 100.2.)

38. For zoning purposes, an "apartment house" is defined as "Any building or part of a building in which there are 3 or more apartments, providing accommodation on a monthly or longer basis." (Subtitle B § 100.2.)

39. Uses permitted in MU-5A, if approved by the Board as a special exception, include an "emergency shelter," subject to specific requirements. (Subtitle U § 513.1(b).)

40. An "emergency shelter" is defined in the Zoning Regulations as "A facility providing temporary housing for one or more individuals who are otherwise homeless as that arrangement is defined in the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-751.01 et seq.); an emergency shelter use may also provide ancillary services such as counseling, vocational training, or similar social and career assistance." (Subtitle B § 100.2.)

41. The use categories defined in the Zoning Regulations include the following:
    (a) Lodging:

[7] The dotted red line shown on Exhibit 38F depicted the grade used for in the calculation of gross floor area. (Transcript of February 26, 2020 at 170.)

(1) A use providing customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests;
(2) Examples include, but are not limited to: hotels, motels, inns, hostels, or bed and breakfast establishments; and
(3) Exceptions: This use category does not include uses which more typically would fall within the emergency shelter or residential use categories. (Subtitle B § 200.2(t).)

(b) Residential:
(1) A use offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of one (1) month or property ownership;
(2) This use category also includes residential facilities that provide housing and supervision for persons with disabilities, which may include 24-hour on-site supervision, lodging, and meals for individuals who require supervision within a structured environment, and which may include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services;
(3) Examples include, but are not limited to: single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, rooming units, substance abusers' home, youth residential care home, assisted living facility, floating homes, or other residential uses; and
(4) Exceptions: This use category does not include uses which more typically would fall within the lodging, education, or community-based institutional facility use categories. (Subtitle B § 200.2(aa).)

42. By order issued August 30, 2017, the Board granted an application submitted by DGS to allow an emergency shelter in Ward 3 in a new six-story building in the RA-1 zone at 3320 Idaho Avenue N.W. (Square 1818, Lot 849). Among other relief, the Board approved a special exception under Subtitle U § 420.1(f) for the new emergency shelter use. (Application No. 19450; August 30, 2017), *affirmed*, *Neighbors for Responsive Government v. District of Columbia Bd. of Zoning Adjustment*, 195 A.3d 35 (D.C. 2018).

43. The emergency shelter approved in Ward 3 "was designed to comply with the statutory requirements and to incorporate standards and guidelines devised by the Interagency Council on Homelessness and the Department of Human Services based inter alia on research including studies of best practices."[8] As a result, (a) the emergency shelter would

[8] By statute, the Mayor was authorized to provide shelter to a family in a private room meeting certain minimum standards and constructed for the purpose of closing the D.C. General family shelter. The private rooms were referred to as "DC General Family Shelter replacement units," a term defined as "a private room that includes space to store and refrigerate food and is constructed

provide 50 sleeping units, (b) the number of sleeping units per floor was limited to 10, with common rooms on each floor, (c) each floor was designed to provide a direct line of sight down the floor's single central hallway, (d) the emergency shelter would not use congregate, dormitory-style bathrooms but would provide bathrooms that would accommodate only one person at a time, with at least one private bathroom for every two family units and some rooms having en-suite private bathrooms to accommodate families with special needs.

44. The Ward 3 emergency shelter was designed to provide 50 residential units, with a capacity of approximately 185 beds, in a six-story building containing approximately 45,345 square feet of gross floor area. The building would also contain space for related services and functions, including a dining area, administrative offices, recreational areas for residents, and private meeting space for the provision of "wrap-around" services designed to assist residents in obtaining permanent housing more quickly. The emergency shelter would be operated consistent with the Short-Term Family Housing programs administered by the Department of Human Services for the purpose of providing immediate support to families experiencing homelessness.

45. Floors two through six of the new building in Ward 3 would each contain 10 residential units accessed by a single central corridor as well as a community room with laundry facilities and a microwave, and a study room. The residential units would be arranged so that two units would have private bathrooms and the other eight units would share four bathrooms. Two pairs of units would have adjoining doors to accommodate larger families when needed.

---

by or at the request of the District for the purpose of sheltering a homeless family." (D.C. Official Code § 4–751.01(11A).)

A "private room" was defined as a part or division of a building that has: (A) Four non-portable walls that meet the ceiling and floor at the edges so as to be continuous and uninterrupted, provided that the room may contain a window if the window comes with an opaque covering, such as blinds or shades; (B) A door that locks from both the inside and outside as its main point of access; (C) Sufficient insulation from sound so that family members sheltered in the room may have a conversation at a normal volume and not be heard from the exterior; (D) Lighting within the room that the occupants can turn on or off as desired; and (E) Access to on-site bathroom facilities, including a toilet, sink, and shower. (D.C. Official Code § 4–751.01(28A).)

Buildings composed of D.C. General Family Shelter replacement units ("Replacement Units") must include, at minimum, a private bathroom – including a toilet, sink, and bathtub or shower – in at least 10 percent of the Replacement Units. One private, lockable bathroom that includes a toilet, sink, and bathtub and is accessible to all residents must be provided for every five Replacement Units. At least two multi-fixture bathrooms must be provided per floor, with multiple toilets, sinks, and showers. (D.C. Official Code § 4-753.01(d)(3).)

The Mayor was directed to maintain a minimum supply of both D.C. General Family Shelter Replacement Units and Apartment-Style units. (D.C. Official Code § 4–753.01(d)(4-5).)

46. Each unit in the Ward 3 emergency shelter would have its own small refrigerator. Meals would be prepared off-site and delivered twice daily in vans.

47. The Board concluded that, for zoning purposes, the Ward 3 facility would constitute an emergency shelter, even though DHS had "publicly referred to the facility as 'short-term family housing' to avoid use of the term 'shelter' and to convey that the facility is intended to provide 'a supportive program for residents that is respectful and harmonious with the variety of housing types in the surrounding community.'" The Board was not persuaded by the party in opposition that the planned use of the facility was not as an "emergency shelter," but would constitute another, unspecified use due to the size of the facility.

48. By order issued July 5, 2016, the Board granted an application submitted by 5th Street Partners LLC on behalf of the District of Columbia to allow a short-term family housing facility in Ward 4 in an existing five-story building in the C-2-A zone at 5505 5th Street, N.W. (Square 3260, Lot 54). The application requested zoning relief under the 1958 Zoning Regulations, including a special exception under § 732.1 to allow an emergency shelter. (Application No. 19289; July 5, 2016.)

49. As designed, the Ward 4 facility would "provide short-term housing with administrative offices, common areas, recreation space," and vehicle parking. The building, as enlarged, would contain "49 residential family units with a total of 148 beds and approximately 24,752 square feet of gross floor area." The first through fifth floors would contain "private room-style units for families" with two to four beds in each unit, with "[b]athrooms, shower facilities, and support features…located on each floor." The ground floor would have some "residential units" as well as space for staff and the provision of wrap-around services.[9] The cellar level would provide a "dining room/indoor recreation area and a warming kitchen to store and serve prepared meals that are delivered to the facility." (Exhibit 36 in Application No. 19289.)

50. By order issued February 23, 2018, the Board granted an application submitted by DGS to allow an emergency shelter in Ward 5 as an addition to an existing building in the MU-4 zone at 1700 Rhode Island Avenue, N.E. (Square 4134, Lot 800). The application requested zoning relief including a special exception under Subtitle U § 513.1(b) to allow an emergency shelter use. (Application No. 19452; February 23, 2018), *affirmed, Citizens for Responsible Options v. District of Columbia Bd. of Zoning Adjustment*, 211 A.3d 169 (D.C. 2019).

51. The emergency shelter facility approved in Ward 5 "was designed to comply with the statutory requirements and to incorporate standards and guidelines devised by the Interagency Council on Homelessness and the Department of Human Services based inter alia on research including studies of best practices." As a result, (a) the emergency shelter

[9] The applicant described the facility as providing "safe and dignified temporary accommodations to families in private rooms." (Exhibit 36 in Application 19289.)

would provide 46 sleeping units, (b) the number of sleeping units per floor was generally limited to 10, with common rooms on each floor, (c) each floor was designed to provide a direct line of sight down the floor's single hallway, (d) the emergency shelter would not use congregate, dormitory-style bathrooms but would provide bathrooms that would accommodate only one person at a time, with at least one private bathroom for every two family units and some rooms having en-suite private bathrooms to accommodate families with special needs.

52. The Ward 5 emergency shelter would contain 46 units, space for support services, administrative offices, and recreational space and other common areas for the residents. The emergency shelter would be operated consistent with the Short-Term Family Housing programs administered by DHS for the purpose of providing immediate support to families experiencing homelessness.

53. The ground floor of the Ward 5 emergency shelter would be used primarily for a large multipurpose room for dining and for group meetings, conference rooms, a computer room for residents, work stations and other areas for employees, and private meeting space for the provision of "wrap-around" services designed to assist residents in obtaining permanent housing more quickly. The upper floors would each contain eight to 11 residential units as well as common areas accessible to residents with laundry facilities, microwave ovens, storage space, and study rooms.

54. Meals for residents of the Ward 5 emergency shelter would be prepared off-site and delivered to the dining facility twice daily in vans.

55. The Board concluded that, for zoning purposes, the Ward 5 facility would be operated as an emergency shelter, even though DHS had "publicly referred to the facility as 'short-term family housing' to avoid use of the term 'shelter' and to convey that the facility is intended to provide 'a supportive program for residents that is respectful and harmonious with the variety of housing types in the surrounding community.'" The Board was not persuaded by the party in opposition that the proposed facility "stretche[d] the contemplated scope of the special exception in [Subtitle] U § 513.1(b) beyond the breaking point" because of the potential number of residents, such that a use variance should be required so as to allow another, unspecified use.

56. The Board also was not persuaded by the party in opposition that the proposed Ward 5 emergency shelter would have an adverse impact on the neighborhood due to "the number of similar facilities in the area." The Board concluded that the entities cited by the party in opposition were not "similar" for purposes of Subtitle U § 513.1(b)(4) because they were not facilities that provided temporary emergency shelter to families experiencing homelessness or closely related services. Rather, the party in opposition listed multi-family residential buildings that contain some affordable units, including a building providing permanent housing for seniors, and organizations that "provide housing support, medical support, educational support for disadvantaged individuals while they are homeless or they

are seeking income assistance for housing or other assistance." These properties included apartment houses and organizations providing social services, but were not "similar" to the Ward 5 proposal in that they offered permanent, rather than emergency, housing, or they were non-residential and offered a variety of social services, not necessarily related to the types of "wrap-around" services proposed in connection with the new Ward 5 emergency shelter.[10]

57. By order issued October 4, 2017, the Board granted an application submitted by the District of Columbia to allow an emergency shelter in Ward 6 in a new seven-story building in the RF-1 zone at 850 Delaware Avenue S.W. (Square 590E, Lot 800). The application requested zoning relief including a special exception under Subtitle U § 320.1(a) to allow an emergency shelter with more than 15 persons. (Application No. 19451; October 4, 2017.)

58. The Ward 6 emergency shelter was designed to comply with statutory requirements and to incorporate standards and guidelines devised by the Interagency Council on Homelessness and the Department of Human Services. As a result, the emergency shelter would provide 50 sleeping units; the number of sleeping units per floor was limited to 10; each floor was designed to provide a direct line of sight down the floor's single central hallway; and the emergency shelter would not use congregate, dormitory-style bathrooms but would provide bathrooms that would accommodate only one person at a time, with at least one private bathroom for every two family units and some rooms having en-suite private bathrooms to accommodate families with special needs.

59. The Ward 6 facility would be operated consistent with the Short-Term Family Housing programs administered by the Department of Human Services for the purpose of providing immediate support to families experiencing homelessness. The emergency shelter would provide 50 residential units, with a capacity of up to 166 persons, in a seven-story building

[10] The purportedly "similar" facilities cited by the party in opposition included the Violet Project at 1515 Rhode Island Avenue, N.E. "a 23 unit residence now under construction, which will include at least 3 low-income units"; a multi-family residential building at 1545 Girard Street, N.E. "advertised as 25 'affordable luxury apartments for seniors,' but which housed '10 formerly chronically homeless individuals'"; three multi-family residential buildings that "all participate in DC's Section 8 and housing voucher programs," the Franklin, at 1511 Franklin Street, N.E., "54 units (unknown number of affordable units)," the Edwards Apartments at 1530 Rhode Island Avenue, N.E., "44 units (unknown number of affordable units)," and the Carrolton, 1515-1525 Franklin Street, N.E., "75 units (unknown number [of affordable units])"; the Veterans Administration Community Resources and Referral Center at 1500 Franklin Street, N.E.; the National Center for Children and Families at 1438 Rhode Island Avenue, N.E., "a referral facility which serves 'homeless families, victims of domestic violence, and children and adolescents'"; Brookland Manor at 1331 Rhode Island Avenue, N.E., "a 20 acre, 19-building site with 535 low-income housing units, soon to be replaced by 1,760 residential units, including 200 senior plus 265 low-income housing units as developers set aside not 10%, but 20%, 'affordable units'"; and the Department of Aging at 18th and Evarts Street, N.E. According to information provided by DGS, the building at 1545 Girard Street, N.E. was a "25-unit senior community" for persons aged at least 55 years who earn less than 30 percent of the area median income, some of whom may be formerly homeless, and the Community Resource and Referral Center, at 1500 Franklin Street, N.E., was an element of the Washington DC Veterans Affairs Medical Center that provides services, such as employment assistance and counseling, to "homeless and at-risk" veterans but is "not a shelter."

containing approximately 51,791 square feet of gross floor area devoted to the emergency shelter use (plus approximately 2,121 square feet of cellar floor area). In addition to the residential units, the building would provide space for services and functions in support of the emergency shelter use, including a dining area, administrative offices, and recreational areas for residents.

60. Common areas in the Ward 6 emergency shelter would include a dining and food serving area as well as private meeting space for the provision of "wrap-around" services. Floors two through seven of the new building would each contain residential units accessed by a central corridor. The residential units would be arranged so that two units would have private bathrooms and the other units would share "family" bathrooms. Each unit would provide two, three, or four beds. The sleeping units and common areas in the emergency shelter would be fully furnished.

61. The new Ward 6 emergency shelter building would not have a kitchen for food preparation on-site. Instead, meals would be delivered by van twice each day.

62. By order issued July 5, 2016, the Board granted an application submitted by DGS under the 1958 Zoning Regulations to allow an emergency shelter in Ward 7 in a new four-story building in the R-5-A zone at 5004 D Street, S.E. (Square 5322, Lot 32). The Board approved zoning relief including a special exception under § 360.1 for the emergency shelter use. (Application No. 19287; July 5, 2016.)

63. The Ward 7 emergency shelter was designed to accommodate "short term, family housing for 35 families or up to 116 persons," providing 35 units – referred to variously as "sleeping units" or "living units" – that were intended for stays not exceeding 90 days. The 34,700-square-foot building would provide shared and private bathrooms, dining and conference rooms, and space for support services. Meals would be prepared off-site and served in shifts. (Exhibits 26, 32 in Application No. 19287.)

64. By order issued July 1, 2016, the Board granted an application submitted by DGS for zoning relief needed under the 1958 Zoning Regulations to allow a short-term family housing facility in Ward 8 in a new six-story building in the R-5-A zone at 4225 6th Street S.E. (Square 6207, Lots 53-56).[11] The application requested zoning relief including a special exception under § 360.1 to allow an emergency shelter use. (Application No. 19288; July 1, 2016.)

65. The Ward 8 emergency shelter was designed to contain "50 residential family units" providing approximately 178 beds, space for on-site wrap-around services, and administrative offices. The number of "family units" – also called "sleeping units" or "living units" – would be limited to 10 per floor, with each floor having common space, including shared laundry and bathroom facilities. Meals would be prepared off-site,

[11] The application anticipated that the new address of the subject property would be 4200 6th Street S.E.

delivered by van, and served to families in a dining room in shifts. (Exhibits 29, 32 in Application No. 19288.)

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.

Timeliness. As a preliminary matter, DGS argued that the appeal should be dismissed as untimely because the Appellant knew about zoning decisions "regarding the matter of right processing of DGS's project" at the subject property "for substantially more than 60 days" before the appeal was filed, in violation of Subtitle Y § 302.2. DGS argued that the Appellant had prior actual notice of zoning decisions made about the project, including with respect to the issues raised in the appeal of the building permit, based on the issuance of foundation and sheeting and shoring permits after zoning review and approval, a series of events in "public review dating back to December 7, 2017," the beginning of construction with "a well-publicized groundbreaking event held on July 1, 2019," and the Appellant's actions in raising questions of zoning compliance with DGS and the Zoning Administrator.[12] (Exhibit 42.) According to DGS, the 60-day deadline for the filing of a timely appeal began, at the latest, with the issuance of the foundation permit because the Appellant was already aware of the project and the plans associated with that permit characterized the project as "Ward 1 STFH & PSH" and therefore the Appellant was on notice that the project could be developed as a matter of right.

[12] The events listed by DGS included a press release describing an announcement by the Mayor on December 7, 2017 that the subject property would be the site of the "Ward 1 Short-Term Family Housing" program, providing "35 short-term family housing apartment-style units to support families experiencing a housing crisis [and] 15 units of permanent supportive housing for seniors," with "[construction at the site…slated to begin in January 2019" (Exhibit 45), a document entitled "Short-term Family Housing in Ward 1 Questions & Answers" issued by the Executive Office of the Mayor (Exhibit 46), a resolution adopted by ANC 1B at a public meeting on December 7, 2017 expressing support for "a facility to provide temporary shelter for families experiencing homelessness containing no less than 35 2- and 3-bedroom apartment-style units on District-owned land at 2500 14th Street, N.W., Square 2662, Lot 205…provided that the site may also be utilized to locate permanent supportive housing units for seniors and the Rita Bright Recreation Center" (Exhibit 15), public meetings including presentations made at meetings of ANCs 1A and 1B as well as the launch meeting of the Ward 1 Advisory Team on March 28, 2018 (Exhibit 47), information available on the website of the Deputy Mayor for Health and Human Services, and the request for proposals issued for the project (Exhibit 48).

DCRA joined the motion by DGS to dismiss the appeal as untimely for the reasons stated in the motion and its supporting documentation. (Exhibit 56.) In opposing the motion, the Appellant argued that the appeal was timely filed within 60 days of the issuance of the building permit. (Exhibit 59.)

As noted above, any person aggrieved by a decision made by an administrative officer in the administration or enforcement of the Zoning Regulations may file a timely appeal with the Board. (Subtitle Y § 302.1.) A zoning appeal generally must be filed within 60 days from the date the appellant had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier. (Subtitle Y § 302.2.) A zoning appeal may be taken only from the first writing that reflects the administrative decision complained of to which an appellant had notice, and no subsequent document, including a building permit or certificate of occupancy, may be appealed unless the document modifies or reverses the original decision or reflects a new decision. (Subtitle Y § 302.5.)

Ordinarily, the building permit is the document that reflects a zoning decision about whether a proposed structure and its intended use as described in the permit application conform to the zoning regulations. *Basken v. District of Columbia Bd. of Zoning Adjustment*, 946 A.2d 356, 364 (D.C. 2008) (citations omitted), affirming Appeal No. 17411 (Appeal of Paul Basken and Joshua Meyer; March 23, 2006). However, "the zoning statute and regulations do not tie the time for appealing to the BZA to the issuance of a specified type of notice." *Basken* at 366.

According to DGS, the 60-day period for filing a timely appeal began at least by the date of issuance of the foundation and sheeting and shoring permits, because the "Building Permit was not the first writing informing the Appellant, stakeholders, and community that the Project would not need BZA special exception review, was a single building, provided the proper rear yard setback, and complied with parking and loading requirements." (Exhibit 42.) The Board does not agree, because the "zoning decisions," claimed by DGS as having provided actual notice and constructive knowledge to the Appellant that the project could proceed as a matter of right, were not in fact written determinations made by zoning officials in the administration of the zoning regulations. The Appellant had general knowledge about the planned construction at the subject property and knew that DGS believed that the project did not require zoning relief, but that information did not reflect a decision by a zoning official in the administration of the zoning regulations.[13] The Appellant obtained a copy of the email sent March 25, 2019 in which the Zoning Administrator agreed that the new STFH facility would be considered part of one building because of the nature of its connection to the existing community center building, but reasonably relied on the disclaimer stating that the email was an advisory statement that did not reflect a final decision about zoning issues associated with the project. The foundation permit plans reflected DGS's characterization of the project but did not reflect a determination by the Zoning Administrator that the planned use, as short-term family housing (not a phrase used in the Zoning Regulations), would

[13] Similarly, the Board did not agree with DGS that the 60-day period for a timely appeal might have started before the foundation permit was issued, perhaps May 3, 2019 (the date of a letter from counsel for DGS to Appellant's counsel) or May 10, 2019 (the date when Appellant's counsel met with the Zoning Administrator) (See Exhibit 42.) Neither event represented a written decision by a zoning official made in the administration of the zoning regulations.

constitute an apartment house and not an emergency shelter use, or that the planned connection between the new construction and the existing building would be sufficient to create one building for zoning purposes, because the above-grade connection was not reflected in the plans approved in connection with the foundation permit. The residents of the Appellant's condominium building were likely aware when construction began, in July 2019, but the building permit, which reflected a written determination about the permitted use by the Zoning Administrator, was not issued until later, on September 30, 2019.

Under the circumstances, the Board concludes that the building permit was the first writing of an appealable "zoning decision" that put the Appellant on notice that the Zoning Administrator had made a determination that the planned use of the new construction was an apartment house, a use permitted as a matter of right at the subject property, and that the new construction, along with the existing community center building, would be considered one building for zoning purposes. The Board does not agree that the appeal was untimely because DGS did not demonstrate that any writing before the building permit, including the foundation permit, reflected the administrative decisions complained of by the Appellant; that is, the determinations by the Zoning Administrator pertaining to the permitted structure and use at the subject property.

The merits of the appeal. The Appellant's principal claim of error was that the Zoning Administrator erred by not requiring DGS to obtain approval by the Board, as a special exception under Subtitle U § 513.1(b), for the 35 units of "short term family housing" that allegedly constituted an emergency shelter use.[14] In support of its contention that the 35 units were an "emergency shelter" and not an "apartment house," the Appellant argued that the 35 units were authorized by the Homeless Shelter Replacement Act (HSRA) and that special exception approval had been obtained "for the other Wards for which shelters were authorized by HSRA 'to provide temporary shelter for families experiencing homelessness.'" (Exhibit 14.) The Appellant acknowledged that the internal configuration of the 35 "apartment style" STFH units would be materially different from the "D.C. General Family Shelter replacement units" constructed in other wards, but argued that the distinction was immaterial because "all seven HSRA authorizations are encompassed within the statutory authorization for each to 'construct a facility to provide temporary shelter for families experiencing homelessness.'" Citing "numerous city documents" that "clearly equate a facility deemed as a Short Term Family Housing (STFH) as an 'emergency shelter,'" the Appellant asserted that "regardless of the internal configuration of its units – single rooms or 'apartment-style' units – all the buildings authorized by the HSRA are 'facilities to provide temporary shelter for families experiencing homelessness' and all fall within the term 'emergency shelter' as that use is defined in the Zoning Regulations." (Exhibits 14, 33.) According to the Appellant, the zoning definition of "emergency shelter" "encompasses all facilities

[14] The Appellant acknowledged that the "PSH portion of the building is an uncontested matter-of-right 'apartment house' use" but argued that "that does not make the 35 STFH units part of it, regardless of whether the STFH units are single rooms or apartments." (Exhibits 14, 33.) For the reasons discussed in the order, the Board concluded that both the STFH units and the PSH units would constitute "apartments" as defined in the Zoning Regulations, that the STFH units would not constitute an "emergency shelter," and that the building would contain a single use, "apartment house."

providing temporary shelter to the homeless [and] makes no distinction among these facilities according to the internal configuration of the units within the facility." (Exhibit 14.)

The Board was not persuaded by the Appellant's claim of error, because the wording of the statutes cited by the Appellant did not alter or negate the zoning provisions applicable to the project at the subject property. The findings of fact reflect that statutes and other written materials pertaining to the project used a variety of terms to describe the project. However, phrases such as "short term family housing" and "temporary shelter for families experiencing homelessness" are not used in the Zoning Regulations and therefore do not describe a specific use for zoning purposes.[15]

The Board credits the testimony of the Zoning Administrator that "all the units in the proposed building constitute apartment…a type of dwelling unit." The Board agrees with the Zoning Administrator that the "key aspects" of the difference between an emergency shelter and an apartment "have to do with the duration of stays and the type of facility providing the service," recognizing the differences in the zoning definitions of each use. (See, Transcript of February 26, 2020 at 161.)

The Zoning Administrator reasonably concluded that the 35 STFH units at the subject property would be "apartments" for zoning purposes because they would be configured as habitable rooms with a kitchen and bathroom facilities exclusively for the use and under the control of the occupants of those rooms. The Board credits the Zoning Administrator's testimony that the STFH units, as shown in Exhibit 38C, would be considered apartment for zoning purposes because each unit would have its own kitchen (with a stove, counter, and sink) and full bathroom facilities, separate from the bedrooms, and each unit would be "its own space, so it's not shared with other residents in the building." (Transcript of February 26, 2020 at 165.) Similarly, the Zoning Administrator reasonably concluded that the PSH units would constitute apartments for zoning purposes because, as shown in Exhibit 38B, each unit would have a kitchen (including a stove, sink, and counter) and a full bathroom with toilet, sink, and bathing facility, "separated from any other spaces where somebody resides," such that the unit would have "all the necessary components of a dwelling unit." (Transcript of February 26, 2020 at 164.)

With respect to the duration of the occupants' stay in the project at the subject property, the Board credits the Zoning Administrator's testimony that the representation made in the building permit application "was that the tenure…of the residents will be on a monthly or longer basis." (Transcript of February 26, 2020 at 166.) The Board agrees that the expected tenure longer than 30 days

[15] Similarly, the Board notes the variety of phrases used in the emergency shelter applications for projects in Ward 3 through 8 to describe both the emergency shelter facilities and the individual rooms intended for use by persons in need of the emergency shelters. With respect to the project at the subject property, the Zoning Administrator appropriately based zoning determinations on the definitions and use categories contained in the Zoning Regulations, irrespective of terminology used for other purposes in statutes and public documents.

indicates that, for zoning purposes, the STFH and PSH units will constitute an apartment house use.[16]

Appeal No. 18151. The Board's conclusion with respect to the apartment house use of the project at the subject property is consistent with its prior decision in Appeal No. 18151 (Van Ness South Tenants' Association; September 6, 2011.) In that case, the Board denied an appeal that challenged a building permit authorizing a building owner to construct partition walls in 21 apartment units in an existing 625-unit apartment house, where the 21 apartments would be leased to a nearby university and occupied by its students. The appellant contended that the permit improperly allowed use of the 21 units as a "dormitory" or a "rooming house."

The Board's findings of fact included that the 21 apartment units were not contiguous and were located on different floors throughout the building. The partition walls were not load-bearing but were used to create an additional bedroom in each unit in a manner that "did not change the size of the units, create new units, or change the footprint of the building." The university had executed one-year leases with the building owner for 21 apartments, each occupied by up to four university students who would "stay in the unit for a period greater than one month." Each of the 21 units retained its "own kitchen and bathroom facilities for the use of the occupants of that unit only. The occupants of each unit can lock the door to the hallway, thereby excluding other residents from using their bathrooms and kitchen."

The university "allowed students to occupy the 21 units pursuant to an 'Occupancy Agreement For Off-Campus Student Housing,'" under which the "students agree[d] to various conditions of occupancy." The conditions included that the university "will close the off campus housing during the winter break,…may deny room or roommate changes and may require a student to move from one unit to another during the year, as necessary." The occupancy agreement also specified that "overnight guests must complete…registration forms [provided by the university] and that [the university] has the right to enter the units for various purposes."

The Board concluded that the partition walls within the 21 units did not convert the apartment house use into either a dormitory or a rooming house, noting that the differentiation among apartment house, rooming house, and dormitory – all of which were permitted in the zone where the apartment house was located – was "generally speaking the nature of the occupancy" as reflected in the definitions of each use.[17] In light of the "key" elements in the definition of

[16] Director Zeilinger testified that, based on DHS research, residents of the project at the subject property were expected to stay "for at least 90 days" and "current data in apartment style shelters has some families staying for as long as five years." (Transcript of February 26, 2020 at 218, 221.)

[17] The 1958 Zoning Regulations defined an "apartment" as "one (1) or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and the control of the occupants of those rooms." (§ 199.)

Because "dormitory" was not defined in the 1958 Zoning Regulations, the Board utilized the meaning given in Webster's Unabridged Dictionary (see, 11 DCMR § 199.2(g)) and found that, according to Webster's 3rd New International Dictionary, a "dormitory" is "a residence hall

"apartment" – that the unit (a) must provide kitchen and bathroom facilities and (b) must be under the exclusive use and control of the occupants – the Board concluded that DCRA had a reasonable basis to conclude that issuance of a building permit for partition walls so as to create an additional bedroom in each unit would not alter the first element of the definition since "the units would retain their kitchen and bathroom facilities."

With respect to the second element, whether the units would be in the exclusive control of the occupants, the Board found no error by DCRA in issuing the permit because the "21 units remain under the exclusive control of the occupants of each unit, inasmuch as the occupants control the locks to their individual units, and are thereby able to exclude other residents from the units." While the appellant contended that the occupancy agreement meant that the student occupants did not have "exclusive use and control" of their units, the Board described that assertion as an "overly broad" reading of "control" and concluded instead that "none of the restrictions [contained in the occupancy agreement] affects the long term control of the occupant so long as they are allowed to remain on the premises." The Board noted that the restrictions had "nothing to do with their rights to control the premises while [they are] lawfully there" and that the "occupants retain the rights to exclude all others, except [the university], and the circumstances under which [the university] may enter the unit are defined." The Board held that the 21 units did not meet the definition of "rooming house" because they would be under the control of the occupants. Nor did the units meet the definition of "dormitory," because they were not intended solely as sleeping accommodations and they did not "collectively constitute a 'residence hall'" given their non-contiguous locations throughout the building.

Control of units. The Appellant in this proceeding argued that Appeal No. 18151 was inapplicable because the zoning definition of "apartment" had changed since that decision with the addition of a second sentence: "Control of the apartment may be by rental agreement or ownership." According to the Appellant, the STFH units would "not be 'owned' by their temporary occupants" or "leased to occupants by rental agreements." The Appellant contended that "the concept of 'control' is not about the exclusiveness of physical occupancy, but rather about legal responsibility for the property, as evidenced by either ownership or leasehold." (Exhibit 33.) DCRA and DGS

---

providing separate rooms or suites for individuals or for groups of two, three, or four with common toilet and bathroom facilities but usually without housekeeping facilities."

The 1958 Zoning Regulations defined a "rooming house" as "a building or part thereof that provides sleeping accommodations for three (3) or more persons who are not members of the immediate family of the resident operator or manager, and in which accommodations are not under the exclusive control of the occupants. A rooming house provides accommodations on a monthly or longer basis. The term 'rooming house' shall not be interpreted to include an establishment known as, or defined in [the 1958 Zoning Regulations] as, a hotel, motel, inn, bed and breakfast, private club, tourist home, guest house, or other transient accommodation." A rooming house was allowed as a matter-of-right in the R-5-D zone, where the apartment house at issue in the appeal was located, so long as cooking facilities were not provided in any individual unit. (§§ 330.6(d) and 350.4(a).)

disagreed, citing the use of "may" (rather than "shall") in the relevant sentence and the written agreements that occupants of the STFH units will be required to enter into with DHS.

The Board was not persuaded by the Appellant in this regard. The zoning definition of "apartment" does not require a rental agreement or ownership, but reflects that an apartment may be held in either status; that is, an apartment may be provided as a rental unit or a condominium, for example. As in Appeal No. 18151, the Board considers the Appellant's characterization of "control" as overly broad. In this case, the Board concludes that the units in the project at the subject property will be under the control of the occupants because the units will be offered and utilized subject to a written residency agreement spelling out the conditions of occupancy and stating that access to each unit will be controlled by the occupants, with certain exceptions that are not unusual in an apartment-house setting. Pursuant to the residency agreement, access to each unit will be limited to and controlled by the residents of that unit consistent with the zoning definition of "apartment."

Emergency shelter use. The Appellant argued that the 35 STFH units constituted an "emergency shelter," as defined in the Zoning Regulations, because of the temporary nature of the use as well as the statutory basis for the project. According to the Appellant, the zoning definition of "emergency shelter" "encompasses all facilities providing temporary shelter to the homeless [and] makes no distinction among these facilities according to the internal configuration of the units within the facility." (Exhibit 14.)

The Board disagrees, and concludes that the Zoning Administrator reasonably approved the building permit at issue in this proceeding based on a determination of "apartment house" use for the reasons discussed above. The Board credits the Zoning Administrator's testimony that the planned use of the 35 STFH units would not constitute an "emergency shelter" use because of the configuration of the units and the duration of residents' occupancy of the units. The Zoning Administrator recognized the significance of "30 days" in the descriptions of "lodging" and "residential" use categories and described a long-standing practice of distinguishing a residential use from a transient or temporary residential use based on "whether the tenure or residency is 30 days or more" because of the wording of the relevant use categories. (Transcript of February 26, 2020 at 163.) The Zoning Administrator reasonably determined that the project at the subject property would constitute an "apartment house," and not an "emergency shelter" use, in part on the basis of determinations that the occupants would live in individual units with stays of more than 30 days and that the occupants would not be sharing the sort of common areas, including kitchen and bathroom facilities, that are common in an emergency shelter.

The fact that other projects in other locations were developed as emergency shelters does not require a different result. The Board did not agree with the Appellant that the configuration of the units was irrelevant for zoning purposes; instead, the configuration of a unit would be essential in the Zoning Administrator's determination of whether a given use would constitute temporary lodging or an apartment in residential use. The "emergency shelter" facilities approved by the Board as special exceptions in Wards 3, 4, 5, 6, 7, and 8 all involved buildings with significantly different configurations than the project at the subject property. The emergency shelters were designed to provide 35 to 50 furnished rooms – variously labeled "sleeping units," "living units,"

"residential units," "private room-style units," "family units," and short-term family housing – that would contain beds but not kitchen facilities or separate living areas and, in most cases, were without private bathrooms. The emergency shelter buildings were designed to provide common areas including a dining room for meals that would be prepared off-site and delivered to the facility, rather than separate kitchen and dining facilities within each unit.

Residents at the emergency shelters were expected to stay at the facility less than 90 days. As part of the "Homeward D.C." initiative to replace the D.C. General shelter with smaller facilities, the emergency shelters in Wards 3 through 8 were intended to provide a short-term "crisis response system" for persons in need of immediate shelter until they could arrange access to permanent housing. (Testimony of Laura Zeilinger, director of DHS in support of the Ward 3 facility, Application No. 19450; Transcript of March 1, 2017 in at 93-94); see also, e.g., a statement submitted by DGS in support of the Ward 8 application ("The goal will be to provide temporary housing for families for a transitional period of 60–90 days. The ideal length of stay for families in short-term housing is fewer than 90 days."). (Exhibit 28 in Application No. 19288.)

As described in the emergency shelter applications, an emergency shelter is not a form of lodging offered to the public for compensation but constitutes a temporary arrangement for persons in immediate need of shelter, with a goal of providing a transition to permanent housing. The Board agrees with DCRA and DGS that the project at the subject property would not constitute an emergency shelter in light of the configuration of the units, with separate kitchen and bath facilities, under the control of occupants who have entered into an agreement for the use of the units, as well as the expected duration of occupancy at the STFH units as permanent housing, not a temporary response to a crisis situation.

Parking and loading. For the reasons discussed above, the Board concludes that the project at the subject property will contain only one use: apartment house. Accordingly the Board was not persuaded by the Appellant's claims that DCRA erred in issuing a building permit for a project that would not meet zoning requirements with respect to vehicle parking or loading for an emergency shelter use. The Appellant did not demonstrate, or allege, that the project would fail to meet zoning requirements for parking and loading for an apartment house. The Board agrees with DCRA and DGS that the project will meet zoning requirements for vehicle parking and loading for an apartment house use.[18] The planned 21 vehicle parking spaces at the subject property will include a sufficient number reserved to meet the vehicle parking spaces required by the existing community center use.

Building connection. The Appellant argued that the project at the subject property would not result in a single building because the new construction would not have a connection to the existing community center building sufficient to satisfy the requirements of Subtitle B § 309. According to the Appellant, the planned connection, shown in the plans as the P1 level, would not be fully above grade, citing the Zoning Administrator's reference to Subtitle B § 304.5 in the email sent

[18] According to DCRA, the vehicle parking requirement for the 50-unit apartment house use was eight spaces as calculated in accordance with Subtitle C §§ 701.5 and 702.1(c)(7), and no loading facilities were required, pursuant to Subtitle C § 901, because the apartment house would not contain more than 50 dwelling units. (Exhibit 38.)

March 14, 2019 (see Exhibit 5). The Appellant acknowledged that the planned connection would be enclosed but contended that other requirements would not be met because the parking level would not be heated, the connection would not constitute common space accessible to users of all portions of the building, and the space would not provide unrestricted passage between separate portions of the building because "safety and security rules prohibit unrestricted access" (Exhibit 74.)

The Board does not agree, concluding that the Appellant incorrectly considered the entire P1 level as the building connection rather than the hallway identified by DCRA and DGS. Pursuant to Subtitle B § 309.1, structures that are separated from the ground up by common division walls or contain multiple sections separated horizontally, such as wings or additions, are considered separate buildings for zoning purposes.[19] However, structures are considered parts of a single building if they are joined by a connection that is (a) fully above grade, (b) enclosed, (c) heated and artificially lit, and (d) serve either as (1) common space shared by users of all portion of the building, such as a lobby or recreation room, loading dock or service bay or (2) space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.

The Board does not agree with the Appellant that the Zoning Administrator incorrectly based a determination – that the planned connection would be above grade – on the application of a rule of measurement. That rule, Subtitle B § 304.5, specifies the method required for use when calculating the gross floor area of a semi-detached or attached building, applicable "for the portion of a story below the finished floor of the ground floor and partly above adjacent natural or finished grade." The Zoning Administrator's email indicated agreement with the statement that the planned connection would be entirely above grade, noting that drawings reflected that the connection would be included in GFA consistent with the rule of measurement for the portion of a story that would be below the ground floor but also partly above grade. In this case, the P1 level would be below the finished floor of the ground floor of the new construction and partly above adjacent natural or finished grade in portions of the site due to the slope of the subject property. The Zoning Administrator's email plainly stated that the connection itself would be entirely above grade (as well as counted toward GFA, since the space would be above grade). Nothing in Subtitle B § 309 requires the entire floor that contains a connection to be located entirely above grade.

The Zoning Administrator reasonably determined that the planned connection would meet the requirements of Subtitle B § 309.1(a), (b), and (c) because the plans reflect that the proposed

[19] See also the zoning definition of "Separate Building": "Structures that are separated from the ground up by common division walls or contain multiple sections separated horizontally, such as wings or additions, are separate buildings. Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway. (Subtitle B § 100.2.)

hallway connection would be fully above grade, enclosed, and heated and artificially lit. As shown in the plans (Exhibit 38F), the hallway connection at the P1 level would be enclosed within the structure and therefore would also be heated and artificially lit. The planned connection would be fully above grade, even though portions of the structure that provide access to the connection would not themselves be fully above grade. The Board credits the Zoning Administrator's determination that nothing in the Zoning Regulations requires that "the entire path of travel" to a building connection "has to be above grade." (See, Transcript of February 26, 2020 at 170.)

With respect to Subtitle B § 309.1(d), the Zoning Administrator determined that the hallway connection would not serve as common space shared by users of all portion of the building but would satisfy the requirement of Subtitle 309.1(d)(2) by serving as space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway. The Board agrees, because the hallway will provide access via interior doors to both the new project and the existing community center building, as well as an exterior door to a plaza. In particular, the hallway connection will provide access between the existing community center building and the parking spaces in the new project.

The Board does not find that the use of doors, even if locked, would render the hallway incapable of use as free and unrestricted passage. All persons who are issued the requisite key fob would have access to and the ability to use the hallway, and the key fobs would be issued to users of both portions of the building as appropriate to facilitate access between the two aspects of the building. The Board concludes that the Zoning Administrator reasonably decided that the Zoning Regulations require a connection designed for and capable of providing unrestricted access, and that whether the operator of a given facility opted to restrict access was a programmatic decision that would depend on the circumstances of the specific building connection. The Zoning Administrator testified about a long-standing practice not to require "doorways [that] would allow any person at any time to travel to and from" areas accessible via a building connection. Instead, the zoning inquiry focused on whether persons using the facilities "would have access to be able to go through … those separate doors" using the connection. The Zoning Administrator has "never taken the view that [the doors in a connection] have to be open and unlocked doors," but allowed "a programmatic decision of the operator … as to the extent of those users and residents to be able to use … those doors." (Transcript of February 26, 2020 at 177.)

The Board's decision with respect to grade and unrestricted passage in this case is consistent with its holding in Appeal No. 19550 (Appeal of Advisory Neighborhood Commission 6C; August 11, 2021), which challenged building permits issued for a rear addition to a row dwelling for use as a flat (two principal dwellings).[20] In that case, the appellant argued that the planned connection

[20] The Board's findings of fact included that the new construction would provide for a one-story "breezeway" attached to both units (that is, the existing dwelling and the new construction in the rear yard), located in a closed court created between the two units. Access to the breezeway would be provided via two below-grade corridors leading from either the sidewalk or the rear alley to a set of stairs up to the court.

would not meet the requirements of Subtitle B § 309 because a portion of the connection would be below grade and because the connection would utilize a corridor providing access, in opposite directions, to the locked door of a single dwelling unit, and therefore would not serve as either common space shared by users of all portions of the building or as a space designed and used to provide free and unrestricted passage between separate portions of the building.

In denying Appeal No. 19550, the Board held that the planned connection was sufficient to create one building for zoning purposes, even though access to the connection would be provided in part via two below-grade corridors, because the connection itself would be fully above grade, enclosed, and heated and artificially lit. The Board upheld the Zoning Administrator's determination that the planned connection would serve as common space shared by users of all portion of the building, in the nature of a lobby, notwithstanding the locked doors at the entrance to each dwelling unit, which would not negate the shared nature of the use of the connection. The Board also agreed with the Zoning Administrator that the breezeway could be considered space designed and used to provide free and unrestricted passage between separate portions of the building.

Rear yard. The MU-5 zone requires a rear yard of at least 15 feet. (Subtitle G § 405.2.) In the case of the subject property – as a corner lot abutting three or more streets – the depth of the rear yard may be measured from the center line of the street abutting the lot at the rear of the structure. (Subtitle B § 318.8.) The Board agrees with DCRA and DGS that the rear yard setback requirement was satisfied at the subject property, whether the rear yard is measured from Chapin or Clifton Street.[21] Given the widths of those abutting streets, the setback measured from the center line would be at least 25 feet.

Great weight. The Board is required to give "great weight" to the issues and concerns raised by an 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 1B submitted a letter dated February 5, 2020 that expressed support for "the need to close DC General and construct smaller, service-enriched short-term housing across the city" and asserted that the "facility best fitting the needs in Ward 1 is apartment-style family housing with 2

The breezeway, approximately 3.5 feet wide and extending 23 feet between the two units, would be above grade, enclosed, heated, and lit. The Board upheld the Zoning Administrator's determination that the planned breezeway connection satisfied the requirement of Subtitle B § 309.1(d)(1) as a common space shared by users of all portions of the building, such as a lobby. The Board noted that the breezeway would function as a common space that occupants of each unit could use to reach the front or rear of the building, which otherwise would not be possible without a long detour around the block, given the absence of side yards. The Board agreed with the Zoning Administrator that the presence of locked doors at the individual units would not negate the shared nature of the use of the breezeway.

[21] See the zoning definition of "Street Frontage," which provides that "…When a lot abuts upon more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage." (Subtitle B § 100.2.)

and 3 bedroom units." (Exhibit 84.) The ANC's letter did not specifically mention this appeal or state any issues or concerns to which the Board can give great weight.

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this appeal, a proposed order was provided to the parties on January 23, 2025 to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d). The Board received comments submitted on February 6, 2025 by Cammeron Girvin, purportedly on behalf of the Appellant. The comments disputed the Board's conclusion that the planned use of the subject property was not as an "emergency shelter" that would require approval as a special exception and objected that the proposed order did not "use the zoning term 'meaningful connection,' opting to instead use the less precise word 'connection'" despite the "Appellant's understanding that no such meaningful connection was constructed for this project." (Exhibit 97.)

The Board considered the comments but did not agree with the arguments presented and found no basis to alter the decision as stated in the proposed order. For the reasons discussed above, the Board concluded that, for zoning purposes, the planned use of the subject property was as an apartment house and not an emergency shelter. The comments merely reiterated the Appellant's previous argument, which the Board did not find persuasive.

Similarly, the Board notes that the phrase "meaningful connection" does not appear in the 2016 Zoning Regulations and therefore the Board does not agree with the comment that "meaningful connection" is a zoning term. Instead, the relevant zoning provision, Subtitle B § 309.1, states that "[s]tructures or sections shall be considered part of a single building if they are joined by a *connection* that is (a) [f]ully above grade; (b) [e]nclosed; (c) [h]eated and artificially lit; and (d) [e]ither (1) [c]ommon space shared by users of all portions of the building … or (2) [s]pace that is designed and used to provide free and unrestricted passage between separate portions of the building …" (emphasis added). For the reasons discussed above, the Board affirmed the Zoning Administrator's determination that the connection at issue in this appeal met the requirements of Subtitle B § 309.1. The comments did not provide a reason to alter the Board's decision.

Based on the findings of fact and conclusion of law, the Board finds no error in the decision made on September 30, 2019 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1908601 to allow a new building with 50 residential apartments, including Short Term Family Housing (STFH) units, in the MU-5A zone at 2500 14th Street, N.W. (Square 2662, Lot 205). Accordingly, it is therefore **ORDERED** that the **APPEAL** is **DENIED** and the Zoning Administrator's determination is **SUSTAINED.**

VOTE: 3-0-2 (Frederick L. Hill, Carlton E. Hart, and Peter A. Shapiro voting to deny the appeal; Lorna L. John not participating; one Board seat vacant)

VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Joseph S. Imamura voting to issue this Order; Lorna L. John not participating)

BZA ORDER NO. 20183
PAGE NO. 27

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 4, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 20873-A
Network Towers 2
2425 Irving Street SE, (Square 5845, Lot 833)

HEARING DATE (20873):	March 1, 2023
DECISION DATE (20873):	March 1, 2023
ORDER ISSUANCE DATE (20873):	March 7, 2023
DECISION DATE (20873-A):	February 26, 2025

SUMMARY ORDER ON REQUEST FOR TWO-YEAR TIME EXTENSION

ORIGINAL APPLICATION. In Application No. 20873, the Board of Zoning Adjustment ("**Board**" or "**BZA**") approved the request by Network Towers 2 (the "**Applicant**") for a special exception from the matter-of-right uses of Subtitle U § 201, to construct a temporary monopole in the rear of an existing government building in the R-2 zone. The Board issued Order No. 20873 on March 7, 2023 (the "**Order**," Exhibit 3). Pursuant to Subtitle Y § 604.11, the Order became effective ten days after issuance. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became final.

REQUEST FOR TWO-YEAR TIME EXTENSION. On December 12, 2024, the Applicant submitted a request that the Board grant a two-year extension of Order No. 20873. (Exhibits 1-5.)

NOTICE OF THE REQUEST. Pursuant to Subtitle Y § 705.2(a), the Applicant provided proper and timely notice of the request for time extension to the parties to the underlying case. (Exhibit 5.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 8B.

ANC REPORT. The ANC did not submit a report to the record.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the time extension. (Exhibit 6.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

CONCLUSIONS

This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Pursuant to Subtitle Y § 705.2(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.2(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.2(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the following criteria: (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

Based upon the record before the Board and having given great weight to the appropriate recommendations and reports filed in this case, the Board finds that the Applicant has met the criteria of Subtitle Y § 705.2 to extend the validity of the underlying order.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

It is therefore **ORDERED** that the request for a two-year time extension to the validity of the Board's approval in Order No. 20873 is hereby **GRANTED**, and the Order shall be valid until **March 7, 2027**.

VOTE: **5-0-0** (Frederick L. Hill, Carl H. Blake, Lorna L. John, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

ATTESTED BY: _____
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: March 3, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21227
Nathan and Stephanie Kooi
321 D Street SE, (Square 793, Lot 38)

HEARING DATE: February 26, 2025
DECISION DATE: February 26, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a two-story rear addition, to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 zone:

- Special Exception under the rear addition requirements of Subtitle E § 207.5, pursuant to Subtitle X § 901.2 (10 feet maximum permitted, 10 feet existing, 21 feet proposed)
- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (60% maximum permitted, 42% existing, 61% proposed)

The zoning relief requested in this case was self-certified. (Exhibit 4.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 6B, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 11, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 34.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application.[1] (Exhibit 30.)

[1] At the public hearing, OP noted a correction that the property does not provide one vehicle parking space as incorrectly stated in their report.

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not support a report to the record.

ARCHITECT OF CAPITOL ("AOC") REPORT. AOC submitted a report indicating that it had no objection to the approval of the application because it concluded the relief is not inconsistent with the intent of the RF-1 zone and would not adversely affect the public health, safety, and general welfare of the U.S. Capitol Precinct and area adjacent to this jurisdiction. (Exhibit 31.)

PERSONS IN SUPPORT. The Board received seven letters from neighbors in support of the application. (Exhibits 13, 20-24, 26.)

The Board also received letters in support of the application from St. Peter's School and Capitol Hill Restoration Society. (Exhibits 25 and 32.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception under the rear addition requirements of Subtitle E § 207.5, pursuant to Subtitle X § 901.2 (10 feet maximum permitted, 10 feet existing, 21 feet proposed)
- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (60% maximum permitted, 42% existing, 61% proposed)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 29 of the record, as required under Subtitle Y §§ 604.9 and 604.10,

VOTE: **5-0-0** (Frederick L. Hill, Carl H. Blake, Lorna L. John, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 3, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21229
WC Properties, LLC
62-64 Forrester Street, S.W. (Square 6239, Lots 60 and 59)

HEARING DATE: February 26, 2025
DECISION DATE: February 26, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to combine two lots into one record lot and to construct a new, detached, three-story plus cellar, 11-unit (including one Inclusionary Zoning unit) apartment house in the R-2 zone:

- Special Exception from the screening requirements for surface parking of Subtitle C § 714.2, pursuant to Subtitle C § 714.3 and Subtitle X § 901.2 (maximum 20-foot wide gaps allowed; gaps greater than 20 feet proposed).
- Use Variance from the matter-of-right uses of Subtitle U § 201, pursuant to Subtitle X § 1002

The zoning relief requested in this case was self-certified. (Exhibit 3.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 8D, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. ANC 8D did not submit a report to the record for this application.

Acting Chairperson and Single Member District Commissioner for 8D-01, Dionne Brown, submitted a letter noting that the ANC took no formal position on the application due to the lack of a quorum. (Exhibit 28.) On her own behalf, Commissioner Brown also submitted written testimony (Exhibit 30) and testified in support of the application at the public hearing.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 24.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 23.)

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ("DCHD"). DCHD submitted a letter in support of the application. (Exhibit 25.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception and variance relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property;
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief;
- There exists an exceptional or extraordinary situation or condition related to the property;
- The exceptional condition creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations;
- The relief can be granted without substantial detriment to the public good; and
- The relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception from the screening requirements for surface parking of Subtitle C § 714.2, pursuant to Subtitle C § 714.3 and Subtitle X § 901.2 (maximum 20-foot wide gaps allowed; gaps greater than 20 feet proposed).
- Use Variance from the matter-of-right uses of Subtitle U § 201, pursuant to Subtitle X § 1002

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the revised plans shown in Exhibit 19B of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **5-0-0** (Frederick L. Hill, Carl H. Blake, Lorna L. John, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: March 4, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21233
Bristlecone, LLC
1220 Mount Olivet Road, NE (Parcels 141/63 and 141/74)

HEARING DATE: February 26, 2025
DECISION DATE: February 26, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to combine two parcels, and construct a new, detached, three-story with penthouse, mixed-use building (warehouse, office, eating and drinking establishment, retail, and residential uses) in the PDR-1 zone:

- Special Exception from the rear yard requirements of Subtitle J § 207.2, pursuant to Subtitle J § 5200.1 and Subtitle X § 901.2 (Required: 2.5" per 1' of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the roof or parapet wall but at least 12 ft.; Proposed: 0 feet)
- Special Exception under the penthouse use requirements of Subtitle C § 1501.1(d), pursuant to Subtitle X § 901.2
- Special Exception under the eating and drinking establishment with a live performance, night club or dance venue requirements of Subtitle U § 802.1(c), pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 15.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 5D and 5C, the "affected ANCs" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANCs did not submit a report to the record.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 35.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 36.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception from the rear yard requirements of Subtitle J § 207.2, pursuant to Subtitle J § 5200.1 and Subtitle X § 901.2 (Required: 2.5" per 1' of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the roof or parapet wall but at least 12 ft.; Proposed: 0 feet)
- Special Exception under the penthouse use requirements of Subtitle C § 1501.1(d), pursuant to Subtitle X § 901.2
- Special Exception under the eating and drinking establishment with a live performance, night club or dance venue requirements of Subtitle U § 802.1(c), pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibits 26, 27, 31, 33 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE; Lorna L. John not present, not participating)

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

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

FINAL DATE OF ORDER: March 3, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, April 23, 2025, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA04-23-2025
Via Telephone: 202-860-2110 Access code: 2311 691 1915
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning

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

WARD THREE

Application of:	**3822 Van Ness NW, LLC**
Case No.:	**21286**
Address:	3822 Van Ness Street N.W. (Square 1829, Lot 23)
ANC:	**3A & 3E**
Relief:	Special Exception from: • the accessory building rear yard requirements of Subtitle D § 5004.1(a) (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a one-story side addition, and a two-story rear addition, to an existing, semi-detached, two-story with cellar, principal dwelling unit in the R-2 Zone.

PLEASE NOTE:
This public meeting will be held virtually through WebEx for the Board to deliberate on or decide the items listed on the agenda. Public testimony is not taken at a public meeting session. Information for the public to view or listen to the public meeting is listed above and will be provided on the Office of Zoning website by the Friday before the meeting date. Visit https://dcoz.dc.gov/watchlive.

The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11.

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

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

Individuals and organizations may also submit written comments to the Board by uploading submissions via the Interactive Zoning Information System ("IZIS") at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance

Modification Without Hearing Applications:
Per Subtitle Y § 703, requests for party status as well as responses and comments from non-parties are not permitted for modification without hearing cases.

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

Do you need assistance to participate?

Amharic
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ 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
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

FREDERICK L. HILL, CHAIRPERSON
CARL BLAKE, VICE-CHAIRPERSON
LORNA L. JOHN, MEMBER,
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-46F
Z.C. Case No. 06-46F
Half Residential PJV, LLC
(Modification Without Hearing of the Approved Design Review
@ Square 701, Lots 857, 858, and 859)
December 19, 2024

Pursuant to notice, at its December 19, 2024, public meeting, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of Half Street Residential PJV, LLC (the "Applicant") for a Modification Without Hearing of the Approved Design Review Application in Z.C. Order No. 06-46B (the "Original Order"), as modified by Z.C. Order Nos. 06-46C, 06-46D, and 06-46E for Lots 857, 858, and 859 in Square 701 (the "Property").

The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the "Zoning Regulations", to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

1. Located in the Navy Yard/Ballpark neighborhood, the Property is bounded by mixed-use developments to the north and east, N Street, S.E. to the south, and Half Street, S.E. to the west. It is directly across N Street from the Nationals Ballpark. The Property is located in the CG-4 zone (Exhibit ["Ex."] 5).

2. The Property is currently improved with a nine-story mixed-use building containing approximately 463,854 square feet of GFA, which includes approximately 403,215 square feet of residential use (312 units) and approximately 60,630 square feet of retail use (the "Building"). The Building is known as The Kelvin. The Applicant received Design Review approval for the Building in Z.C. Order No. 06-46B to develop the site with flexibility to subsequently pursue a combination of residential, retail, and hospitality uses throughout the Building. Notably, the Building's second floor was marked solely for retail use on the approved plans (Ex. 5).

3. By Z.C. Order No. 06-46B, issued in July 2015, the Commission approved modifications to two mixed-use buildings jointly approved in Z.C. Case No. 06-46 and modified in 06-46A. The Building is to the south and was approved for a maximum height of 110 feet with a maximum density of 6.83 FAR. The maximum residential gross floor area ("GFA") has an approved range of approximately 318,400 – 402,800 square feet, the maximum retail

GFA range is approximately 55,100 – 69,200 square feet, and the maximum hotel GFA range is between 0-78,300 square feet (Ex. 5).

4. By Z.C. Order No. 06-46C, issued in October 2016, the Commission approved a minor modification to permit the addition of and modifications to penthouse habitable space. The revised penthouse added approximately 9,936 square feet of floor area (Ex. 5).

5. By Z.C. Order No. 06-46D, issued in August 2017, the Commission approved a modification of consequence and granted special exception relief to permit a bowling alley use on the second floor and to modify the design of Monument Place. Monument Place is a pedestrian walkway located between the two mixed-use buildings (Ex. 5).

6. Finally, by Z.C. Order No. 06-46E, issued in October 2019, the Commission approved another modification of consequence to modify the plans approved in Z.C. Order No. 06-46D to add one static illuminated sign and two digital signs on the building at the corner of Half and N Street, S.E. (Ex. 5).

PARTIES

7. The only party to the Original Order was ANC 8F.

8. On October 23, 2024, and November 12, 2024, the Applicant served the Application on ANC 8F, the Office of Planning ("OP") and the District Department of Transportation ("DDOT"), as attested by the Certificate of Service submitted with the Application (Ex. 2, 5).

II. THE APPLICATION

9. On October 23, 2024, the Applicant filed the Application seeking a modification without hearing, pursuant to Subtitle Z § 703.1, to convert the Building's existing second-floor retail space to 16 residential units and make minor exterior changes (Ex. 2).

10. On November 12, 2024, the Applicant filed revisions to the Application. The changes proposed to instead convert the Building's existing second-floor retail space into lodging, with the flexibility to later convert it into residential use. The changes proposed in this Application are minor and are primarily interior redesign by amending the Architectural Plans initially referenced in Z.C. Case No 06-46, as modified in Z.C. Order Nos. 06-46A, 06-46B, 06-46C, 06-46D, and 06-46E (Ex. 5).

11. As constructed, the Building currently contains approximately 24,242 gross square feet of second-floor retail space on its north side. Until more than a year ago, this space was occupied by Swingers, a bar/restaurant with mini golf. The space has remained vacant since Swingers left (Ex. 5).

12. Due to the loss of Swingers and the difficulty in leasing second floor retail space, the Applicant proposes to convert that second-floor retail space into lodging with the flexibility

to later convert to residential use. The area proposed for conversion is shown in the updated plans filed with the Application ("Updated Plans"), and it will result in 16 lodging units. If the Applicant thereafter converts these lodging units into residential use, then the conversion will result in approximately one (1) Inclusionary Zoning ("IZ") unit. Along with that potential later conversion to residential use, the Applicant would make minor exterior changes to add operable windows and exhaust vents in the conversion area, as shown on the Updated Plans (Ex. 5A1-5A3).

13. Although the uses approved for the Building under Z.C. Order No. 06-46B included lodging (hospitality) and residential, the approved plans do not show the subject second-floor area as including either use. Therefore, the proposed Modification is necessary to revise the plans for the current second-floor retail space to be converted to lodging with the flexibility to later convert to residential use (Ex. 5).

14. As shown in the Updated Plans, the Project design remains consistent with the overall design concepts and program originally approved by the Commission, and the revised plans merely reflect the new lodging or residential use and, potentially, very minor refinements to the Building's façade, as discussed above. The proposed changes are almost entirely limited to an interior reconfiguration of the second floor, and the mix of uses remains consistent with the intent previously approved by the Commission. The proposed Modification will not change the approved overall Building FAR or other zoning metrics, and the façade design and materials remain wholly consistent with the design intent originally approved by the Commission and reviewed by the community (Ex. 5-5A3).

III. Responses to the Application

Office of Planning ("OP")

15. OP submitted a report dated December 3, 2024 ("OP Report"). The OP Report stated that OP is not opposed to the Application being considered a Modification Without Hearing and recommends approval of the Application. The OP Report explained that the original approval, 06-46B, contemplated residential, retail, and lodging uses for the Building. However, retail was the only use contemplated in this area of the second floor. The modification, therefore, is necessary to allow lodging and potential future residential use to occupy the space. The OP Report concluded, however, that the overall use mix would remain consistent with the uses approved with the original design review application. The design of the Building, as originally approved by the Commission, would only change slightly. The OP Report continued that the proposed lodging use would also be in keeping with the intent of the Capitol Gateway Zone, which seeks to support certain uses, including lodging uses. The potential future conversion of the lodging to residential units would be consistent with the overall use within the Building, which is largely residential. It would also further policy objectives for the creation of additional housing opportunities in transit

and retail/services rich areas and would include at least one affordable unit consistent with the IZ program (Ex. 6).

ANC 8F

16. ANC 8F did not file a response to the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications Without Hearing to final orders and plans without a public hearing.

2. Subtitle Z § 703.6 defines a Modification Without Hearing as "a modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission. Determination that a modification can be approved without witness testimony is within the Commission's discretion. A request to add or change a zoning map designation to an approved planned unit development shall not be considered without a hearing."

3. The Commission concludes that the Application qualifies as a Modification Without Hearing within the meaning of Subtitle Z § 703.6, as a request to redesign or relocate architectural elements from the final design approved by the Commission and therefore can be granted without a public hearing.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.10 to serve the Application on all parties to the original proceeding, in this case ANC 8F, and OP, at the same time that the request was filed with the Office of Zoning.

5. The Commission concludes that, in accordance with Subtitle Z § 703.13, this request for a Modification Without Hearing was filed with the Office of Zoning at least 35 days prior to the public meeting at which the request was considered by the Commission. The request was originally filed on October 23, 2024, revised on November 12, 2024, and considered by the Commission at its December 19, 2024, public meeting.

6. The Commission finds the Application consistent with the Original Order approval, and the proposed architectural changes, as reflected in the Updated Plans, necessary to allow lodging and potential future residential use in the Building's second-floor space.

"Great Weight" to the Recommendations of OP

7. Pursuant to §5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.9, the

Commission must give "great weight" to the recommendations of OP (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment,* 141 A. 3d 1079, 1087 (D.C. 2016)).

8. The Commission notes OP's lack of objection to the Application being considered as a Modification Without Hearing and finds OP's recommendation persuasive that the Commission approve the Application and therefore concurs in that judgement.

"Great Weight" to the Recommendations of the ANC

9. 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)) and Subtitle Z §406.2, the Commission must give "great weight" to the issues and concerns raised in the written report of the affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*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)).

10. ANC 8F did not file a response to the Application; therefore, there is nothing to which the Commission can give great weight.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a Modification Without Hearing to modify the Original Order to convert the existing second-floor retail space into lodging, with the flexibility to later convert it into residential use. To effectuate this Modification Without Hearing approval, Condition No. 2 of Z.C. Order No. 06-46, as modified in Z.C. Order Nos. 06-46A, 06-46B, 06-46C, 06-46D, and 06-46E, is amended to read as follows (deletions shown in ~~**bold and strikethrough**~~ text; additions in **bold and underlined** text). All other conditions in Z.C. Order No. 06-46, as modified, remain unchanged and in effect:

2. The project shall be built in accordance with the Architectural Plans and Elevations, marked "Exhibit A" in the post-hearing filing, dated January 25, 2007, at ~~**and marked**~~ Exhibit 33 in ~~**the record of the case**~~ **Z.C. Case No. 06-46** as modified by**:**

   - the Architectural Plans and Elevations dated January 7, 2008, at Exhibit 7 in Z.C. Case 06-46A;
   - the Architectural Plans and Elevations dated June 15, 2015, at Exhibit 22 in Z.C. Case 06-46B;
   - the Architectural Plans and Elevations dated May 11, 2016, at Exhibit 2B in Z.C. Case 06-46C;

- the Architectural Plans and Elevations dated June 12, 2017, at Exhibit 12 in Z.C. Case 06-46D;
- the Architectural Plans and Elevations dated August 29, 2019, at Exhibit 1A in Z.C. Case 06-46E;
- **the Architectural Plans and Elevations dated November 1, 2024, at Exhibits 5A1-5A3 in Z.C. Case 06-46F; and**
- the guidelines, conditions, and standards below.

Final Action

VOTE (December 19, 2024): 4-0-1 (Anthony J. Hood, Tammy Stidham, Robert E. Miller, and Gwen Wright to approve; Joseph Imamura, not present, not voting.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 06-46F shall become final and effective upon publication in the *District of Columbia Register*; that is on March 14, 2025.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

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

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

DISTRICT OF COLUMBIA REGISTER
2025 AGENCY SUBMISSION DEADLINE SCHEDULE

The deadline for submitting notices for publication in the *District of Columbia Register* by District agencies, boards, commissions, and public charter schools is THURSDAY, noon of the PREVIOUS week. For example, the deadline for the Friday, January 10, 2025 *District of Columbia Register* is Thursday, noon on January 2, 2025.

The deadline for a Register to be published during a week that has an official District of Columbia holiday is WEDNESDAY noon of the PREVIOUS week. For example, Monday, January 20, 2025 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the Friday, January 24, 2025 *District of Columbia Register* is Wednesday, noon on January 15, 2025.

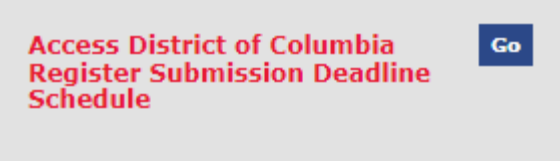
If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, November 27, 2025 is Thanksgiving Day, the deadline for the December 5, 2025 *District of Columbia Register* is Wednesday, noon on November 26, 2025.

Because Thursday, June 19, 2025 is Juneteenth, the deadline for the June 27, 2025 *District of Columbia Register* is Wednesday, noon on June 18, 2025.

Documents that are uploaded after the noon deadline will be published in the next edition of the Register.

The DC Register Submission Deadline Schedule is published at the end of each Register.

The Office of Documents also publishes the Submission Deadline Schedule on the DCRegs Home page:



Below is the 2025 District of Columbia Register Submission Deadline schedule.

OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES
DISTRICT OF COLUMBIA REGISTER
2025 AGENCY SUBMISSION DEADLINE SCHEDULE

D.C. Register Issue		Submission Deadline	
Vol. 72/1	January 3, 2025*	Tuesday	December 24, 2024
Vol. 72/2	January 10, 2025	Thursday	January 2, 2025
Vol. 72/3	January 17, 2025	Thursday	January 9, 2025
Vol. 72/4	January 24, 2025*	Wednesday	January 15, 2025
Vol. 72/5	January 31, 2025	Thursday	January 23, 2025
Vol. 72/6	February 7, 2025	Thursday	January 30, 2025
Vol. 72/7	February 14, 2025	Thursday	February 6, 2025
Vol. 72/8	February 21, 2025*	Wednesday	February 12, 2025
Vol. 72/9	February 28, 2025	Thursday	February 20, 2025
Vol. 72/10	March 7, 2025	Thursday	February 27, 2025
Vol. 72/11	March 14, 2025	Thursday	March 6, 2025
Vol. 72/12	March 21, 2025	Thursday	March 13, 2025
Vol. 72/13	March 28, 2025	Thursday	March 20, 2025
Vol. 72/14	April 4, 2025	Thursday	March 27, 2025
Vol. 72/15	April 11, 2025	Thursday	April 3, 2025
Vol. 72/16	April 18, 2025*	Wednesday	April 9, 2025
Vol. 72/17	April 25, 2025	Thursday	April 17, 2025
Vol. 72/18	May 2, 2025	Thursday	April 24, 2025
Vol. 72/19	May 9, 2025	Thursday	May 1, 2025
Vol. 72/20	May 16, 2025	Thursday	May 8, 2025
Vol. 72/21	May 23, 2025	Thursday	May 15, 2025
Vol. 72/22	May 30, 2025 *	Wednesday	May 21, 2025
Vol. 72/23	June 6, 2025	Thursday	May 29, 2025
Vol. 72/24	June 13, 2025	Thursday	June 5, 2025
Vol. 72/25	June 20, 2025*	Wednesday	June 11, 2025
Vol. 72/26	June 27, 2025	Wednesday	June 18, 2025
Vol. 72/27	July 4, 2025 *	Wednesday	June 25, 2025
Vol. 72/28	July 11, 2025	Thursday	July 3, 2025
Vol. 72/29	July 18, 2025	Thursday	July 10, 2025
Vol. 72/30	July 25, 2025	Thursday	July 17, 2025
Vol. 72/31	August 1, 2025	Thursday	July 24, 2025
Vol. 72/32	August 8, 2025	Thursday	July 31, 2025
Vol. 72/33	August 15, 2025	Thursday	August 7, 2025
Vol. 72/34	August 22, 2025	Thursday	August 14, 2025
Vol. 72/35	August 29, 2025	Thursday	August 21, 2025
Vol. 72/36	September 5, 2025*	Wednesday	August 27, 2025
Vol. 72/37	September 12, 2025	Thursday	September 4, 2025
Vol. 72/38	September 19, 2025	Thursday	September 11, 2025
Vol. 72/39	September 26, 2025	Thursday	September 18, 2025
Vol. 72/40	October 3, 2025	Thursday	September 25, 2025
Vol. 72/41	October 10, 2025	Thursday	October 2, 2025
Vol. 72/42	October 17, 2025*	Wednesday	October 8, 2025
Vol. 72/43	October 24, 2025	Thursday	October 16, 2025
Vol. 72/44	October 31, 2025	Thursday	October 23, 2025
Vol. 72/45	November 7, 2025	Thursday	October 30, 2025
Vol. 72/46	November 14, 2025*	Wednesday	November 5, 2025
Vol. 72/47	November 21, 2025	Thursday	November 13, 2025
Vol. 72/48	November 28, 2025*	Wednesday	November 19, 2025
Vol. 72/49	December 5, 2025	Wednesday	November 26, 2025
Vol. 72/50	December 12, 2025	Thursday	December 4, 2025
Vol. 72/51	December 19, 2025	Thursday	December 11, 2025
Vol. 72/52	December 26, 2025*	Wednesday	December 17, 2025
Vol. 73/1	January 2, 2026*	Wednesday	December 24, 2025

*Weeks with District of Columbia Government public holidays.

Last Updated December 10, 2024