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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 26-73 to propose regulations that prohibit insurers from denying or cancelling life or disability insurance solely based on an individual's status as a living donor

- D.C. Council proposes updates to the regulations for the Emergency Rental Assistance Program (Act 26-74)

- D.C. Council proposes updates to the requirements for certifying local business enterprises (Act 26-76)

- D.C. Council proposes regulations to grant the Clemency Board authority to waive the five-year waiting period before an individual can apply for clemency (Act 26-78)

- Department of Energy and Environment solicits input on the technical, financial, or regulatory changes needed to enable Distributed Energy Resources (DER) companies to participate in the electricity wholesale distribution markets in the District

- Department of Health Care Finance releases the Medicaid fee schedule updates for CPT-HCPCS Codes

- Department of Health solicits up to 7 partners to provide services within the Title V Maternal and Child Health Services Program

- Office of the Deputy Mayor for Planning and Economic Development updates the Notice of Funding Availability for the FY25 Chinatown Lease Incentive Grant Program

- Office of the Deputy Mayor for Public Safety and Justice announces availability of the FY2026 Safe Passage, Safe Blocks grants

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-73

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2025

To amend the Insurance Trade and Economic Development Amendment Act of 2000 to prohibit insurers from taking certain actions based solely on an individual's status as a living donor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Living Donor Protection Amendment Act of 2025".

Sec. 2. The Insurance Trade and Economic Development Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-265; D.C. Official Code § 31-2231.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 31-2231.01) is amended as follows:

(1) New paragraphs (7A) and (7B) are added to read as follows:

"(7A) "Living donor" means an individual who has donated all, or part, of an organ or tissue and is not deceased.

"(7B) "Organ" means a human eye, kidney, liver, heart, lung, pancreas, esophagus, stomach, small or large intestine, a portion of the gastrointestinal tract, or another part of the human body designated by the Commissioner by rule.".

(2) A new paragraph (8A) is added to read as follows:

"(8A) "Tissue" means a portion of the human body other than an organ, including skin, bone, bone marrow, a heart valve, a spermatozoon, an ova, an artery, a vein, a tendon, a ligament, blood, blood derivatives, a pituitary gland, fluid, or another portion of the human body designated by the Commissioner by rule.".

(b) Section 111 (D.C. Official Code § 31-2231.11) is amended by adding a new subsection (c-1) to read as follows:

"(c-1)(1) Notwithstanding any other provision in this act, no insurer shall deny coverage, cancel coverage, or refuse to issue, determine the price or premium for, or otherwise vary any term or condition of a life insurance policy, disability insurance policy, or long-term care insurance policy for an individual based solely on, and without any actual, unique, and material actuarial risks related to, the status of the individual as a living donor.

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"(2) Paragraph (1) of this subsection shall apply to life insurance policies, disability insurance policies, and long-term care insurance policies delivered or issued for delivery after January 1, 2026.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206(c)(1)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
MAY 28, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-74

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2025

To amend section 8f of the Homeless Services Reform Act of 2005 to require specific documentation from tenants establishing eligibility for Emergency Rental Assistance Funds, to clarify the definition of a qualifying emergency situation, and to require the Mayor to issue regulations implementing the amended provisions of that section; and to amend section 501 of the Rental Housing Act of 1985 to permit a court to enter a stay, rather than require a court to enter a stay, when a tenant submits documentation to the court demonstrating that the tenant has a pending Emergency Rental Assistance Program application, to require housing providers to reschedule evictions in certain circumstances involving approved Emergency Rental Assistance Program applications, and to create an affirmative defense in eviction cases on the basis of housing providers' noncompliance with the Emergency Rental Assistance Program application process.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Emergency Rental Assistance Program Reform Amendment Act of 2025".

Sec. 2. Section 8f of the Homeless Services Reform Act of 2005, effective March 10, 2023 (D.C. Law 24-287; D.C. Official Code § 4-753.08), is amended as follows:

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

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

(A) The lead-in language is amended to read as follows:

"(2)(A) To qualify for Emergency Rental Assistance Funds, an applicant unit shall be required to document:".

(B) Sub-subparagraph (iv) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(C) Sub-subparagraph (v) is amended by striking the phrase "for payment." and inserting the phrase "for payment; and" in its place.

(D) A new sub-subparagraph (vi) is added to read as follows:

"(vi) The nature of the emergency situation; provided, that if the nature of the emergency situation precludes documentation, an unsworn declaration made under

ENROLLED ORIGINAL

penalty of perjury explaining both the emergency situation and the reason why the applicant unit does not possess documentation regarding the nature of the emergency situation may be considered sufficient documentation of proof for this element of an application.".

(2) Paragraph (3) is repealed.

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

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

"(3) "Emergency situation" means a situation in which immediate action is necessary to avoid homelessness or eviction, to re-establish a rental home, or otherwise to prevent displacement from a rental home, which is the result of an unforeseen or unusual event, such as the loss of a job or high medical costs, that impacts the applicant unit's ability to pay rent and that cannot be resolved without financial assistance.".

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

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

"(e) The Mayor shall issue regulations to implement the provisions of this section.".

Sec. 3. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 42-3501.03) is amended as follows:

(1) A new paragraph (12A) is added to read as follows:

"(12A) "ERAP provider" means a vendor that processes applications for Emergency Rental Assistance Funds.".

(2) A new paragraph (23A) is added to read as follows:

"(23A) "Payment information" means documents or information that identify the owner or manager of a rental unit, identify the balance of rent owed by a tenant, or facilitate the payment of the owner or manager of a rental unit, and that are necessary to perfect an application for Emergency Rental Assistance Funds, which may include personal identification, a W-9 form, a basic business license, proof of a Social Security Number, a property management agreement, or a rent ledger, but which shall not include the content of, or information associated with, a payment plan.".

(b) Section 501 (D.C. Official Code § 42-3505.01) is amended as follows:

(1) Subsection (r) is amended to read as follows:

"(r)(1) The court may stay any proceeding adjudicating a claim brought by a housing provider to recover possession of a rental unit for nonpayment of rent if a tenant submits documentation to the court demonstrating that he or she has a pending Emergency Rental Assistance Program ("ERAP") application; provided, that the court may stay a proceeding under this subsection only once during the pendency of the case.

"(2) Paragraph (1) of this subsection shall not be construed to limit a court's discretion to extend a stay.

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"(3) When an eviction based solely on a claim for nonpayment of rent has been authorized by the court and the tenant notifies the housing provider, no later than 48 hours prior to the scheduled date and time of the eviction, that the tenant has an approved ERAP application that would pay the full amount necessary to redeem the tenancy, the housing provider shall cancel the eviction. If the housing provider then reschedules the eviction, the housing provider shall reschedule the eviction for a date no sooner than 3 weeks from the earlier-scheduled eviction date.

"(4) A housing provider that cancels an eviction under paragraph (3) of this subsection shall have leave to file an alias writ ("writ"), and no further leave of court shall be required for the next-requested issuance of a writ following the cancellation of the originally scheduled eviction. This paragraph shall not apply if a judgment is permanently stayed by a tenant's redemption of a tenancy.".

(2) New subsections (s) and (t) are added to read as follows:

"(s) In any matter adjudicating a claim brought by a housing provider to recover possession of a rental unit for nonpayment of rent in which the tenant alleges, at or before an initial hearing, that the housing provider is withholding payment information requested by an ERAP provider, the court may order the housing provider to comply with any pending requests for the payment information from an ERAP provider.

"(t)(1) In any matter adjudicating a claim brought by a housing provider to recover possession of a rental unit for nonpayment of rent in which the court finds, at trial or upon the resolution of a dispositive motion resolving the entire matter, that the housing provider failed to provide payment information requested by an ERAP provider for more than 45 days after receiving a request for the payment information from an ERAP provider, the court may order that the amount of rent that would have been redeemed by a successful ERAP application be deemed waived and shall not be recoverable by the housing provider.

"(2) The court shall not waive rent under paragraph (1) of this subsection if the housing provider shows that:

"(A) Compliance with a request for payment information necessary to perfect an ERAP application was delayed by a third party not under the control of the housing provider;

"(B) Good cause otherwise exists for the housing provider's non-compliance; or

"(C) The housing provider has, since the date of the relevant request for payment information, received payment from ERAP on behalf of the tenant.

"(3) A waiver of rent under paragraph (1) of this subsection shall apply to any future proceeding in which the housing provider seeks from the tenant:

"(A) The recovery of possession of the rental unit the rent for which was waived under paragraph (1) of this subsection; or

"(B) A money judgment for the waived rent.

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"(4) Nothing in this subsection shall limit a tenant's ability to assert any defense to an outstanding rent balance sought by a housing provider.".

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
MAY 28, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2025

To amend, on a temporary basis, An Act To create a Department of Corrections in the District of Columbia and the Corrections Oversight Improvement Omnibus Amendment Act of 2022 to designate the Department of Corrections as the District agency to provide a free appropriate public education under the Individuals with Disabilities Education Act and District law to certain individuals in its custody and detained in its secure facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Special Education for Young Adults in the Custody of the Department of Corrections Temporary Amendment Act of 2025".

Sec. 2. Section 2(b) of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02(b)), is amended as follows:

(a) Paragraph (9) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) The first paragraph (10) is amended by striking the period and inserting a semicolon in its place.

(c) The second paragraph is redesignated as paragraph (11).

(d) Paragraph (11) is amended by striking the period and inserting the phrase "; and" in its place.

(e) A new paragraph (12) is added to read as follows:

"(12) During school year 2024-2025, provide a free appropriate public education ("FAPE") under the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*) ("IDEA"), and District law, to individuals with disabilities who are in its custody and detained in its secure facilities from the age of 18 through the end of the individual's eligibility for FAPE under the IDEA and District law.".

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Sec. 3. Amended section 2 within section 10(a) of the Corrections Oversight Improvement Omnibus Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-344; 70 DCR 635), is amended as follows:

(a) Paragraph (12) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (13) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (14) is added to read as follows:

"(14) During school year 2024-2025, provide a free appropriate public education ("FAPE") under the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*) ("IDEA"), and District law, to individuals with disabilities who are in its custody and detained in its secure facilities from the age of 18 through the end of the individual's eligibility for FAPE under the IDEA and District law.".

Sec. 4. Applicability.

This act shall apply as of April 12, 2025.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 60-day period of congressional review as

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provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)).

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
MAY 28, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2025

To amend, on an emergency basis, the Small and Certified Business Enterprise Development and Assistance Act of 2005 to require a business applying for certification as a local business enterprise to be independently owned and operated, to amend the minimum certified business enterprise performance requirements in a certified joint venture, and to establish uniform hearing procedures for enforcement actions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Certified Business Enterprise Program Compliance and Enforcement Support Emergency Amendment Act of 2025".

Sec. 2. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) Section 2302 (D.C. Official Code § 2-218.02) is amended as follows:

(1) Paragraph (7) is amended to read as follows:

"(7) "Economically disadvantaged individual" means an individual who owns at least a 51% interest in a business enterprise and whose personal net worth does not exceed the limits set by the United States Department of Transportation, pursuant to 49 C.F.R. § 26.68.".

(2) Paragraph (8A) is amended to read as follows:

"(8A) "Equity impact enterprise" means a business enterprise that is a resident-owned business, small business enterprise, and disadvantaged business enterprise.".

(3) Paragraph (9) is redesignated as paragraph (8B).

(4) A new paragraph (9) is added to read as follows:

"(9) "Formal complaint" means a complaint that is submitted to the Department in writing, sworn to by the complainant, and notarized.".

(5) A new paragraph (10A) is added to read as follows:

"(10A) "Informal complaint" means a complaint other than a formal complaint and includes complaints submitted in person, by email, by telephone, or through the Department's complaint hotline.".

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(6) A new paragraph (10B) is added to read as follows:

"(10B) "Independently owned and operated" means that the business enterprise manages and controls its day-to-day operations without being subject to control, restriction, modification, or limitation by another business enterprise or not-for-profit business that has an ownership or other financial interest in the business enterprise.".

(7) A new paragraph (13A-i) is added to read as follows:

"(13A-i) "Person" means any individual, firm, partnership, joint venture, general partner of a partnership, limited liability company, registered limited liability partnership, foreign limited liability partnership, association, corporation, unincorporated business, company, syndicate, estate, trust, business trust, trustee, trustee in bankruptcy, receiver, executor, administrator, assignee, fiduciary, or entity of any kind.".

(b) Section 2331 (D.C. Official Code § 2-218.31) is amended by adding a new paragraph (1A) to read as follows:

"(1A)(A) Is:

"(i) Independently owned and operated;

"(ii) More than 50% owned, operated, and controlled by a District-based enterprise or not-for-profit business; or

"(iii) Owned by a non-District-based business enterprise that is more than 50% owned by District residents;".

(c) Section 2346(b)(2)(A) (D.C. Official Code § 2-218.46(b)(2)(A)) is amended by striking the phrase "the certified business enterprise perform at least 50% of the contracting effort with its own organization and resources and, if it subcontracts, 35% of the subcontracted effort shall be with certified business enterprises." and inserting the phrase "each certified business enterprise holding a majority or minority interest in the certified joint venture shall, with its own organization and resources, perform a percentage of the work equal to or greater than its percentage interest in the joint venture, and, if the certified joint venture subcontracts, at least 35% of the subcontracted effort shall be with certified business enterprises." in its place.

(d) Section 2363 (D.C. Official Code § 2-218.63) is amended as follows:

(1) Subsection (c) is amended by striking the phrase ", in accordance with procedures set forth in subsection (e) of this section, that" and inserting the word "that" in its place.

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

(A) Paragraphs (1), (2), and (3) are amended to read as follows:

"(e)(l)(A) Any person may file with the Department a formal or informal complaint alleging a violation of this act.

"(B) The Department shall maintain a hotline for the filing of informal complaints.

"(2) Except as provided in paragraph (3) of this subsection, the Department shall investigate each formal or informal complaint filed with it.

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"(3) The Department may dismiss a complaint without conducting an investigation if the Department determines the complaint is frivolous or otherwise without merit. If the Department dismisses a formal complaint as frivolous or otherwise without merit, the Department shall prepare a report that includes:

"(A) A statement detailing the formal complaint, including the name, address, and telephone number of the person filing the complaint;

"(B) The name of the person or certified joint venture alleged to be in violation of this act; and

"(C) Any other information considered in rendering the determination.".

(B) Paragraph (4) is repealed.

(C) New paragraphs (5) and (6) are added to read as follows:

"(5) After the completion of an investigation conducted pursuant to this subsection, the Department shall take such enforcement action, if any, it deems appropriate.

"(6) The Department shall maintain a record listing all formal complaints, which shall contain:

"(A) The name of the person alleged to be in violation of this act;

"(B) The date the formal complaint was made to the Department; and

"(C) A description of the formal complaint.".

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

"(g)(1) Except as provided in paragraph (8) of this subsection, before issuing a civil penalty to, or denying, suspending, changing, or revoking a certification of, a person or a certified joint venture, the Department shall issue a notice of determination to the person or certified joint venture. The notice of determination shall describe the:

"(A) Basis for the Department's determination;

"(B) Proposed penalty, if any; and

"(C) Process and timeline by which the person or certified joint venture may request a hearing.

"(2) Pursuant to paragraph (3) of this subsection, a person, or a designated representative on behalf of a certified joint venture, may request a hearing before the Office of Administrative Hearings within 10 days after receiving the notice. If the person or certified joint venture does not request a hearing within that time, the civil penalty, denial, suspension, change, or revocation shall become final, and the person or certified joint venture shall be deemed to have waived the opportunity for judicial review.

"(3) If a hearing is requested, the Office of Administrative Hearings shall consider the matter pursuant to section 19 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.16), and the rules issued pursuant to it. The Department shall bear the burden of establishing the violation by a preponderance of the evidence.

ENROLLED ORIGINAL

"(4) The Office of Administrative Hearings shall conduct such hearing based on the record developed by the Department. The decision of the Office of Administrative Hearings shall be the final administrative decision for the purpose of judicial review.

"(5) Notice of a final suspension or revocation of a certification shall be published on the Department's website.

"(6) A business enterprise or joint venture whose certification has been revoked shall not be eligible to apply for a new certification from the Department until 36 months after the date that the revocation became final.

"(7)(A) The Department may at any time, upon motion by a business enterprise or joint venture whose certification has been suspended or revoked, remove the suspension or reissue a certification if the Department determines that it is in the District government's interest to remove the suspension or reissue the certification before the end of the 36-month period and the removal or reissuance will not endanger the health, safety, or welfare of the general public.

"(B) In determining whether to remove a suspension or reissue a certification, the Department shall consider whether the business enterprise or joint venture submitted satisfactory proof that conditions within, or actions by, the business enterprise or joint venture that led to the suspension or revocation have been corrected.

"(C) A business enterprise or joint venture whose certification is reissued shall cease to be subject to the 36-month waiting period established in paragraph (6) of this subsection.

"(8)(A) If, after an investigation, the Department determines that a business enterprise or joint venture certified under this act has violated any provision of this act in such a manner as to present an imminent danger to the health, safety, or welfare of any person or the general public, the Department may summarily suspend the certification of the business enterprise or joint venture upon issuing the notice of determination described in paragraph (1) of this subsection.

"(B)(i) The notice of determination shall inform the business enterprise or joint venture of the reason for the summary suspension and the right to request a hearing before the Office of Administrative Hearings pursuant to this subsection.

"(ii) If a business enterprise or joint venture timely requests a hearing on a summary suspension, the Office of Administrative Hearings shall conduct the hearing within 14 days after receiving the request, unless a longer period of time is agreed to by the business enterprise or joint venture, and the Office of Administrative Hearings shall issue a decision within 14 days after the record of the hearing closes.".

Sec. 3. Applicability.

This act shall apply as of March 1, 2025.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; 89 D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
MAY 28, 2025

5

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-77

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2025

To amend, on an emergency basis, the Child Fatality Review Committee Establishment Act of 2001 to revise the composition of the committee to include the relevant committee within the Council that has oversight over the Child and Family Services Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Fatality Review Committee Emergency Amendment Act of 2025".

Sec. 2. Section 4604(a-1) of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.04(a-1)), is amended by striking the phrase "human services" and inserting the phrase "child and family services" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
MAY 28, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-78

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 2025

To amend, on an emergency basis, due to congressional review, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clemency Board Waiver Authority Congressional Review Emergency Amendment Act of 2025".

Sec. 2. Section 205 of the Clemency Board Establishment Act of 2018, effective December 13, 2018 (D.C. Law 22-197; D.C. Official Code § 24-481.05), is amended by adding a new subsection (f) to read as follows:

"(f) The Board may, upon written request of the applicant, grant a waiver of the requirements of subsection (c)(1) of this section; provided, that:

"(1) The Board shall only grant a waiver under this subsection where the Board is in receipt of notice from the Office of the Pardon Attorney that the Pardon Attorney or the President of the United States has provided the applicant with a waiver of the 5-year requirement pursuant to § 9-140.112 of the Department of Justice Manual;

"(2) The Board may decline to grant a waiver under this subsection even when the Board is in receipt of the notice described in paragraph (1) of this subsection;

"(3) The Board shall not grant a waiver under this subsection when the applicant is on probation, parole, or supervised release;

"(4) The Board may request additional information from the applicant to support their request for a waiver of subsection (c)(1) of this section, which may include a request to meet with the applicant to discuss their waiver request;

"(5) The Board shall provide the applicant with written notice of the Board's decision to grant or deny a waiver request pursuant to this subsection; and

ENROLLED ORIGINAL

"(6) Prior to the Board making a determination whether to grant a request for a waiver pursuant to this subsection, the applicant's application shall be deferred until a determination is made.".

Sec. 3. Fiscal impact statement.
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
MAY 28, 2025

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

B26-0260 Fiscal Year 2026 Local Budget Act of 2025

Intro. 05-27-2025 by Chairman Mendelson and referred sequentially to the Committee of the Whole with comments from the Committee on Business and Economic Development, Committee on Executive Administration and Labor, Committee on Facilities, Committee on Health, Committee on Housing, Committee on Human Services, Committee on Judiciary and Public Safety, Committee on Public Works and Operations, Committee on Transportation and the Environment, and Committee on Youth Affairs

B26-0261 Fiscal Year 2026 Federal Portion Budget Request Act of 2025

Intro. 05-27-2025 by Chairman Mendelson and referred to the Committee of the Whole

B26-0265 Fiscal Year 2026 Budget Support Act of 2025

Intro. 05-27-2025 by Chairman Mendelson and referred to the Committee of the Whole

B26-0277	Parkside Support Amendment Act of 2025 Intro. 05-28-2025 by Councilmember Felder and referred sequentially to the Committee on Transportation and the Environment, and Committee on Business and Economic Development
B26-0278	Education Reports Simplification Amendment Act of 2025 Intro. 04-28-2025 by Councilmembers Henderson, Bonds, Frumin, Lewis George, and Nadeau and referred to the Committee of the Whole
B26-0279	Medical Cannabis Retailer Craft Preparation Endorsement Amendment Act of 2025 Intro. 04-29-2025 by Chairman Mendelson and referred to the Committee on Business and Economic Development

COUNCIL OF THE DISTRICT OF COLUMBIA

CONSIDERATION OF TEMPORARY LEGISLATION

B26-251, Health Occupations Revision Exemption Temporary Amendment Act of 2025,

B26-256, Subcontracting Requirements Exemption for Contracts for Health Benefits for District Employees Temporary Amendment Act of 2025,

B26-269, Family Re-Housing Stabilization Program Protection Temporary Amendment Act of 2025,

B26-271, District of Columbia Housing Authority Stabilization and Reform Temporary Amendment Act of 2025,

B26-273, Rental Housing Registration Extension Temporary Amendment Act of 2025, and

B26-276, Pilot Truancy Reduction Temporary Amendment Act of 2025.

These temporary measures were adopted on June 5, 2025. A final reading on these measures will occur on July 1, 2025.

COUNCIL OF THE DISTRICT OF COLUMBIA
EXCEPTED SERVICE APPOINTMENTS AS OF May 31, 2025

NOTICE OF EXCEPTED SERVICE EMPLOYEES

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

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	**POSITION TITLE**	**GRADE**	**TYPE OF APPOINTMENT**
Maurice Cates II	Legislative Assistant	6	Excepted
Jakaila Davis	Legislative Assistant	4	Excepted
Alana Khona	Intern	1	Excepted
Jaya Pillai	Legislative Director	8	Excepted
Letisha Vinson	Director of Constituent Services	7	Excepted

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF RE-REFERRED PROPOSED LEGISLATION

The following proposed legislation has been re-referred:

B26-58, “Recycled Refund and Litter Reduction Amendment Act of 2025”

Re-referred to Committee on Business and Economic Development, Transportation and the Environment.

B26-230, “Automatic Retirement Savings Act of 2025”

Re-referred to the Committee on Business and Economic Development with comments from Executive Administration and Labor.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
5/30/2025

****RESCIND**

Notice is hereby given that:
License Number: ABRA-131189 **License Class/Type: C Restaurant**
Applicant: Sonboon Thai LLC
Trade Name: Birdsong Thai
SMD: 3/4G05

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

5507 CONNECTICUT AVENUE NW, WASHINGTON, DC 20015

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

7/14/2025

A HEARING WILL BE HELD ON:
8/4/2025

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 - 1 am	10 am - 1 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:	10 am - 1 am	10 am - 1 am	-
Saturday:	10 am - 1 am	10 am - 1 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
6/6/2025

Notice is hereby given that:
License Number: ABRA-000753 **License Class/Type: C Restaurant**
Applicant: Calvert Restaurant Inc.
Trade Name: Mama Ayesha's Calvert Restaurant
SMD: 1C04

Has applied for the renewal of an alcoholic beverage license at the premises:
1967 CALVERT STREET NW, WASHINGTON, DC 20009
PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
7/21/2025

A HEARING WILL BE HELD ON:
8/11/2025

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:	10 am - 1 am	10 am - 1 am	-
Monday:	10 am - 1 am	10 am - 1 am	-
Tuesday:	10 am - 1 AM	10 am - 1 am	-
Wednesday:	10 am - 1 am	10 am - 1 am	-
Thursday:	10 am - 1 am	10 am - 1 am	-
Friday:	10 am - 1 am	10 am - 1 am	-
Saturday:	10 am - 1 am	10 am - 1 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	5 pm - 10 pm	5 pm - 10 pm
Monday:	5 pm - 10 pm	5 pm - 10 pm
Tuesday:	5 pm - 10 pm	5 pm - 10 pm
Wednesday:	5 pm - 10 pm	5 pm - 10 pm
Thursday:	5 pm - 10 pm	5 pm - 10 pm
Friday:	5 pm - 10:30 pm	5 pm - 10:30 pm
Saturday:	5 pm - 10:30 pm	5 pm - 10:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
6/6/2025

Notice is hereby given that:
License Number: ABRA-124807 **License Class/Type: D Restaurant**
Applicant: New Queens Cafe, LLC
Trade Name: Queens Cafe
SMD: 1C07

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

2405 18TH STREET NW, WASHINGTON, DC 20009

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

7/21/2025

A HEARING WILL BE HELD ON:
8/11/2025

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

ENDORSEMENT(S): Cover Charge Entertainment

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
5/23/2025

****RESCIND**

Notice is hereby given that:
License Number: ABRA-131188 **License Class/Type: C Restaurant**
Applicant: Washoku DC LLC
Trade Name: Koryouri Urara
SMD: 2E02

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

1608 WISCONSIN AVENUE NW, WASHINGTON, DC 20007

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

7/7/2025

A HEARING WILL BE HELD ON:
7/28/2025

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

ENDORSEMENT(S): Summer Garden

Days	ours 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 - 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

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date:	**June 6, 2025
Protest Petition Deadline:	**July 21, 2025
Roll Call Hearing Date:	**August 11, 2025
Protest Hearing Date:	**September 24, 2025

License No.:	ABRA-132405
Licensee:	Marrakecsh, LLC
Trade Name:	Marrakecsh
License Class:	Retailer's Class "C" Restaurant
Address:	1331 H Street, N.W.
Contact:	Sami Khan: (571) 234-2045, samikhan1962@aol.com

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **August 11, 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. The **Protest Hearing date** is scheduled for ****September 24, 2025, at 1:30 p.m.**

NATURE OF OPERATION
New Class "C" Restaurant with a Seating Capacity of 120 and Total Occupancy Load of 125. The Licensee is also requesting an Entertainment Endorsement with Cover Charge and Dancing. Holiday Extension of Hours Endorsement.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

HOURS OF LIVE ENTERTAINMENT
Sunday through Thursday 10pm – 2am, Friday and Saturday 10pm – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	**May 23, 2025
Protest Petition Deadline:	**July 7, 2025
Roll Call Hearing Date:	**July 28, 2025
Protest Hearing Date:	**September 10, 2025

License No.:	ABRA-132405
Licensee:	Marrakecsh, LLC
Trade Name:	Marrakecsh
License Class:	Retailer's Class "C" Restaurant
Address:	1331 H Street, N.W.
Contact:	Sami Khan: (571) 234-2045, samikhan1962@aol.com

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **July 28, 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. The **Protest Hearing date** is scheduled for ****September 10, 2025, at 1:30 p.m.**

NATURE OF OPERATION
New Class "C" Restaurant with a Seating Capacity of 120 and Total Occupancy Load of 125. The Licensee is also requesting an Entertainment Endorsement with Cover Charge and Dancing. Holiday Extension of Hours Endorsement.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

HOURS OF LIVE ENTERTAINMENT
Sunday through Thursday 10pm – 2am, Friday and Saturday 10pm – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 6, 2025
Protest Petition Deadline:	July 21, 2025
Roll Call Hearing Date:	August 11, 2025

License No.:	ABRA-098888
Licensee:	Suns Cinema Inc.
Trade Name:	Suns Cinema
License Class:	Retailer's Class "C" Tavern
Address:	3107 Mount Pleasant Street, N.W.
Contact:	Cameron Mixon: (202) 686-7600, cmixon@theveritaslawfirm.com

WARD 1 ANC 1D SMD 1D04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 11, 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 with Dance Floor.

CURRENT HOURS OF OPERATION
Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

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

PROPOSED HOURS OF LIVE ENTERTAINMENT
Sunday through Thursday 6pm – 2am, Friday and Saturday 5pm – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 6, 2025
Protest Petition Deadline:	July 21, 2025
Roll Call Hearing Date:	August 11, 2025
Protest Hearing Date:	September 24, 2025

License No.:	ABRA-132657
Licensee:	407 Morse Hospitality, LLC
Trade Name:	TBD
License Class:	Retailer's Class "C" Tavern
Address:	405 – 407 Morse Street, N.E.
Contact:	Matthew Minora, Esq.: (202) 625-7700, mminora@malliosobrien.com

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 11, 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. The **Protest Hearing date** is scheduled for **September 24, 2025, at 1:30 p.m.**

NATURE OF OPERATION
New Retailer's Class "C" Tavern with an indoor Seating Capacity of 25, Summer Garden with 60 Seats, and a Total Occupancy Load of 265 throughout. The Licensee is also requesting an Entertainment Endorsement to provide Live Entertainment and Dancing. Extended Holiday Hours.

HOURS OF OPERATION INSIDE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN
Sunday through Saturday 8am – 3am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN
Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN
Sunday through Saturday 8am – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 6, 2025
Protest Petition Deadline: July 21, 2025
Roll Call Hearing Date: August 11, 2025
Protest Hearing Date: September 24, 2025

License No.: ABRA-132686
Licensee: TBK, LLC
Trade Name: TBD
License Class: Retailer's Class "A" Internet
Address: 301 New York Avenue, N.E.,
Contact: Frank Knizner: (571) 895-2853, frank.knizner@bevlaw.com

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 11, 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. The **Protest Hearing date** is scheduled on **September 24, 2025 at 1:30 p.m.**

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

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES
Sunday through Saturday 6am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 6, 2025
Protest Petition Deadline:	July 21, 2025
Roll Call Hearing Date:	August 11, 2025
Protest Hearing Date:	September 24, 2025

License No.:	ABRA-132678
Licensee:	Uchi Growth, LLC
Trade Name:	Uchi
License Class:	Retailer's Class "C" Restaurant
Address:	1700 M Street, N.W.
Contact:	Matthew Minora: (202) 625-7700, mminora@malliosobrien.com

WARD 2 ANC 2C SMD 2C02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 11, 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. The **Protest Hearing date** is scheduled for **September 24, 2025, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with a Seating Capacity of 188 and a Total Occupancy Load of 276.

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

Sunday through Saturday 11am – 12am

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, July 30, 2025, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA07-30-2025
Via Telephone: 202-860-2110 Access Code: 2309 376 7992
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.

WARDS TWO & THREE

Application of:	**Ehsan Jazini**
Case No.:	**21326**
Address:	3546 Whitehaven Parkway N.W. (Square 1296, Lot 384)
ANC:	**2E & 3B**
Relief:	Special Exception under: • the accessory apartment use requirements of Subtitle U § 253 (pursuant to Subtitle X § 901.2) Special Exceptions from: • the rear yard requirements of Subtitle D § 207.1 (pursuant to Subtitle D § 5201 and Subtitle X § 1002) • the lot occupancy requirements of Subtitle D § 210.1 (pursuant to Subtitle D § 5201 and Subtitle X § 1002) • the accessory building rear yard requirements of Subtitle D § 5004.1(a) (pursuant to Subtitle D § 5201 and Subtitle X § 1002)
Project:	To construct a three-story with cellar rear addition, and a detached, two-story accessory garage with accessory apartment, to an existing, attached, three-story with cellar, principal dwelling unit in the R-3/GT Zone.

WARD SIX

Application of:	**Stephen Jackson**
Case No.:	**21329**
Address:	1128 4th N.E. (Square 773, Lot 73)
ANC:	**6C**
Relief:	Special Exception from: • the rooftop and upper floor element requirements of Subtitle E § 204.4 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a front porch to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 Zone.

WARD TWO

Application of:	**Paul Pike**
Case No.:	**21330**
Address:	1818 15th N.W. (Square 191, Lot 63)
ANC:	**2B & 2F**
Relief:	Area Variance from: • the lot occupancy requirements of Subtitle E § 210.1 (pursuant to Subtitle X § 1002)
Project:	To construct a rear carport to an existing, attached, three-story principal dwelling unit in the RF-1/DC Zone.

WARD FIVE

Application of:	**Pamela Wilson**
Case No.:	**21335**
Address:	2016 1st Street N.W. (Square 3116, Lot 11)
ANC:	**5E**
Relief:	Special Exception from: • the minimum vehicle parking requirements of Subtitle C § 701 (pursuant to Subtitle C § 703.2 and Subtitle X § 901.2) Use Variance from: • the residential conversion requirements of Subtitle D § 301.1(b) (pursuant to Subtitle X § 1002)
Project:	To permit a third-story dwelling unit, and convert to an apartment house, an existing, attached, three-story flat, in the RF-1 Zone.

WARD TWO

Application of:	**United Unions, Inc.**
Case No.:	**21336**
Address:	1750 New York Avenue N.W. (Square 171, Lot 33)
ANC:	**2A**
Relief:	Special Exception under: • the penthouse use requirements of Subtitle C § 1501.1(e) (pursuant to Subtitle X § 901.2) Special Exception from: • the uniform height wall enclosure requirements for penthouse habitable space of Subtitle C § 1503.4(a) (pursuant to Subtitle C § 1506 and Subtitle X § 901.2)
Project:	To construct a penthouse addition, to an existing, detached, eight-story with penthouse, commercial building in the D-2 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?
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Chinese

您需要有人帮助参加活动吗？
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French

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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
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: **Thursday, July 24, 2025 @ 4:00 p.m.**
Via WebEx: https://dcoz.dc.gov/ZC25-03 (to participate & watch)
Via Telephone: 1-650-479-3208 Access code: 2315 992 8173 (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. 25-03 (Jeremiah House – Voluntary Design Review @ 2 18th Street SE (Sq. 1110, Lot 86)) (the "Property")

THIS CASE IS OF INTEREST TO ANC 7D

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 indicated above. Also, see below: *How to participate as a witness – oral statements*. **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*.

On April 16, 2025, the Zoning Commission (the "Commission") received an application from So Others Might Eat (the "Applicant") for Voluntary Design Review (the "Application"). The Applicant is requesting approval of plans by the Commission to renovate, expand, and convert an existing rooming house to an apartment building pursuant to the Voluntary Design Review process.

The Property is in the Lincoln Park / Hill East neighborhood of Ward 7. The Property contains approximately 6,864 square feet of land area and is designated Moderate Density Residential on the Future Land Use Map and Neighborhood Conservation Area on the Generalized Policy Map of the District of Columbia Comprehensive Plan. The Property is located in the RF-1 Zone District.

The Applicant proposes to renovate and expand the existing building to convert it from a rooming house with 57 units to an apartment building with approximately 61 apartments (the "Project"). The Project will contain approximately 26,075 square feet of gross floor area and will be approximately 50 feet tall (i.e., within the height limit permitted in the RF-1 zone under the Voluntary Design Review process). The lot occupancy will remain unchanged at 80%. Also, in accordance with the Voluntary Design Review procedure, the Application includes requests flexibility from building height and rear yard development standards; and requests the following special exception and variance relief:

This hearing 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.

- Special exception from minimum parking requirements (Subtitle C § 703.2);
- Special exception for conversion of an existing residential building to an apartment house (Subtitle U § 320.2);
- Special exception from penthouse setback requirements (Subtitle C §1504.1(d));
- Variance relief from transportation demand management plan requirements (Subtitle C § 703.4);
- Variance relief from minimum of 900 square feet of land area per dwelling unit requirement (Subtitle U § 320.2(c)); and
- Variance relief from the minimum area requirement for Voluntary Design Review (Subtitle X § 601.3(a)).

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal 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, **all written comments and/or testimony must 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	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 a reasonable balance in the allocation of time between proponents and opponents.

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at 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 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.** This form may also be obtained from OZ at the address stated below.

"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 prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 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 M. WRIGHT, TAMMY STIDHAM, AND JOSEPH S. IMAMURA, 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.

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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።

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING[1]
Z.C. CASE NO. 24-01
Howard University, The Trustees of Florida Avenue Baptist Church,
and Florida Avenue Baptist Church
(Zoning Map Amendment @ Squares 3060, 3064, 3065, 3074, 3075, & 3078)
March 13, 2025

The Zoning Commission for the District of Columbia (the Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2016 Repl.)), hereby adopts the following amendments to the Zoning Map listed at the end of this notice.

- Map amendment to rezone the properties identified below, which are located on the east side of Georgia Avenue, N.W., from Euclid Street, N.W. south to Florida Avenue, N.W. (collectively, the Property), as follows:
  - Square 3060, Lots 830 and 839 from the RA-2 zone to the MU-10 zone;
  - Square 3064, Lots 45 and 837 from the RA-2 zone to the MU-10 zone;
  - Square 3064, Lots 44 and 826 from the PDR-2 zone to the MU-10 zone;
  - Square 3065, Lots 829, 830, 831, 833, and 834 from the PDR-3 zone to the MU-10 zone;
  - Square 3074, Lot 11 from the PDR-3 zone to the MU-9B zone;
  - Square 3075, Lot 807 (western portion) from the PDR-3 and RA-2 zones to the MU-9B zone;
  - Square 3075, Lot 807 (eastern portion) from the PDR-3 and RA-2 zones to the MU-10 zone; and
  - Square 3078, Lots 17, 26, 27, 28, and 30 from the PDR-3 zone to the MU-10 zone.

The Commission determined the Property is appropriate for IZ Plus. The Property shall be indicated with an "IZ+" symbol on the Zoning Map. For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the Property's existing zoning of RA-2 is the equivalent of 1.8 FAR; the maximum permitted FAR of the Property's existing zoning of PDR-2 is 4.5 FAR for Subtitle J § 201.2 use categories and 3.0 FAR for Subtitle J § 201.3 all other uses; and the maximum permitted FAR of the Property's existing zoning of PDR-3 is 6.0 FAR for Subtitle J § 201.2 use categories and 4.0 FAR for Subtitle J § 201.3 all other uses.

THE PETITION

On January 12, 2024, and as amended on January 17, 2024, Howard University (hereinafter referred to as the University or Petitioner), in conjunction with The Trustees of Florida Avenue Baptist Church and the Florida Avenue Baptist Church (collectively, the Church), filed a petition requesting that the Commission approve a proposed map amendment to rezone the Property from the RA-2 zone to the MU-10 zone, the PDR-2 zone to the MU-10 zone, the PDR-3 zone to the MU-10 zone, the PDR-3 zone to the MU-9B zone, and the RA-2 zone to the MU-9B zone (the

[1] For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 24-01.

request is collectively referred to as the Map Amendment or the Petition) (Exhibit [Ex.] 1-4A). The Petition states that the proposed rezoning is, on balance, not inconsistent with the Comprehensive Plan (CP); would further the Property's designations on the CP Maps, Citywide Elements, and the Mid-City Area Element; would facilitate redevelopment opportunities with housing and retail options that are lacking in the surrounding area; and would further CP racial equity goals and policies to foster an inclusive city, as discussed below (Ex. 3).

Description of the Property to be Rezoned

The Property consists of approximately 1,157,379 square feet of land area (26.56± acres) primarily within Howard's Central Campus and is located within the boundaries of Advisory Neighborhood Commission (ANC) 1E and ANC 1B. The Property includes the Howard University Hospital, the Howard University College of Medicine, Howard University auxiliary services, and various retail uses. The Property is bounded on the north by Euclid Street, on the south by Florida Avenue, on the east by the University's campus and single-family residences, and on the west by Georgia Avenue.

The majority of the proposed area to be rezoned is governed by the 2020–2030 Howard University Central Campus Plan (the Campus Plan[2]), which became effective on April 8, 2022 (Z.C. Order No. 20-08).

Current Zoning

The Property is currently zoned RA-2, PDR-2, and PDR-3.

The RA-2 zone is intended to provide for areas developed with predominately moderate-density residential uses (Subtitle F § 101.5). The RA-2 zone permits a maximum density of 1.8 floor area ratio (FAR) (2.16 FAR for IZ); permits a maximum building height of fifty feet (50 ft.); permits a maximum penthouse height of twelve feet (12 ft.), except fifteen feet (15 ft.) for penthouse mechanical space; and permits a maximum lot occupancy of sixty percent (60%) (Subtitle F §§ 201.1, 201.4, 203.2, 205.1, 210.1).

The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones (Subtitle J § 101.4). The PDR-2 zone permits a maximum density of 4.5 FAR for use categories listed in Subtitle J § 201.2[3] (3.0 FAR for all other uses); permits a maximum building height of sixty feet (60 ft.); and permits a maximum penthouse height of twelve feet (12 ft.), except eighteen feet six inches (18 ft., 6 in.) is permitted for penthouse mechanical space (Subtitle J §§ 201, 203.2, 205.1).

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2 The Campus Plan outlines several future and major projects to be undertaken for new and renovated buildings which would result in improved facilities for student, faculty, and staff including additional housing on campus for University students. The Campus Plan also outlines ways to address issues concerning the wider community and restricts housing on land subject to the Campus Plan for University students, faculty, and staff.

3 These land use categories include Agriculture, Large; Animal Sales, Care, and Boarding; Arts, Design, and Creation; Government, Large Scale; Government, Local; Production, Distribution, and Repair; Utility (basic); and Waste-Related Services.

The PDR-3 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones (Subtitle J § 101.5). The PDR-3 zone permits a maximum density of 6.0 for use categories listed in Subtitle J § 201.2 (4.0 FAR for all other uses); permits a maximum building height of ninety feet (90 ft.); and permits a maximum penthouse height of twenty feet (20 ft.) (Subtitle J §§ 201, 203.2, 205.1).

Proposed Zoning

The Petitioner proposes to rezone the Property to the MU-9B and MU-10 zones.

The MU-9 zones are intended to permit high-density mixed-use development including office, retail, and housing, with a focus on employment and residential use and are intended be located in or near the Central Employment Area,[4] on arterial streets, in uptown and regional centers, and at rapid transit stops (Subtitle G § 101.14). The MU-9B zone permits a maximum density of 6.5 FAR (7.8 FAR for IZ), and a maximum FAR of 6.5 for non-residential uses; permits a maximum building height of ninety feet (90 ft.) (one hundred feet [100 ft.] for IZ), with no limit on the number of stories; permits a maximum penthouse height of twenty feet (20 ft.); and has no maximum permitted lot occupancy for residential use (Subtitle G §§ 201.1, 203.2, 205.1, 210.1).

The MU-10 zone is intended to permit medium- to high-density mixed-use development with a balance of uses conducive to higher quality of life and environment; be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan; require a level of public space at the ground level; and allow residential and non-residential bulk to be apportioned between two (2) or more lots in the same square (Subtitle G § 101.15). The MU-10 zone permits a maximum density of 6.0 FAR (7.2 FAR for IZ), and a maximum FAR of 3.0 for non-residential uses; permits a maximum building height of ninety feet (90 ft.) (one hundred feet [100 ft.] for IZ), with no limit on the number of stories; permits a maximum penthouse height of twenty feet (20 ft.); and a maximum lot occupancy of seventy-five percent (75%) for residential use (eight percent [80%] for IZ) (Subtitle G §§ 201.1, 203.2, 205.1, 210.1). In the MU-10 zone, the allowable residential and non-residential FAR may be apportioned between two (2) or more lots in the same square, regardless of the FAR limits, subject to a combined lot agreement in accordance with the provisions of Subtitle C, Chapter 12 and the conditions set forth in Subtitle G § 201.3(a) and (b) (Subtitle G § 201.3).

SET DOWN

At its March 28, 2024 public meeting, the Commission voted to set down the proposed Map Amendment Petition for a public hearing as a rulemaking[5] case.

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[4] The Central Employment Area (CEA) is the core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The geographic boundaries of the CEA are detailed in the Comprehensive Plan. Subtitle B § 100.2.

[5] Based on the standards contained in Subtitle Z §§ 201.2, 201.5, and 201.7, and pursuant to Subtitle Z § 201.9, the Commission determined the designation of this case as a rulemaking case. More specifically, the Commission set this case down as a rulemaking case pursuant to Subtitle Z § 201.7(b)(1) because the University does not own all of the property proposed to be rezoned. Further, the Commission also noted that the property proposed to be rezoned

NOTICE

On October 18, 2024, pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the December 16, 2024, public hearing, and published notice of the public hearing in the November 1, 2024 *District of Columbia Register*, and published notice of the public hearing on the calendar on OZ's website (Ex. 18-20).

ANC Reports

The Property is located within the boundaries of ANCs 1E and 1B. Therefore, both ANCs are an affected ANC, as defined by Subtitle Z § 101.8. On October 31, 2024, ANC 1E submitted a report (ANC 1E Report) expressing ANC 1E's recommendation of support for the Map Amendment (Ex. 22). On December 3, 2024, ANC 1B submitted a report (ANC 1B Report) expressing ANC 1B's recommendation of support for the Map Amendment (Ex. 27). Neither ANC cited any issues and concerns in its report.

Comments

Prior to the December 16, 2024, public hearing, the W1 Alliance of Howard Neighbors filed a letter in opposition to the proposed Map Amendment, citing various arguments generally summarized as follows (Ex. 33):

- The Map Amendment should be re-setdown as a contested case, primarily to allow cross-examination of the Petitioner and OP;
- There are no comprehensive and concrete impact studies or assessments to support the contentions that the Map Amendment will not result in adverse impacts and will result in transportation and infrastructure improvements, specifically no detailed impact assessments regarding traffic/transportation, the environment, and displacement;
- The Petitioner's community outreach and engagement was lacking particularly to affected vulnerable residents in adjacent public housing as it did not include racial equity impact analyses to evidence the specific individuals notified and their opportunity to provide feedback on how the proposed increase in density would impact them; and
- The Petitioner and OP's CP Future Land Use Map (FLUM) analyses are flawed and made without supporting impact studies. Likewise, the CP 2021 update changes to the FLUM were never reviewed as to impacts contravening the D.C. Code and the CP requirements for impact assessments.

OP Reports

On March 18, 2024, OP submitted a report (OP Setdown Report) recommending that the Commission set down the proposed Map Amendment Petition for public hearing and concluding that the proposal would not be inconsistent with the CP Maps, Citywide Elements and the Mid-City Area Element, including when viewed through a racial equity lens; and would advance recommendations of the DUKE Small Area Plan (Ex. 12). On December 6, 2024, OP submitted a report (OP Hearing Report and, together with the OP Setdown Report, the OP Reports) that recommended approval of the proposed Map Amendment Petition and largely reiterated the

is of a character that raises land use policy questions to a greater degree than highly localized issues of facts and effects on neighboring properties.

statements and conclusions of the OP Setdown Report (Ex. 29). The OP Reports acknowledge that it is difficult to assess the actual impact that would result from any development on the Property; however, the potential impacts-positive or negative-of new development resulting from the proposed rezoning can be assessed, on the assumption that development consistent with the permissions of the proposed MU-9B and MU-10 zones would, at some point, be done on the Property (Ex. 12 at 12; Ex. 29 at 12).

A summary of the contents of the OP Reports follows.

COMPREHENSIVE PLAN: CP MAPS

Future Land Use Map (FLUM)

The FLUM designates the Property with the following land uses categories:

- Mixed Use (Medium Density Residential/Medium Density Commercial/Institutional);
- Mixed Use (High Density Residential/Medium Density Commercial/Institutional); and
- Mixed Use (Medium Density Residential/Medium Density Commercial)

These land use categories are defined below:

- ***Mixed Use Categories****: The Future Land Use Map indicates areas where the mixing of two or more land uses is especially encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. . . The Mixed Use Category generally applies in the following circumstances:*
  a. *Established, pedestrian-oriented commercial areas that also include substantial amounts of housing, typically on the upper stories of buildings with ground-floor retail or office uses;*
  b. *Commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground-floor retail or office uses and upper story housing;*
  c. *Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist, but a plan depicting the precise location of these uses has yet to be prepared; and*
  d. *Development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses (10-A DCMR § 227.20); The "Mixed Use" designation is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are specifically encouraged in the future 10-A DCMR §227.22. A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. . . . Residential uses are permitted in all of the MU zones, however, so many Mixed-Use areas may have MU zoning (10-A DCMR § 227.23).*
- ***Medium Density Residential****: This designation is used to define neighborhoods or areas generally but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0 FAR, although greater density may be*

possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential Category, and other zones may also apply (10-A DCMR § 227.7);

- *High Density Residential: This designation is used to define neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings. Pockets of less dense housing may exist within these areas. Density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-4 and RA-5 Zone Districts are consistent with the High Density Residential category, and other zones may also apply (10-A DCMR § 227.8);*
- *Medium Density Commercial: This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply (10-A DCMR § 227.12); and*
- *Institutional: This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories (10-A DCMR § 227.18).*

Citing the CP Framework Element, which states that the FLUM is intended to provide generalized guidelines for development decisions, OP concluded that the proposed Map Amendment is not inconsistent with the Property's FLUM designations. The Framework Element identifies the MU-10 zone as being consistent with the Medium Density Commercial category. OP also found the MU-9B zone to be appropriate because the MU-9B zone permits high-density mixed-use development including office, retail, and housing, with a focus on employment and residential use.

Generalized Policy Map (GPM)
The GPM indicates that a significant portion of the Property is within the policy area designated as a Main Street Mixed Use Corridor, which encompasses substantial portions of 7th Street, N.W. and Georgia Avenue, N.W. The portion of the Property located on the east side of Georgia Avenue, N.W., south of Bryant Street, N.W. and north of V Street, N.W., is designated as a Multi-Neighborhood Center.

These designations are defined below:

- *Main Street Mixed Use Corridors: These are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian- oriented environment with traditional storefronts. Many have upper-story residential or office uses and some corridors are underutilized, with capacity for* *redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment; and* (10-A DCMR § 225.14)

- *Multi-Neighborhood Centers: Multi-Neighborhood Centers contain many of the same activities as Neighborhood Commercial Centers, but in greater depth and variety. The area served by a Multi-Neighborhood Center is typically one to three miles. These centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses. These centers also may include residential and office space for small businesses, although their primary function remains retail trade* (10-A DCMR § 225.17).

OP concluded that the proposed Map Amendment is not inconsistent with the GPM. The area to be rezoned is part of the larger Georgia Avenue Main Street Mixed Use Corridor, a pedestrian-oriented roadway with multiple bus routes and is in close proximity to the Shaw/Howard University and the U Street/African American Civil War Memorial/Cardozo Metrorail stations. Portions of the Property along 7th Street and Georgia Avenue, N.W. are designated Main Street Mixed Use Corridor on the GPM. The proposed MU-9B and MU-10 zones would facilitate new development that would maintain a pedestrian-friendly environment and would encourage transit use. Furthermore, the proposed Map Amendment would enable the redevelopment of this portion of Georgia Avenue with a mix of university uses and new retail uses that would serve the wider community, consistent with the objectives for a Main Street Mixed Use Corridor.

The proposed MU-9B and MU-10 zones are not inconsistent with the recommendations of the Multi-Neighborhood Center designation, which is the GPM designation for the portion of the Property located between Bryant Street, N.W. on the north, and V Street, N.W. on the south. The density and intensity of development that would be allowed under the proposed Map Amendment would enable a mix of uses and could support surrounding uses that are specific to the University and the Howard University Hospital. As such, the proposed Map Amendment would improve the immediate neighborhood and is therefore not inconsistent with the GPM.

IZ Plus

The OP Reports noted that IZ Plus would automatically apply to the proposed Map Amendment[6] (*See* Subtitle X §§ 502.1(a)(1), 502.1(b)). However, OP acknowledged that housing developed on the Property exclusively for University students, faculty, or staff would not be subject to the IZ Program (See Subtitle C § 1001.6(c)).

COMPREHENSIVE PLAN: CITYWIDE ELEMENTS

The OP Reports asserted that the Map Amendment proposal is, on balance, not inconsistent with the Citywide Elements of the Comprehensive Plan (Ex. 12). OP concluded that the proposed Map

[6] The OP Hearing Report recommended that IZ Plus only apply to the Property owned by the Church and portions of the Property extracted from the Campus Plan in the future; however, at the December 16, 2024 public hearing OP testified that it was changing its recommendation such that IZ Plus should apply to all of the Map Amendment Property (*See* December 16, 2024 Hearing Transcript [Tr.] at p. 27-28).

Amendment would further policies of the Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Educational Facilities Elements.

Land Use

The proposal would not be inconsistent with the Land Use Element as the proposed rezoning to the MU-9B and MU-10 zones would facilitate the redevelopment of underutilized land with a mix of uses that would enhance the surrounding neighborhood and revitalize and the lower Georgia Avenue, N.W. corridor. The Comprehensive Plan Maps, the Mid-City Area Element and Focus Policy Areas, and the Campus Plan do not anticipate PDR uses on the Property. The proposed Map Amendment would allow for redevelopment with a mix of neighborhood-serving retail, university housing, office, and other institutional uses that could serve the University as well as existing and future residents of the surrounding neighborhood and could therefore help to create a vibrant corridor experience.

The proposed Map Amendment would further the Land Use Element policies listed below:

- *Policy LU-1.4.1: Station Areas as Neighborhood Centers;*
- *Policy LU-1.4.2: Development Around Metrorail Stations;*
- *Policy LU-1.4.3: Housing Around Metrorail Stations;*
- *Policy LU-1.4.6: Development Along Corridors;*
- *Policy LU-2.1.1: Variety of Neighborhood Types;*
- *Policy LU-2.1.2: Neighborhood Revitalization;*
- *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods;*
- *Policy LU-2.2.4: Neighborhood Beautification;*
- *Policy LU-2.3.5: Institutional Uses;*
- *Policy LU-2.4.5: Encouraging Nodal Development;*
- *Policy LU-2.4.6: Scale and Design of New Commercial Uses;*
- *Policy LU-3.2.6: Rezoning of Industrial Areas;*
- *Policy LU-3.3.1: Transportation Impacts of Institutional Uses; and*
- *Policy LU-3.3.2: Corporate Citizenship.*

Transportation

The proposal would not be inconsistent with the Transportation Element as the Campus Plan incorporates many of its goals and policies which would be implemented through any new development or redevelopment along Georgia Avenue, N.W. Although some improvements are underway, many more are associated with the redevelopment of the Property. Movements related to buses, vehicles and bicycles would be assessed as part of any redevelopment. The Transportation Element encourages cross-street connections, which are being implemented through the Campus Plan and would be furthered by any new development. Improvements to facilitate pedestrian movements and streetscape improvements could also be implemented to enhance the walkability of the area and discourage auto-orientated uses because the proposed rezoning would allow a multitude of active uses. Further, because the Property is located along a major transit corridor near various forms of public transit, future redevelopment could provide increased access to neighborhood-serving commercial uses and institutional uses within the surrounding area.

The proposed Map Amendment would further the Transportation Element policies listed below:

- *Policy T-1.1.4: Transit-Oriented Development;*
- *Policy T-1.1.7: Equitable Transportation Access;*
- *Policy T-1.2.1: Major Thoroughfare Improvements;*
- *Policy T-1.2.3: Discouraging Auto-Oriented Uses;*
- *Policy T-2.3.2: Bicycle Network;*
- *Policy T-2.4.1: Pedestrian Network;*
- *Policy T-2.4.2: Pedestrian Safety;*
- *Policy T-2.5.5: Natural Landscaping;*
- *Policy T-2.6.1: Transportation Access; and*
- *Policy T-2.6.2: Transit Needs.*

Housing

The proposal would not be inconsistent with the Housing Element as generally, the rezoning from the RA and PDR zones to the MU-9B and MU-10 zones would allow for additional housing and affordable housing development than under the existing zoning. The Property is governed by the Campus Plan which limits housing development to University students, faculty, and staff; however, the additional density through the rezoning would allow for a larger number of students to reside on campus and allow other available housing opportunities to go to other District residents. Moreover, if portions of the Property are removed from the Campus Plan and developed for non-university uses, the proposal would help create additional housing at a desirable, transit-accessible location that is consistent with the city's land use and housing policies and objectives.

The proposed Map Amendment would further the Housing Element policy reprinted below:

- *Policy H-1.3.5 - Student Housing*: *Require colleges and universities to address the needs of their students and promote the use of such housing by their students.*

Environmental Protection

The proposal would not be inconsistent with the Environmental Protection Element as any future development or redevelopment of the Property would be required to comply with the Green Building Act and the District's storm water management regulations and would therefore be consistent with the Sustainable DC Plan in addition to any other requirements by the District of Columbia Department of Energy and the Environment (DOEE). Additionally, the developed or redeveloped buildings would be required to incorporate energy efficient systems to reduce energy use and provide alternative energy sources that would contribute to the District's energy efficiency goals. Redevelopment of the Property could also include new landscaping and environmentally friendly enhancements to the adjoining streetscape that would meet the City's Environmental Protection goals.

The proposed Map Amendment would further the Environmental Protection Element polices listed below:

- *Policy E-1.1.2: Urban Heat Island Mitigation;*
- *Policy E-2.1.2: Tree Requirements in New Development;*
- *Policy E-2.1.3: Sustainable Landscaping Practices;*
- *Policy E-3.2.3: Renewable Energy;*

- *Policy E-3.2.7: Energy-Efficient Building and Site Planning;*
- *Policy E-3.2.9: Energy Efficiency for Major Employers;*
- *Policy E-4.1.1: Maximizing Permeable Surfaces; and*
- *Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff.*

Economic Development

The proposal would not be inconsistent with the Economic Development Element. The proposed Map Amendment has the potential to provide new retail, office and service opportunities in a transit-accessible area. Additional office space could allow for the expansion of healthcare and research uses associated with the University. The Map Amendment also increases the potential to create significant retail and service space to support the needs of the University and residents in the surrounding area. Furthermore, future uses could support institutional growth and programs associated with the University and also assist in revitalizing the Georgia Avenue, N.W. corridor.

The proposed Map Amendment would further the Economic Development Element policies listed below:

- *Policy ED-1.1.5: Build Capacity and Opportunities;*
- *Policy ED-1.3.4: Leveraging and Adapting to Technological Change;*
- *Policy ED-2.2.1: Expanding the Retail Sector;*
- *Policy ED-2.2.7: Planning For Retail;*
- *Policy ED-2.4.1: Institutional Growth;*
- *Policy ED-2.4.2: Secondary Benefits;*
- *Policy ED-2.4.3: Higher Education and Health Care Linkages; and*
- *Policy ED-2.4.5: Partnerships with Anchor Institutions.*

Educational Facilities

The proposal would not be inconsistent with the Educational Facilities Element. The University is supportive of many of the District's goals for improvement in education, preservation of the environment, encouraging and supporting the use of public transportation, and reducing the use of single-occupancy vehicles and intends to incorporate these measures in future development of the Property. The University is also heavily involved in the community and places multiple student volunteers throughout the community that will continue to serve District residents through the services they provide. Additionally, the University would continue to support opportunities that serve and address the needs of the University as well as the surrounding community. Further, the proposed Map Amendment would allow a significant increase in on-site housing opportunities for both lower and upper-class students. Most importantly, the proposed Map Amendment would result in a level of development that is anticipated by the Campus Plan.

The proposed Map Amendment would further the Educational Facilities Element policies listed below:

- *Policy EDU-3.2.2: Corporate Citizenship;*
- *Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs;*
- *Policy EDU-3.3.4: Student Housing;*
- *Policy EDU-3.3.5: Transportation Impacts of Colleges and Universities;*
- *Policy EDU-3.3.6: Faculty Housing;*

- *Policy EDU-3.3.9: Educational Facilities and Large Site Development; and*
- *Policy EDU-3.3.11: Access to Recreational, Educational, and Cultural Opportunities.*

COMPREHENSIVE PLAN: MID-CITY AREA ELEMENT

The Property proposed to be rezoned is located within the Mid-City Area Element of the Comprehensive Plan. The Mid-City Planning Area is comprised of approximately 3.1 square miles. 10-A DCMR § 2000.1. The Planning Area is one of the most diverse parts of Washington, DC. Although it is one of the smallest of the ten planning areas geographically, it is the most populous and most dense. 10-A DCMR § 2000.2. Some Mid-City neighborhoods are still facing challenging economic and social conditions, including the Georgia Avenue N.W. and Florida Avenue N.W. corridors, where some buildings continue to lie vacant. 10-A DCMR § 2000.8.

The proposal would not be inconsistent with the Mid-City Area Element as the proposed MU-9B and MU-10 zones would provide for increased development potential, which would enhance and support the economic vitality of the surrounding Property area. The proposed Map Amendment would allow for higher density growth along the Georgia Avenue, N.W. corridor, as encouraged by the Property's GPM and FLUM designations, and would help preserve the row house character of the adjacent residential neighborhoods of LeDroit Park, Shaw, and Pleasant Plain. As envisioned in the Campus Plan, the revitalization and redevelopment of Property fronting on the Georgia Avenue, N.W. corridor would provide opportunities to enhance facades and buildings, and pedestrian and bicycle connections. New development could also include improvement to stormwater infrastructure, street trees, green roofs, pervious surfaces, and bioretention areas.

There are portions of the Property that are located within two policy focus areas within the Mid-City Area Element—the *Georgia Avenue Corridor Policy Focus Area* and the *U Street/Uptown Policy Focus Area*—which include a number of tailored recommendations and development objectives. The proposed rezoning would meet the policy for the revitalization for the *Georgia Avenue Corridor Policy Focus Area* because it would enable ground-floor retail and other street-activating uses. Additionally, a portion of the Property is recommended for the Howard Town Center to be developed with a mix use development that could not only serve University uses, but medical and cultural uses that could also serve surrounding residents and the District as a whole. The southern portion of the Property is identified as being with the *U Street/Uptown Policy Focus Area*, which is envisioned as an area that will enhance and promote the District's Black cultural history. A mixed-use center would further policies of the focus area, and could accommodate uses such as arts establishments, restaurants, and shops to serve residents and visitors to the area.

The proposed Map Amendment would further the recommendations of the two policy focus areas that cover the Property, and specifically further the Mid-City Area Element policies and planning actions listed below:

- *Policy MC-1.1.2: Directing Growth;*
- *Policy MC-1.1.3: Infill and Rehabilitation;*
- *Policy MC-1.1.4: Local Services and Small Businesses;*
- *Policy MC-1.1.8: Multimodal Connections;*
- *Policy MC-2.1.1: Revitalization of Lower Georgia Avenue, N.W.;*
- *Policy MC-2.1.2: Georgia Avenue NW Design Improvements;*

- *Policy MC-2.1.3: Howard University;*
- *Policy MC-2.1.5: Cross-Town Connectivity;*
- *Action MC-2.1.A: Corridor Identity;*
- *Action MC-2.1.C: Howard Town Center;*
- *Action MC-2.1.D: Great Streets Improvements; and*
- *Policy MC-2.3.2: Uptown Subareas.*

POTENTIAL CP INCONSISTENCIES

The OP Reports acknowledge that the Map Amendment proposal is potentially inconsistent with Land Use Element Policy LU-3.2.1: *Retain Areas for Industrial Uses*; and Housing Element Policy H-1.1.1: *Private Sector Support*. OP also notes that the Petitioner identified potentially inconsistent CP policies, specifically policies that encourage net-zero buildings (Policy H-1.6.5: *Net-Zero, Energy Efficient Housing;* Policy E-3.2.2: *Net-Zero Buildings*); and Transportation Element Policy T-1.1.8: *Minimize Off-Street Parking*. OP concludes that these potential CP inconsistencies are either mitigated or outweighed by the numerous CP policy goals and objectives described above that would be advanced by the Map Amendment proposal.

DUKE SMALL AREA PLAN (DUKE PLAN)

A significant portion of the Property is subject to the policies and recommendations of the DUKE Plan, the applicable Small Area Plan adopted by the D.C. Council on June 21, 2005. Many of the DUKE Plan's policies and recommendations were adopted in the Mid-City Area Element, or the *Georgetown Avenue Corridor* and the *U Street/Uptown* policy focus areas discussed above, and its policies and recommendations would be advanced by the Map Amendment proposal.

The Property is located within the boundaries of two of the six sub-districts outlined in The DUKE Plan, the Howard Theatre District and the Howard Town Center Area. The Howard Theatre District is intended to "be a vibrant center focused upon a revived Howard Theatre." DUKE Plan p. 14. Properties in this sub-district should be programmed to complement and support a "complete destination with restaurants, outdoor cafes/dining, intimate music clubs, bars, bookstores, art galleries, modest priced retail and other destination uses." The proposed Map Amendment has the potential to advance this recommendation because the proposed MU-9B zone will allow a mixed-use development that could include many of the uses recommended. The Howard Town Center Area is envisioned as a university and neighborhood, where the University and other property owners can develop their properties in accordance with the DUKE Plan. The proposed MU-9B zone would permit development at the recommended heights and density and as envisioned in the Campus Plan. The proposal would also allow for the integration of retail and service uses on the ground floor along with other University uses to serve the neighborhood.

This concludes the summary of the OP Reports.

COMPREHENSIVE PLAN: RACIAL EQUITY

The Comprehensive Plan requires the Commission to apply the standard of review applicable to the Map Amendment through a racial equity lens (10-A DCMR §§ 2501.4-2501.6 and 2501.8). Consideration of equity is intended to be based on the policies of the Comprehensive Plan, and part of the Commission's consideration of whether the Map Amendment is "not inconsistent" with the Comprehensive Plan, rather than a separate determination about a zoning action's equitable impact.

The Comprehensive Plan Framework Element states that equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality (10-A DCMR § 213.6). Further, "[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, healthcare, technology, workforce development, and employment opportunities" (10-A DCMR § 213.7). The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions (10-A DCMR § 213.9).

The Comprehensive Plan Implementation Element suggests to prepare and implement tools to use as a part of the Commission's evaluation process. Consistent with the Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool (Tool) in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from Petitioners and OP analyzing the zoning action's consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable (Part 1); a submission from Petitioner including information about its community outreach and engagement efforts regarding the zoning action (Part 2); and a submission from OP including disaggregated race and ethnicity data for the Planning Area affected by the zoning action (Part 3).

OP

As required by the Commission's Tool, the OP Reports provided Racial Equity Analyses that responded to Part 1 of the Tool as summarized above. The OP Reports also provided disaggregated race and ethnicity data[7] for the Mid-City Planning Area, in which the Property is located, in response to Part 3 of the Tool (Ex. 12, 29). The data makes the following observations about the Planning Area (Ex. 29):

Disaggregated Race and Ethnicity Data:

- "In the 2018 to 2022 study period, the Mid-City planning area was almost evenly split between the White population and other populations. The percentage of both White and Black populations has decreased from the 2012-2016 study period, with other minority groups increasing their share of the total population. The White population decreased from 52% to 50.5%; the Black population decreased from 32.6% to 26.1%, which is reflective of but more significant than the District-wide trend during this period.";
- "The Mid-City planning area has a higher median income than the District as a whole, as evidenced by data from both the 2012-2016 and 2018-2022 survey periods. The planning area

[7] In response to Part 3 of the Tool, the OP Setdown Report provided disaggregated race and ethnicity data taken from the 2012-2016 and the 2017-2021 American Community Survey (ACS) 5 Year Estimates, which are available via the OP State Data Center. After the OP Setdown Report was filed, the OP State Data Center was updated to include more current ACS data from 2018-2022. The updated data, which includes the 2018-2022 ACS 5 Year Estimates, is provided in the OP Hearing Report and is summarized herein.

median income, however, increased faster than the citywide median, but these gains were not distributed evenly across racial groups. The median income of some groups saw significant increases, while other groups saw more modest gains, or, in the case of those identifying as American Indian and Alaskan Native, a decrease.";

- "Fewer residents in the Mid-City planning area own their home than in the District as a whole – 38.3% compared to 41.4%. The homeownership rate in the planning area increased slightly over the two survey periods, similar to the District-wide trend. The homeownership rate among White households went up, as opposed to citywide, where White ownership went down by a fraction of a percent. Black homeownership decreased in the planning area, although somewhat less than the citywide trend. Homeownership also went up among several other racial groups.";
- "Between 2012-2016, the unemployment rate in the planning area was at 6%, which was lower than the District at 8.7%." Although the rate of both the District and the planning area fell in 2018-2022 period, "the Planning Area's unemployment rate at 4.4% remained well below that of the District as a whole" at seven and eleven one-hundredths percent (7.11%); and
- "The housing cost burden in the planning area was approximately 3 and 6 percentage points lower than that of the District during the 2012-2016 and 2018-2022 time periods. The poverty rate of the Planning Area for the 2012-2016 period was lower than the District as a whole but between the 2012-2016 and 2018-2022 periods the poverty rate in the District fell from 17.90% to 15.1% while that of the Planning Area increased from 13.5to 15.1% making poverty level in the District as a whole and the planning area the same."

The OP Reports note that the planning area has exceeded the Mayor's 2025 affordable housing target (as of the Deputy Mayor for Planning and Economic Development Dashboard October 2024 update) by providing one thousand four hundred ninety-four (1,494) affordable housing units, or one hundred forty-seven and five-tenths percent (147.5%) of the target amount. OP concludes that the proposed Map Amendment could free up affordable housing within the neighborhood for other residents as housing within the Campus Plan boundary would be for University students, faculty, and staff. Any affordable units created on development of property outside the Campus Plan boundary could provide increased opportunity for lower-income families to remain in the District and the planning area, and in particular could provide homeownership opportunities. Given the income data by race, it can be inferred that the families benefitting from affordable housing would be Black or other minority groups, which could have some impact on the present trends of declining Black population in the planning area (Ex. 29).

PETITIONER

As required by the Commission's Tool, the Petitioner's submissions provided Racial Equity Analyses that responded to Parts 1 and 2 of the Tool (Ex. 3, 14, 25). In response to Part 2 of the Tool, the Petitioner provided information regarding its community outreach and engagement efforts. The Petitioner initially discussed the proposed Map Amendment with ANC 1B and with ANC 1E on two (2) occasions in the summer of 2023. The proposed Map Amendment was also discussed at the Howard Community Advisory Committee meeting on July 13, 2023, with the following community stakeholders, which are a part of the Howard University Office of External Affairs Community Advisory Council:

- Shaw Mian Street;
- Lower Georgia Avenue Main Street;

- Councilmember's Office;
- Florida Ave Baptist Church;
- LPCA;
- Georgia Avenue Thrive;
- District Bridges;
- Uniting Our Youth;
- Pleasant Plains Civic Association;
- HU Alumni-members of the OEA Community Advisory Council; and
- HU Interim Dean Bradford Grant – College of Architecture.

After the Petition was filed on January 12, 2024, and following the Commission's vote to set down the Petition for public hearing, the Petitioner continued its engagement with local community groups and the affected ANCs. The Petitioner met with the LeDroit Park Civic Association (LPCA) on several occasions and had follow-up meetings with the Howard Community Advisory Committee on February 15, 2024, and on May 22, 2024. The Petitioner's community engagement resulted in the execution of a Memoranda of Agreement between the Petitioner and the LPCA and between the Church and the LPCA (Ex. 25A, 25B). The development standards and use restrictions agreed upon are memorialized in the covenants that are filed in the case record (See Ex. 32).

PUBLIC HEARING

At the public hearing on December 16, 2024,[8] the Petitioner presented its case, and the Commission heard testimony from OP, Commissioner Larry Handerhan, SMD Representative for ANC 1B01, Matthew Fay, President of the LPCA, and Paulette Matthews president of the Kelly Miller housing complex.

OP reiterated the assertions and conclusions made in the OP Reports.

Commissioner Handerhan reiterated the ANC's support for the Map Amendment as detailed in the ANC 1B Report. Commissioner Handerhan also filed a letter, in his individual capacity, in support of the proposal in which he cited concerns about potential impacts related to future development of the Property and the need for adequate mitigations (Ex. 36).

Mr. Fay expressed the LPCA's support for the Map Amendment and expressed appreciation for the Petitioner's partnership and community outreach as detailed in the LPCA's Letter in Support (Ex. 35).

[8] At the start of the December 16, 2024 public hearing, the Commission considered W1 Alliance of Howard Neighbor's letter in opposition requesting that the Commission re-setdown this case as a contested case instead of a rulemaking. The Commission affirmed its decision to set down the case as a rulemaking, stating that the case meets the criteria of Subtitle Z § 201.7(b)(1) because the Petitioner does not own all the property proposed to be rezoned; in addition, the Commission noted that the ownership pattern includes many large parcels along a major corridor, so it raises land use policy questions to a greater degree than highly localized issues of fact and effects on neighboring properties (*See* December 16, 2024, Hearing Tr. at pp. 5-8; *see* also Subtitle Z §§ 201.2, 201.5, 201.7, 201.9).

Ms. Matthews testified in opposition to the Map Amendment. She testified about the lack of information and community outreach about the Petition and lack of information about development plans and policies for the District, generally.[9]

PROPOSED ACTION

The Commission acknowledged the opposition testimony. The Commission noted that the proposed Map Amendment would be more consistent with the CP maps than the Property's existing zoning and found persuasive, and concurred with OP's recommendation that the Commission take proposed action to adopt the Map Amendment. At the conclusion of its December 16, 2024, public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the Map Amendment and authorize the publication of a Notice of Proposed Rulemaking (NOPR); and stated that IZ Plus should apply.

PROPOSED ACTION

VOTE (December 16, 2024): **4-0-1** (Robert E. Miller, Tammy Stidham, Anthony J. Hood, and Gwen Wright, Tammy Stidham to approve; Joseph Imamura not voting, having not participated)

National Capital Planning Commission (NCPC)

The Commission referred the proposed amendments to the NCPC on December 17, 2024, for the thirty (30)-day review period required by § 492(b)(2) of the District Charter (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2)); D.C. Official Code 6-641.05 (2018 Repl.); Ex. 37).

OZ published a NOPR in the January 31, 2025, *District of Columbia Register* (72 DCR 000921 *et seq.*); Ex. 39, 40).

On February 4, 2025, NCPC staff filed a letter stating that the proposal falls under an exception listed in NCPC's submission guidelines and is exempt from NCPC review (Ex. 41).

COMMENTS

Prior to its March 13, 2025 public meeting, the Commission received no comments in response to the NOPR.

CONCLUSION

Pursuant to Subtitle X § 500.3, the Commission shall find that the Map Amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property. For the reasons discussed above, the Commission finds the Map Amendment is not inconsistent with the CP, including the CP maps, Citywide Elements, and the Mid-City Area Element, including when viewed through a racial equity lens; and will advance recommendations of the DUKE Plan. The Commission acknowledges the potential CP inconsistencies cited by OP and the Petitioner and finds any potential CP inconsistencies to be outweighed by CP policies that would be advanced by the Map Amendment, as discussed above. The Commission concludes that the increased density and height afforded by the MU-10 and

9 *See* December 16, 2024 Hearing Tr. at pp. 46-50.

MU-9B zones, coupled with the broader range of permitted uses, will facilitate redevelopment that is compatible with the Campus Plan and the surrounding neighborhood. Moreover, the Commission finds the Petitioner and OP's respective responses to the Tool adequate and is encouraged that the provision of increased density on the Property will advance CP racial equity goals.

The Commission acknowledges the opposition comments raised by W1 Alliance of Howard Neighbors (Ex. 33) and the opposition hearing testimony of Ms. Paulette Matthews, primarily citing the need for concrete impact studies and lack of community outreach, both summarized above. With respect to concrete impact studies, as OP's Reports in this case readily state, it is difficult to assess the actual impacts of the proposed rezoning thus OP assessed potential impacts of the proposed rezoning based on matter-of-right development of the Property under the proposed MU-9B and MU-10 zones. The Commission finds the impact assessment contained in the OP Reports[10] sufficient to evaluate the appropriateness of the MU-9B and MU-10 zones. With respect to lack of community outreach, the Commission finds the case record demonstrates the Petitioner's outreach efforts but recognizes that efforts fell short for some community members.

"Great Weight to the Recommendations of OP"

The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 504.6 (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds OP's recommendation, based on the analyses in the OP Reports, to approve the Map Amendment persuasive and concurs in that judgment. The Commission also agrees that IZ Plus should apply to the Map Amendment.

"Great Weight to the Written Report of the ANCs"

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 505.1. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

The ANC 1E Report expressed ANC 1E's recommendation of support for the Map Amendment. The Commission concurs with ANC 1E's recommendation.

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[10] The OP Reports analyzed the proposed MU-9B and MU-10 zones for the Property including a discussion of the Property's CP map designations, CP Citywide Elements and the Mid-City Area Element, disaggregated race and ethnicity data for the Mid-City Planning Area, potential CP inconsistencies, and the DUKE Plan.

The ANC 1B Report expressed ANC 1B's recommendation of support for the Map Amendment. The Commission concurs with ANC 1B's recommendation.

FINAL ACTION

At its March 13, 2025, public meeting, the Commission noted both the opposition and the support for the Map Amendment; reiterated that the Map Amendment would not be inconsistent with the CP and that IZ Plus should apply; and voted to take **FINAL ACTION** to adopt the Map Amendment and authorize publication of a Notice of Final Rulemaking.

Final Action

VOTE (March 13, 2025): **4-0-1** (Robert E. Miller, Gwen Wright, Anthony J. Hood, Tammy M. Stidham (by absentee ballot) to approve; Joseph Imamura not voting, having not participated)

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 24-01 shall become final and effective upon publication in the *District of Columbia Register*; that is, on June 6, 2025.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS THE D.C. HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (THE "ACT"). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE 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. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER

MAP AMENDMENTS

The following amendments to the Zoning Map are hereby adopted:

SQUARE	LOTS	MAP AMENDMENT
3060	830, 839	RA-2 zone to MU-10
3064	45, 837	RA-2 zone to MU-10
3064	44, 826	PDR-2 zone to MU-10
3065	829, 830, 831, 833, 834	PDR-3 zone to MU-10
3074	11	PDR-3 zone to MU-9B
3075	Portion of Lot 807 (western portion) shown as Zoning Area # 1 on Exhibit A	PDR-3 and RA-2 zones to MU-9B
3075	Portion of Lot 807 (eastern portion) shown as Zoning Area # 2 on Exhibit A	PDR-3 and RA-2 zones to MU-10
3078	17, 26, 27, 28, 30	PDR-3 to MU-10

For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the Property's existing zoning of RA-2 is the equivalent of 1.8 FAR; the maximum permitted FAR of the Property's existing zoning of PDR-2 is 4.5 FAR for Subtitle J § 201.2 use categories and 3.0 FAR for Subtitle J § 201.3 all other uses; and the maximum permitted FAR of the Property's existing zoning of PDR-3 is 6.0 FAR for Subtitle J § 201.2 use categories and 4.0 FAR for Subtitle J § 201.3 all other uses.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the Department of Human Services ("DHS"), pursuant to the authority set forth in Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), Reorganization Plan No. 3 of 1986, and Mayor's Order 2006-50, dated April 13, 2006, hereby gives notice of her intent to make the following amendments to Ch. 58 (Temporary Assistance for Needy Families) and Chapter 72 (Standards of Assistance and Payment Levels in Public Assistance Programs) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking modifies the District of Columbia's public assistance standards of assistance and payment levels applicable to District of Columbia residents who participate in the Temporary Assistance for Needy Families (TANF) program, General Assistance for Children, Interim Disability Assistance (IDA), and the Program on Work, Employment, and Responsibility (POWER) public benefit programs. The proposed rule would increase the payment levels for Fiscal Year 2025, which began on October 1, 2024, by the increase in the Consumer Price Index for All Urban Consumers for all items (CPI-U) from the two preceding calendar years (calendar years 2022 and 2023). The proposed rule would also increase the standards of assistance to match the payment levels to better represent current minimum need and ensure that benefit recipients with income below the payment levels continue to meet financial eligibility standards for cash assistance programs. In addition, the proposed rule would modify 29 DCMR § 5814.5 to direct the application of the modified payment levels for public benefits, pursuant to Chapter 72.

The payment levels in the regulation were last updated for Fiscal Year 2023. The updates to the payment levels in this rulemaking reflect the 8% increase in the CPI-U in Calendar Year 2022 and the 4.1% increase in the CPI-U in Calendar Year 2023.

The Interim Director gives notice of her intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *District of Columbia Register*.

Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:

Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, is amended as follows:

Section 5814, INCOME DISREGARDS, is amended as follows:

Subsection 5814.5 is amended by striking the phrase "October 1, 2022**" and inserting the phrase "**October 1, 2024**" in its place.**

Chapter 72, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS IN PUBLIC ASSISTANCE PROGRAMS, is amended as follows:

Section 7200, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS, is amended to read as follows:

7200 STANDARDS OF ASSISTANCE AND PAYMENT LEVELS

7200.1 The following standards of assistance and payment levels shall apply to payments made after October 1, 2024, under Temporary Assistance for Needy Families (TANF) (D.C. Official Code § 4-205.52), Program on Work, Employment, and Responsibility (D.C. Official Code § 4-205.78), General Assistance for Children (D.C. Official Code § 4-205.05a), and Interim Disability Assistance (D.C. Official Code § 4-204.07):

Family Size	Standards of Assistance	Payment Level
1	$490	$490
2	$612	$612
3	$781	$781
4	$956	$956
5	$1,104	$1,104
6	$1,298	$1,298
7	$1,489	$1,489
8	$1,644	$1,644
9	$1,811	$1,811
10	$1,967	$1,967
11	$2,073	$2,073
12	$2,231	$2,231
13	$2,332	$2,332
14	$2,459	$2,459
15	$2,554	$2,554
16	$2,685	$2,685
17	$2,941	$2,941
18	$3,011	$3,011
19	$3,069	$3,069

All persons who desire to comment on these proposed rules should submit their comments in writing to the Department of Human Services, 64 New York Avenue, N.E., 6th Floor, Washington, D.C. 20002, Attn: Brian Campbell, Acting Administrator, Economic Security Administration or by email to brian.campbell@dc.gov. All comments must be received by the Department of Human Services not later than thirty (30) days after publication of this notice in the *District of Columbia Register*. Copies of these rules and related information may be obtained by writing to the above address, or by calling the Department of Human Services at (202) 671-4200.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 24-20
Office of Planning
(Text Amendment to Subtitles B, D, E, F, & I)
(Clarifications to Rear Yard Measurements and Accessory Buildings in the R, RF & RA Zones)

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; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend Subtitles B, D, E, F, and I 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), with the proposed text at the end of this notice.

SETDOWN

On December 9, 2024, the Office of Planning (OP) filed a petition (OP Setdown Report[1]) to the Commission proposing text amendments to clarify several inconsistences regarding rear yards that have been identified in the administration from the Zoning Regulations of 1958 (ZR58) to the Zoning Regulations of 2016 (ZR16) and contribute to challenges when interpreting and applying the ZR16 regulations to projects (Exhibit [Ex.] 2). The OP Setdown Report stated that OP and the Office of the Zoning Administrator at the Department of Buildings have worked together to clarify and add consistency to the definitions, rules of measurement, and accessory building rear yard section of ZR16. The proposed amendments would:

- Clarify rear yards within the definitions and rules of measurement; would add consistent clarity across the residential, residential flat, and residential apartment zoning districts, and would make minor changes to code references in the Downtown zoning district;
- Revert to the previously existing regulation under ZR58 that allowed accessory buildings to occupy no more than thirty percent (30%) of the rear yard; and
- Clarify that special exception relief for encroachments should be taken from the accessory building rear yard section and not the rear yard section (as only accessory buildings exceeding thirty percent (30%) of the required rear yard would require special exception relief).

OP stated that the proposed amendments would reduce special exception relief cases before the Board of Zoning Adjustment (BZA) and bring ZR16 in line with current interpretations.

To effectuate these changes, OP proposed amendments to the following Subtitles:

- Subtitle B, Chapter 1 Definitions; Chapter 3 General Rules of Measurement: § 317 Rear Yards, § 318 Rules of Measurement for Rear Yards;
- Subtitle D, Chapter 50 Accessory Building Regulations for Residential House (R) Zones; § 5003 Maximum Building Area, § 5004 Rear Yard;

[1] The OP Setdown Report also served as the prehearing report required by Subtitle Z § 501.

- Subtitle E, Chapter 50 Accessory Building Regulations for Residential Flat (RF) Zones; § 5003 Building Area, § 5004 Rear Yard;
- Subtitle F, Chapter 50 Accessory Building Regulations for Residential Apartment (RA) Zones; § 5003 Rear Yard; and
- Subtitle I, Chapter 2 General Development Standards for Downtown (D) Zones; § 205 Rear Yard to update applicable reference numbers.

At its December 19, 2024 public meeting, the Commission voted to grant OP's request to set down the petition for a public hearing.

OP Reports

In addition to its Setdown Report, OP submitted a Supplemental Report and a Hearing Report (hereinafter, the OP Reports), which are summarized below (Ex. 2, 3, 8):

Comprehensive Plan

The OP Reports concluded that, on balance, the proposal would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens, and would further policy objectives of the Land Use, Housing, and Implementation Elements. OP stated that the proposal would meet policy objectives of these Comprehensive Plan Elements because allowing accessory structures to occupy thirty percent (30%) of rear yard area would provide additional flexibility and efficient land use in lower density zones (R, RF, RA) and remove development barriers by allowing more accessory buildings as a matter-of-right, reducing special exception applications before the BZA; and the proposal would update the District's land use controls to address issues and streamline permitting procedures in administering ZR16.

Racial Equity

Community Outreach and Engagement

OP stated that outreach was limited in this case because the proposal consists of clarifications to the regulations related to the ZR58 to ZR16 administration that were not fully captured. OP stated that it worked closely with the Department of Buildings (DOB) to draft the proposed amendments to ensure consistency of administration. OP also stated that it monitored BZA cases and comments involving rear yard relief, to ensure that the proposed language would provide clarity on the required rear yard relief before the BZA. Finally, OP noted its outreach with the American Institute of Architects (AIA) DC Chapter and various land use attorneys regarding the proposal and supportive feedback.

Disaggregated Race and Ethnicity Data

OP stated that the racial equity impacts of the proposal would be neutral. OP noted that because the proposal will have a citywide impact and will not directly impact any specific planning area, the provision of disaggregated race and ethnicity data regarding population, income, and other data metrics is not pertinent as the proposal only seeks to clarify existing regulations to facilitate consistency of administration.

NOTICE

Pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the March 31, 2025 public hearing, on February 5, 2025 (Ex. 7) and published notice of the public hearing in the February 14, 2025 *District of Columbia Register* (72 DCR 001500 *et seq*.) as well as on the calendar on OZ's website (Ex. 5, 6).

COMMENTS

Prior to the March 31, 2025 public hearing, the Committee of 100 filed comments to the record stating that OP's explanation of the proposed amendments does not provide adequate detail (Ex. 9). The Committee of 100 stated that OP proposes changes to the definitions for measuring rear yards that would delete the description of openness of the area, and how to measure from the rear wall of the main structure to the rear lot line. The Committee of 100 requested that OP provide detailed illustrations to explain what the proposal will accomplish and answer the following questions:

- Will the proposal shrink or expand required minimum rear yard depth;
- Will the proposal impact maximum allowable lot occupancy; and
- How will the proposal impact approval of accessory dwelling units.

PUBLIC HEARING

At the March 31, 2025 public hearing, OP presented the proposal, including illustrations of rear yard and accessory building examples, and reiterated the conclusions stated in the OP Reports. OP responded to the questions raised by the Committee of 100 in its presentation, noting that the proposal will not shrink or expand the required minimum rear yard depth; the proposal will not impact maximum allowable lot occupancy; and the proposal will have a neutral impact on the approval of accessory dwelling units.

No ANC's or government agencies, other than OP, testified at the public hearing.

The Commission questioned OP about the proposal. The Commission stated that the proposal will provide clarity and additional flexibility for accessory building placement and reduce special exception cases before the BZA. The Commission also noted the need for a future text amendment to provide additional clarifications pertaining to accessory buildings.

"Great Weight" to the Recommendations of OP

The Commission must give "great weight" to the recommendations of the OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 504.6 (*Metropole Condo. Ass'n v. D.C. Bd. Of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds persuasive and concurs with OP's analyses in the OP Reports and its recommendation that the Commission take proposed action to adopt the proposed amendments. The Commission acknowledges the Committee of 100 comments and finds that OP responded to the comments and questions raised in its presentation at the public hearing.

"Great Weight" to the Written Report of the ANCs
The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 505.1. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

Since no ANC filed a response to the proposal as advertised in the public hearing notice, there is nothing to which the Commission can give great weight.

PROPOSED ACTION
At the conclusion of the March 31, 2025 public hearing, the Zoning Commission voted to take **PROPOSED ACTION** to:

- Adopt the Petition as proposed; and
- Authorize the publication of a Notice of Proposed Rulemaking (NOPR).

VOTE (March 31, 2025): 5-0-0 (Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, Tammy Stidham, and Gwen Wright to **APPROVE**)

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *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 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.

PROPOSED TEXT AMENDMENT

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

I. Amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Section 100, DEFINITIONS, of Chapter 1, DEFINITIONS is proposed to be amended to read as follows**:**

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

…

Yard, Rear: A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

~~**Yard, rear, depth of: The mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.**~~

Yard, Side: A yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.

…

Section 317, REAR YARDS, of Chapter 3, GENERAL RULES OF MEASUREMENT, is proposed to be amended to read as follows:

317 REAR YARDS

317.1 Rear yards regulate the distance between a building and a rear lot line.

317.**2** **Required rear yards regulate a minimum distance within the rear yard.**

317.~~2~~**3** A lot may have more than one (1) rear lot line.

317.~~3~~**4** No rear yard is required for through lots.

Section 318, RULES OF MEASUREMENT FOR REAR YARDS, of Chapter 3, GENERAL RULES OF MEASUREMENT, is proposed to be amended to read as follows:

318 RULES OF MEASUREMENT FOR REAR YARDS

~~**318.1**~~ ~~**In the case of a lot that is triangular or irregularly shaped, the furthermost point or line from the street lot line shall be deemed the point or line from which the required rear yard shall be measured.**~~

318.~~2~~**1** The depth of a ~~**required**~~ rear yard shall be measured as the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title. **For purposes of measuring the rear yard, the rear line of a building shall be a mean horizontal distance starting at the point where the principal building area, as defined in Subtitle B § 312, extends furthest from the front lot line.**

318.2 **Within a rear yard, the minimum required rear yard depth shall be measured as the mean horizontal distance between the rear line of a building and the rear lot line, except as provided in Subtitle B §§ 318.4 through 318.8 and elsewhere in this title.**

318.3 **The required rear yard shall be unoccupied for the full width of the lot, except as specifically authorized in this title.**

318.4 **In the R, RF, and RA zones, the depth of a required rear yard shall be measured as the mean horizontal distance from the rear line of a building toward the rear lot line for the full width of the lot, except as provided in Subtitle B §§ 318.5 through 318.8.**

318.~~1~~**5** In the case of a lot that is triangular or irregularly shaped, the furthermost point or line from the street lot line shall be deemed the point or line from which the required rear yard shall be measured.

318.~~3~~**6** Where the rear lot line is not parallel to the street lot line, or where there are more than one (1) rear lot lines that intersect at a point at an angle greater than ninety degrees (90º), the required rear yard shall be measured as a vertical plane along a line measured in from the rear lot line at a point equidistant from the side lot lines.

318.~~4~~**7** Where a lot does not have a rear lot line, such as when the side yards converge at a point, or where the rear lot lines intersect at an angle less than ninety degrees (90º), a **required** rear yard shall be measured as an arc from the point opposite the front lot line(s). ~~**and**~~

318.~~5~~**8** Where there is more than one (1) rear lot line generally parallel to the front lot line but separated by a lot line generally perpendicular to the rear lot lines, then the **required** rear yard ~~**setback**~~ shall be measured from the rear lot line more distant from the front lot line, and measured across the full width of the property to where it intersects both side lot lines.

318.~~6~~**9** In the case of a corner lot in any D zone other than the D-1-R zone, a court complying with the width requirements for a closed court as specified in Subtitle I § 207.1 and Subtitle B § 324 may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan**e** twenty-five (25) feet above the mean elevation of the rear lot line.

318.~~7~~**10** In the case of a corner lot in the MU-1, MU-2, MU-8, MU-9, MU-15, NMU-8B/H-H, and CG-3 zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

318.~~8~~**11** In the case of a through or corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

II. Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

Section 5003, **MAXIMUM BUILDING AREA, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES** is proposed to be amended to read as follows:

5003 MAXIMUM BUILDING AREA

5003.1 The maximum building area for an accessory building in an R zone shall be **an area equal to** the greater of thirty percent (thirty percent (30%)) of the required rear yard or four hundred and fifty square feet (450 sq. ft.).

Section 5004, REAR YARD, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES is proposed to be amended to read as follows:

5004 REAR YARD

5004.1 An accessory building other than a shed may be located within a rear yard in an R zone provided that the accessory building is:

~~**(a) Not in a required rear yard; and**~~

~~**(b)**~~**(a)** Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley~~.~~**; and**

(b) Not occupying, in combination with all accessory buildings on a lot, more than thirty percent (thirty percent (30%)) of the area of a required rear yard.

5004.2 A shed may be located within a required rear yard of a principal building.

III. Amendments to Subtitle E, RESIDENTIAL FLAT (RF) Zones

Section 5003, BUILDING AREA, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES is proposed to be amended to read as follows:

5003 BUILDING AREA

5003.1 The maximum building area for an accessory building in an RF zone shall be **an area equal to** the greater of thirty percent (thirty percent (30%)) of the required rear yard or four-hundred and fifty square feet (450 sq. ft.).

Section 5004, REAR YARD, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES is proposed to be amended to read as follows:

5004 REAR YARD

5004.1 An accessory building other than a shed may be located within a rear yard in an RF zone provided that the accessory building is:

~~**(a) Not in a required rear yard; and**~~

~~(b)~~**(a)** Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley~~.~~**; and**

(b) Not occupying, in combination with all accessory buildings on a lot, more than thirty percent (thirty percent (30%)) of the area of a required rear yard.

5004.2 A shed may be located within a required rear yard of a principal building.

IV. Amendments to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

Section 5003 REAR YARD, of Chapter 50, **ACCESSORY BUILDINGS REGULATIONS FOR RESIDENTIAL APARTMENT (RA) ZONES** is proposed to be amended to read as follows:

5003 REAR YARD

5003.1 An accessory building other than a shed may be located within a rear yard in an RA zone provided that ~~it~~ **the accessory building** is:

~~**(a) Not in a required rear yard; and**~~

~~(b)~~**(a)** Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley~~.~~**; and**

(b) Not occupying, in combination with all accessory buildings on a lot, more than thirty percent (thirty percent (30%)) of the area of a required rear yard.

5003.2 A shed may be located in a required rear yard of a principal building.

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

Section 205 REAR YARD, of Chapter 2 GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES is proposed to be amended to read as follows:

205 **REAR YARD**

205.1 Except as provided Subtitle B §§ 317 and 318.~~6~~**9** and in Subtitle I § 205.2, a rear yard shall be provided for each structure located in a D zone, the minimum depth of which yard shall be two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet, but not less than twelve feet (12 ft.).

…

205.3 The required rear yard shall be measured according to the regulations in Subtitle B § 31~~9~~**8**, with the following exception: if the lot abuts an alley, the rear yard may be measured to the center line of an alley-abutting a rear-lot line, rather than to the rear lot-line, in which case, for this subsection, the term "center line of an alley abutting a rear lot line," shall have the same meaning as the term "rear lot line".

…

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Alcoholic Beverage and Cannabis Board (Board), pursuant to the authority set forth in D.C. Official Code § 25-351(a), and in accordance with section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), hereby gives notice of its adoption of the following emergency and proposed amendments to Section 311 (Langdon Park Moratorium Zone) of Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations.

Specifically, this second emergency and proposed rulemaking renews, renames, and modifies the Langdon Park Moratorium Zone (LPMZ).

BACKGROUND

On March 20, 2024, Advisory Neighborhood Commission (ANC) 5C submitted a resolution requesting that the Board renew the Langdon Park moratorium for three (3) years, maintain the prohibition on issuing new Retailer Class CN or DN (Nightclub) licenses, but increase the number of allowable Retailer Class CX or DX (Multi-purpose) licenses. ANC 5C also requested that the Board remove the prohibition on Entertainment Endorsements issued to Retailer Class CR or DR (Restaurant) and Retailer Class CT or DT (Taverns) licensees, and that the Board consider renaming the moratorium zone to better reflect the neighborhoods covered by the moratorium. Finally, ANC 5C requested that the Board apply the moratorium to medical cannabis facilities located in the proposed zone. The resolution was adopted by the ANC at a duly noticed public meeting held on March 20, 2024, by a vote of six (6) to zero (0). In response, the Board sent notice to those required to receive notice in accordance with Title 25 of the D.C. Official Code. Jacqueline Manning, Chair of ANC 5C, Gilbert Smith, President of Gateway Community Association (GCA) and Matthew Cronin, Vice-President of Glow, D.C., testified at the hearing. Notice of the hearing was published in the *District of Columbia Register*, on May 3, 2024, at 71 DCR 005074.

On June 5, 2024, the Board held a hearing concerning the Langdon Park Moratorium Zone. Given the pending expiration of the existing rules, the Board, on June 12, 2024, adopted the Langdon Park Moratorium Zone Notice of Emergency Rulemaking, by a vote of three (3) to zero (0). The Board concluded that the appropriateness considerations that justified the prior moratorium, pursuant to D.C. Official Code § 25-351(a), likewise indicated that a temporary extension was in the public interest. Although the Notice of Emergency Rulemaking was not published in the *District of Columbia Register*, the rulemaking was posted to the agency's website on June 12, 2024, while the rulemaking underwent approval certification for publication.

The additional time granted under the emergency rules allowed the Board to review and consider the ANC resolution and related testimony. Additionally, it served to promote the health, safety, and welfare of the community until further action could be taken by the Board by: (1) ensuring that the limitations placed on the issuance of new retailer's licenses are maintained; and (2) keeping the moratorium in place until the Board determined the moratorium's future.

On October 9, 2024, the Board adopted the Gateway/Langdon Park Moratorium Zone Notice of Emergency and Proposed Rulemaking, by a vote of three (3) to zero (0) and it became effective on that date. The emergency rulemaking superseded the emergency rulemaking that the Board adopted on June 12, 2024, renamed the moratorium zone to the Gateway/Langdon Park Moratorium, renewed the moratorium for three (3) years, maintained the cap of three (3) permitted licenses for Retailer Class CN/DN (Nightclubs), lifted the cap on Retailer Class CX/DX (Multipurpose Facilities) and removed the prohibition on entertainment endorsements for Retailer Class CR/DR (Restaurants) and CT/DT (Taverns). The rules were published on the agency's website on October 9, 2024. These emergency and proposed rules were set to expire within one hundred and twenty (12) days, and were set to expire on February 6, 2025. The second emergency and proposed rulemaking adopted by the Board through this notice supersedes the emergency and proposed rulemaking previously adopted by the Board on October 9, 2024.

TESTIMONY AT PUBLIC HEARING

At the hearing held by the Board on June 5, 2024, the Board received written or oral testimony from the following individuals concerning the Langdon Park moratorium rulemaking:

Jacqueline Manning, Chair of ANC 5C, testified that the Langdon Park Moratorium Zone has been in effect since 2017, and it caps or prohibits certain alcoholic beverage licensing for ABC establishments located in the Landon and Gateway neighborhoods. Ms. Manning testified that several nightlife establishments continue to create a consistent and undue burden on the community, disrupting the peace, order and quiet of the residential areas. She stated that patrons of the nightclubs also monopolize the available residential parking as well as contribute to litter, public intoxication, and crime. Ms. Manning also testified that even for those establishments that hire police officers to provide security through the Metropolitan Police Department Reimbursable Detail Program, the patrons far outnumber security, thus creating challenging situations regarding crowd control and traffic patterns and parking.

As a result of the concerns raised above, Commissioner Manning requested that the Board renew the moratorium for a period of three (3) years, and that the Board maintain the cap on nightclubs, lift the cap on multipurpose facilities, and remove the prohibition on entertainment endorsements for restaurants and taverns. Additionally, Ms. Manning testified that the ANC would like the moratorium applied to medical cannabis licensees. Lastly, Ms. Manning testified the ANC was seeking a new name for the moratorium to adequately describe the geographic area covered by the moratorium.

Gilbert Smith, President of the GCA, provided testimony related to the factors under consideration. In particular, related to the negative impact on real property values, the GCA noted that residents have experienced an increase in insurance rates due to crime, such as break-ins, car thefts, and shootings. On the matter of peace, order, and quiet, the GCA noted that the operations of nightclubs are tied to an increase in noise, trash, and litter. On the matter of residential parking and traffic safety, the GCA noted that nightclub patrons are taking residential parking. Mr. Smith stated that GCA is further concerned that granting additional alcohol licenses will lead to overconcentration and have a negative impact on the many children that patronize local daycares and schools.

Matthew Cronin, Vice President of Glow, D.C. also testified. Glow, D.C. operates a number of venues within the District of Columbia, to include Echostage, located at 2135 Queens Chapel Road, N. E. Mr. Cronin noted the oddity of testifying in support of the moratorium request as the owner of an ABC establishment. He indicated that Echostage has been operating in the moratorium zone for thirteen (13) years and that they work very closely with the ANC to mitigate the negative impact on the community. As a result, Mr. Cronin stated, they 1) have installed sound and noise containment, 2) fund the trash pick-up in the absence of a business improvement district, 3) secure the presence of six (6) reimbursable detail officers for every night they're operating, and 4) assist with traffic and parking. Mr. Cronin further testified that Echostage is the only licensee to take on these mitigation efforts and solely at their own costs and that no other establishment is assisting with security, trash or noise issues. Mr. Cronin expressed concern that adding additional medical cannabis facilities will only serve to exacerbate the concerns, and impact to the community.

BOARD DECISION

The Board takes the decision to renew and modify a moratorium seriously and strives to strike a balance to ensure the peace, order, and quiet of the neighborhood, while not inadvertently impeding economic growth and commercial development in the designated area. In reaching its decision, the Board gave great weight to the written recommendations of ANC 5C as required by Section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3).

The Board originally adopted the Langdon Park Moratorium Zone in 2017 because ABC-licensed establishments in the area contributed to litter, loud noise, and loss of parking availability on residential streets. Seven years later, many of those concerns remain, as evidenced by the testimony provided at the public hearing. For instance, patrons parking in the residential neighborhood prevents residents and their guests from parking in front of or near their homes. Additionally, patrons departing licensed establishments to return to their vehicles late at night often disrupt residents in their homes.

For these reasons, the Board finds it necessary to continue the moratorium. Doing so will prevent the further overconcentration of licensed establishments from exacerbating issues facing the community by attracting more patrons to the community. The Board is grateful for the moratorium stakeholders' continued efforts to create positive change and to advance local economic recovery and growth, notwithstanding the difficulties that some of this growth brings about. To address the question of what a renewed moratorium will look like, the Board examined each of the modifications requested by the proponents of the moratorium's renewal.

The Board agrees with the ANC's recommendation to renew the moratorium for an additional three (3) years. This timeframe allows flexibility for the Board and neighborhood to respond to an ever-changing cityscape that may warrant further modifications in the near term, rather than locking in for a more extended period. Because the District of Columbia and its neighborhoods are not stagnant, but rather growing and changing at a fairly rapid pace, the Board agrees that it is in the best interest to review the merits of the moratorium every three (3) years.

Likewise, the Board supports the request from the ANC and the GCA to limit the number of Retailer Class CN/DN (Nightclubs) licenses to three (3), and to lift the cap on Retailer Class CX/DX (Multipurpose) licenses. The Board agrees with the ANC and the GCA that retaining the cap on Nightclubs while lifting the cap on Multipurpose facilities will help to attract the sort of businesses that contribute to the development of cultural activities while limiting the number of businesses that primarily promote the consumption of alcohol and often result in negative external impacts.

In light of this testimony, the Board concludes that eliminating the cap on multipurpose licenses will have a minimal impact on the issues facing the community. As noted in D.C. Official Code § 25-113(g)(1), multipurpose facilities by law are limited to "legitimate theaters, universities, museums, conference centers, art galleries, facilities for the performance of sports, cultural, or tourism-related activities, and to indoor parks, buildings, and facilities that primarily serve as recreational playgrounds or workspaces." D.C. Code § 25-113(g)(1). Therefore, there is a low risk that businesses and institutions operating under the license will have a negative impact on the community where their business models are not likely to focus on late night alcohol service or generate inebriated crowds. Therefore, the Board agrees with the ANC and GCA that lifting the cap on multipurpose facilities will not have a negative impact on the community.

The Board also agrees with the ANC and GCA recommendation to remove the prohibition on Retailer Class CR/DR (Restaurants) and Retailer CT/DT (Taverns) obtaining Entertainment Endorsements. As noted in the testimony provided by the ANC, ABCA's protest process provides safeguards for protestants to address concerns associated with entertainment endorsements. More importantly, the protest process may result in a decision that limits the time, place, and manner of entertainment, including the location of performances, the location of speakers, and the hours of entertainment. Therefore, the Board agrees to remove the restriction on these types of licenses.

The Board does not agree with the proponents' proposal to apply a moratorium on medical cannabis licensees. While not unsympathetic to their concerns, the Board does not have the authority to impose a moratorium on medical cannabis facilities in the targeted neighborhood under the District's alcohol moratorium rules. The Board advises the public that a moratorium request related to medical cannabis licenses may be filed separately under Chapter 16B of Title 7 of the D.C. Official Code and Title 22-C of the D.C. Municipal Regulations.

Lastly, the Board agrees to rename the seven-year-old moratorium zone to better reflect the area covered by the moratorium. Both the ANC and the GCA recommended that the name be changed to Arboretum/Gateway/Langdon Park. The Board agrees to the renaming of the moratorium zone and believes Gateway/Langdon Park best reflects the geographical area covered by the moratorium zone.

In light of the findings above, on February 5, 2025, the Board renewed the Gateway/Langdon Park moratorium zone through this Second Emergency and Proposed Rulemaking, by a vote of five (5) to zero (0). It became effective on that date. The emergency and proposed rulemaking keeps the moratorium in place but replaces § 311.3, adds a new § 311.4, and renumbers the other provisions in Section 311 accordingly. The purpose of the change is to clarify the specific area covered by the moratorium by relying on a map and describing how the map should be read to determine whether a location is within the moratorium zone. This new rule will make it easier for the public to determine whether a proposed or existing business falls within the moratorium zone. In a change from prior versions of this rulemaking, the Board selected 2135 Queens Chapel Road, N.E., for the focus of the moratorium, which is the location of Ekho Events, Inc., t/a Echostage, ABRA License No. 090250, holder of a Retailer's Class CN License, located at 2135 Queens Chapel Road, N.E., in order to ensure the rules comply with D.C. Official Code § 25-352(b).

The Board notes that these emergency and proposed rules will remain in effect for one hundred and twenty (120) days, expiring June 5, 2025, unless earlier amended or superseded by a final rulemaking.

Further, the Board gives notice of its intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *District of Columbia Register*. In accordance with D.C. Official Code § 25-211(b), these proposed rules will be transmitted to the Council for the District of Columbia (Council) for a ninety (90)-day period of review. The Board will not adopt the rules as final prior to the expiration of the ninety (90)-day review period, unless earlier approved by Council resolution.

Section 311, LANGDON PARK MORATORIUM ZONE, of Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is renamed and amended to read as follows:

311 GATEWAY/LANGDON PARK MORATORIUM ZONE

311.1 The number of retailer’s licenses class CN and DN permitted in the Gateway/Langdon Park Moratorium Zone, which extends approximately six hundred feet (600 ft.) in all directions from 2135 Queens Chapel Road, N.E., as specifically depicted in § 311.3, shall not exceed three (3).

311.2 On-premises retailer’s licenses, class CN and DN, in the Gateway/Langdon Park Moratorium Zone shall be prohibited from expanding their licensed premises to adjacent properties or lots, except for the purpose of increasing onsite parking.

311.3 The Gateway/Langdon Park Moratorium Zone is specifically described as the area bounded by the line on the following map, which extends approximately six hundred feet (600 ft.) in all directions from Ekho Events, Inc., t/a Echostage, ABRA License No. 090250, holder of a Retailer's Class CN License, located at 2135 Queens Chapel Road, N.E.:

This section contains a map depicting a moratorium on alcoholic beverage licenses and permits for the Gateway/Langdon Park neighborhood in Northeast D.C. The boundary line extends approximately 600 feet in all directions from 2135 Queens Chapel Road, N.E., Washington, D.C., including portions of Adams Place, N.E., Queens Chapel Road, N.E., Bladensburg Road, N.E., 24th Place, N.E. and 25th Place, N.E. For assistance with reading or reviewing this map, please contact ABCA at 202-442-4423 or email ABCA at abca.director@dc.gov.

311.4 A proposed or existing licensed establishment shall be deemed within the moratorium zone described in this section if any portion of a property line of the premises falls within the area bound by the line or touches the line drawn in §

311.3. The moratorium zone does not include any area or property located entirely outside the boundary lines.

311.5 Any license application may be subject to additional review and measurement by the Board or ABCA to determine if the moratorium is applicable.

311.6 All hotels, whether present or future, shall be exempt from the Gateway/Langdon Park Moratorium Zone.

311.7 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license class CN or DN within the Gateway/Langdon Park Moratorium Zone subject to the requirements of Title 25 of the D.C. Official Code and this title.

311.8 Nothing in this section shall prohibit the Board from approving the transfer of a license from an existing location within the Gateway/Langdon Park Moratorium Zone to a new location within the Gateway/Langdon Park Moratorium Zone.

311.9 A license holder outside the Gateway/Langdon Park Moratorium Zone shall not be permitted to transfer its license to a location within the Gateway/Langdon Park Moratorium Zone if the transfer would result in more than three (3) class CN and DN licenses in the Gateway/Langdon Park Moratorium Zone.

311.10 Nothing in this section shall prohibit a valid protest of any transfer or change of license class.

311.11 The moratorium imposed by this section shall have a prospective effect and shall not apply to any license granted before the effective date of this section or to any application for licensure pending on the effective date of this section.

311.12 This section shall expire three (3) years after the date of publication of the notice of final rulemaking in *District of Columbia Register*.

All persons desiring to comment on the subject matter of the proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *District of Columbia Register*, to abca.legal@dc.gov or by mail or hand delivery to Jonathan Berman, Assistant General Counsel, Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street N.E., Suite 4200-B, Washington, D.C. 20002. Copies of the proposed rulemaking can be obtained by contacting Jonathan Berman at the above address.

ACHIEVEMENT PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL

NOTICE: REQUEST FOR PROPOSALS

Achievement Preparatory Academy Public Charter School solicits proposals for vendors to provide the following services for SY25.26:

- Student Data Hub Construction

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 Tuesday, June 17, 2025.** Questions, proposals, and full RFP request should be emailed to bids@achievementprep.org. No phone calls.

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 Thursday, June 12, 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 Introductions

2. 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;

   e. Other key issues; and

   f. FY 2026 budget update.

3. Open Microphone from Agency GCs and ALJs

4. Open Microphone from Other Members of the Public (time permitting)

5. Old Business

6. New Business

7. 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.

DC MAYOR'S OFFICE ON AFRICAN AFFAIRS

NOTICE OF PUBLIC METTING

Commission of African Affairs

Wednesday, June 18, 2025, 6 pm. – 7:30 pm
In-person Meeting

The Commission of African Affairs will be holding a meeting on Wednesday, June 18, 2025, from 6 pm to 7:30 pm. Members of the public are welcome to observe the meeting **in person**.

The meeting will be held at: **899 North Capitol Street, NE. 7th floor**, **Washington, DC 20002**
The Location is closest to the Union Station Metro on the Red Line.
Below is a draft agenda for this meeting. A final agenda will be posted on The Office of African Affairs website at oaa.dc.gov. If you have any questions about the commission or its meetings, please contact oaa@dc.gov. Phone: (202) 727-5634

Agenda

I. **MOAA Updates and Announcements**
- FY26 African Community Grant Program | Upcoming NOA & RFA will
- MOAA Language Access Program: OHR/MOAA/OCP Selection of vendors under citywide
- Multicultural Awareness & Community Development:
  - ❖ May: Africa Day
  - ❖ July: DC Community Soccer Tournament
  - ❖ September: African Heritage Month Celebration Event

II. **COAA Announcements**
- COAA Leadership Voting
- Complete constitution of subcommittees:
  a. Education, Jobs
  b. Youth Engagement & Public Safety
  c. Economic Development
  d. Health, Wellness & the Arts
- Commission Ex-Officio Members Identification

III. **Adjournment**

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

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JUNE 11, 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 Hearing (Status) **10:30 AM**

Case # 25-PRO-00026
Greenleaf Buzzard, LLC, t/a The Point Fish House/The Point
2100 2nd Street SW
License #111655
Retailer CR
ANC 1B
Application to Renew the License

10:30 AM

Protest Hearing (Status)

Case # 25-PRO-00021
Ace of Spades Lounge, LLC, t/a Ace Lounge
1817 7th Street NW
License #125919
Retailer CT
ANC 1B
Substantial Change

Board's Calendar
June 11, 2025

Show Cause Hearing (Status) **10:30 AM**

Case # 24-CIT-00721
Half Smoke, LLC, t/a Half Smoke
651 Florida Ave NW
License #100855
Retailer CR
ANC 1B
No ABC Manager on Duty

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00010 and 25-CMP-00010 (a)
816 Dirty Water, LLC, t/a Dirty Water
816 H Street NE
License #125771
Retailer CT
ANC 6A
Interfered with an ABRA Investigation, Substantial Change (Operating After Hours Summer Garden)

Show Cause Hearing (Status) **10:30 AM**

Case # 24-CIT-00829
WSZR Proper, LLC, t/a Proper 21
2023 K Street NW
License #113983
Retailer CR
Failed to File Quarterly Statement

Board's Calendar
June 11, 2025

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CIT-00005
Zewdie, Inc., t/a Dukem Ethiopian Restaurant & Market/Apple Lounge
1114-1118 U Street NW
License #72469
Retailer CR
Failed to File Quarterly Statement

This hearing has been cancelled. The Government dismissed this case due to payment of the fine.

Motion Hearing **10:30 AM**

Case # 25-PRO-00009
Proper Exotic, LLC, t/a Proper Exotic
313 8th Street NE
License #128697
Retailer MC
Oral Argument

This hearing has been cancelled.

Fact Finding Hearing **10:30 AM**

Yeshimebet, LLC, t/a Y Bar and Lounge
5503 Georgia Ave NW
License #131228
Retailer CT
ANC 4D
Review of Ownership Structure

Board's Calendar
June 11, 2025

Show Cause Hearing **10:30 AM**

Case # 24-CIT-00324
Tundy Sea, LLC, t/a The Ugly Mug
723 Eighth Street SE
License #113790
Retailer Caterer
ANC 6B
Failure to File Caterer Report

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Show Cause Hearing **1:30 PM**

Case # 24-CIT-00696
Mangia & Bevi, LTD, t/a Giovanni's Trattu
1823 Jefferson Place NW
License #126137
Retailer CR
ANC 2B
Failed to File Quarterly Statement

Show Cause Hearing **1:30 PM**

Case # 24-CMP-00021
Equity 18, LLC, t/a Twelve After Twelve
1212 18th Street NW
License #117238
Retailer CN
ANC 2B
Failed to Follow Security Plan

Board's Calendar
June 11, 2025

Protest Hearing **1:30 PM**

Case # 25-PRO-00118
Azzouz Hospitality, LLC, t/a ZOOZ
636 Maine Ave SW
License #124023
Retailer CT
ANC 6D
Substantial Change (Entertainment Endorsement Inside of the establishment)

Protest Hearing **1:30 PM**

Case # 25-PRO-00020
R.A.M. Group, LLC, t/a 1351
1351 U Street NW
License #129513
Retailer CT
ANC 1B
Application for a New License

Protest Hearing **1:30 PM**

Case # 25-PRO-00017
OJ-ODD Jobs, Inc., t/a H3
1613 17th Street NW
License #129096
Retailer MC
ANC 2B
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*.

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ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF MEETING
AGENDA RESCINDING PRIOR APPROVAL OF 405.1 STATUS

WEDNESDAY, JUNE 11th, 2025
899 NORTH CAPITOL STREET, N.E., SUITE 4200-B, WASHINGTON, DC 20002

The ABC Board will be rescinding approval of the following licenses in 405.1 New Construction status for the reasons listed below:

1) ABRA-125105 – **All About Burger Cafe Glover Park** – Retail – D – Restaurant – 2414 Wisconsin Avenue NW
[405.1 New Const][Licensee did not renew.]

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2) ABRA-130290 – **Alero H Street** – Retail – C – Restaurant – 1301 H Street NE
[405.1 New Const][Licensee did not renew.]

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3) ABRA-122181 – **Washoku Room** – Retail – C – Restaurant – 699 14th Street NW
[405.1 New Const][Licensee did not renew.]

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4) ABRA-123449 – **Compass Coffee** – Retail – C – Restaurant – 1401 Okie Street NE
[405.1 New Const][Licensee did not renew.]

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5) ABRA-129296 – **Saint Georges** – Retail – C – Restaurant – 301 7th Street SE
[405.1 New Const][Licensee did not renew.]

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.

DISTRICT OF COLUMBIA
DEPARTMENT OF BEHAVIORAL HEALTH

BEHAVIORAL HEALTH PLANNING COUNCIL

NOTICE OF PUBLIC MEETING

June 13, 2025
10:00 a.m.

On Friday, June 13, 2025, at 10:00 a.m., the District of Columbia Department of Behavioral Health, Behavioral Health Planning Council (BHPC) will hold a virtual public meeting:

https://dcnet.webex.com/dcnet/j.php?MTID=mcc155bc1b40435120cc349c94d973c89

Join from a video system or application
Dial 23136426302@dcnet.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Tap to join from a mobile device (attendees only)
+1-202-860-2110,,23136426302## United States Toll (Washington D.C.)
+1-650-479-3208,,23136426302## Call-in toll number (US/Canada)

Join by phone
+1-202-860-2110 United States Toll (Washington D.C.)
1-650-479-3208 Call-in toll number (US/Canada)

10:00 AM	Call to Order and Welcome	**Mark LeVota**
10:05 – 10:10	Approval of Minutes	**Mark LeVota**
10:10 – 10:40	Department of Behavioral Health Updates	**Dr. Barbara Bazron**
10:40 – 11:10	Children's Plan Input Opportunity	**Dr. Meghan Sullivan**
11:10 – 11:40	CCBHC Planning Input Opportunity	**Jana Berhow**
11:40 – 11:50	New Business	
11:50 - 12:00	Announcements & Public Comments ***(Please limit comments to 3 Minutes)***	
12:00	Members Roll	**Mark LeVota**
12:00 PM	Adjournment	**Mark LeVota**

If any council member or public attendee needs an accommodation, please contact Marsha Parker, BHPC Support Team, at (202) 727-8931 or dbh.bhpc@dc.gov prior to the meeting date.

DC DEVELOPMENTAL DISABILITIES COUNCIL

NOTICE OF QUARTERLY PUBLIC MEETING

Thursday, June 12th, 2025, at 3:00 p.m. to 5:00 p.m.

***All DC Developmental Disabilities Council Quarterly Public Meetings are available and open to the public to attend**

All reasonable accommodation requests must be made at least five (5) business days prior to the scheduled meeting date. Please contact claire.simon@dc.gov or 202-724-5055

Topic: DC Developmental Disabilities Council Public Meeting

Time: Jun 12, 2025, 3:00 PM Eastern Time (US and Canada)

Location: Register in advance for this meeting using the link below. After registering, you will receive a confirmation email containing information about joining the meeting.

https://us06web.zoom.us/meeting/register/Pzae7SGITT6O7qMZpv3-hA

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: 7F08

Petition Circulation Period: **Monday, June 9, 2025, through Monday, June 30, 2025**
Petition Challenge Period: **Thursday, July 3, 2025, through Thursday, July 10, 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:

Katie Murphy
Single-Member District **7D04**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
EMPLOYEE,	
Employee	OEA Matter No. 1601-0005-23
v.	Date of Issuance: April 8, 2025
DISTRICT OF COLUMBIA	
OFFICE OF UNIFIED	
COMMUNICATIONS,	
Agency	ERIC T. ROBINSON, ESQ.
	SENIOR ADMINISTRATIVE JUDGE

Carisa B. Carmack, Esq., Employee Representative
Stephen F. Milak, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL HISTORY

On October 21, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") contesting the District of Columbia Office of Unified Communications ("OUC" or the "Agency") action of removing her from service. Employee's last position of record with the OUC was Telecommunication Equipment Operator ("TEO"). The effective date of her termination was September 30, 2022. On October 21, 2022, the Executive Director of the OEA sent a letter to the Acting Director of the OUC requiring it to provide an Answer to Employee's Petition for Appeal by November 20, 2022. The OUC General Counsel sent an email to the OEA Executive Director requesting additional time in which to file its Answer. On December 5, 2022, the OEA Executive Director, via email, granted OUC's request for additional time to file its Answer. OUC submitted its Answer on December 23, 2022. Thereafter, on January 10, 2023, this matter was assigned to the Undersigned Senior Administrative Judge. On January 19, 2023, an Order Convening a Prehearing/Status Conference was issued requiring the parties to appear, via WebEx, for a Prehearing/Status Conference on February 23, 2023. On February 15 and 16, 2023, both parties submitted a request for an extension of time for different reasons. The Prehearing/Status Conference was rescheduled for April 27, 2023. After this conference, the Undersigned issued an Order that same day wherein the parties were given additional leave to conduct discovery; file updated prehearing statements; and instructed to appear for a Status Conference on June 8, 2023. Due to various concerns surrounding the poor health of the parties, press of business and coordinating the schedule of witnesses, the evidentiary hearing was not held until May 6, 2024. On May 20, 2024, the Undersigned issued an Order requiring the parties to submit their written closing arguments with a deadline of July 8, 2024. Both parties timely complied with that Order. After reviewing the record, the Undersigned has determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

1. Whether the Agency's adverse action was taken for cause.

2. If so, whether the penalty was appropriate under the circumstances.

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.

SUMMARY OF RELEVANT TESTIMONY

Agency Case-in-Chief

Calvin Vincent Williams, Jr. ("Williams") Transcript ("Tr.") pp. 18 – 117

Williams testified in relevant part that at the time of the Evidentiary Hearing his tenure with the OUC (or MPD) spanned approximately 30 years. His current job title is Operations Manager. Just prior to this, he was a Watch Commander. Presently, his duties include making sure that the Watch Commanders under his purview have the resources necessary to perform their duties.[1] He elaborated that for each shift, the TEO team size is approximately 17 subordinates. Williams noted that his team must operate efficiently during what could be tense circumstances

[1] Tr. pp. 19 – 21.

while obtaining the information necessary to alert and allocate the appropriate emergency resources.[2] The following excerpt is from Williams' testimony:

> Q: What was [Employee's] position with OUC?
>
> A: A telephone equipment operator.
>
> Q: And as a telephone equipment operator, what are their typical duties and responsibilities?
>
> A: Their typical duties and responsibility is to answer the phones, to retrieve pertinent information, to remain professional and courteous at all time… Try to keep the caller, or any individuals, calm as possible while obtaining the information and sending it to the radio zone to be dispatched…
>
> Q: Prior to beginning employment, does a TEO, do they undergo any training?
>
> A: Anybody that's hired for the D.C. government as a telephone equipment operator has to go through training.
>
> Q: Okay. Can you describe what some of that training consists of?
>
> A: Well, the training consists of … instructional training is first. So in the instructional training, they learn the rules and regulations, policies and procedures. And then once they complete that, then they do the on-chairside training, which they sit side by side with someone who's certified to take -- a certified training officer. Once they do the -- finish completing the certified training officer, chairside, then they are released -- it's considered on-the-job training, and then they're released to the operation floor independently.[3]

Williams further noted that all TEO's received OUC's standard operating procedures with updates as they became available.[4] Williams went on to explain that the Criteria Based Dispatch system ("CBD") is a guideline that OUC utilizes to ensure that all pertinent information is being captured so that the correct protocol is being used for efficient and effective emergency resource allocation.[5] OUC has outfitted its emergency call intake team with multiple tools for ascertaining the pertinent information needed when they have received a service call including Smart911 and RapidSOS. Both tools are designed to streamline the intake request and response that TEO's must manage. Regarding OUC's guidelines, TEO's are required to have calm, courteous and professional dialogue and demeanor at all times with the people seeking emergency services.

[2] Tr. pp. 21 -22.
[3] Pr. pp. 22 – 24.
[4] *See generally*, Tr. pp 26 – 29. *See also*, Joint Exhibits No 14, 15 & 16.
[5] Tr. pp. 29 – 31.

Regarding the May 10, 2022, incident, Williams testified regarding Joint Exhibit No. 5, which was a recording of a dialogue that Employee had with a person seeking emergency services. Williams pointed out that Employee mishandled this call for help by not asking about the location of the fire within the dwelling and trying to ascertain whether there were other people present/trapped, her voice seemed agitated, she did not provide appropriate instruction to the caller and then she abruptly hung up on the caller.[6] Employee failed to follow the script that has been provided that would have (hopefully) allowed her (as TEO) to get all of the information that responding emergency service personnel would need in order to ameliorate the outcome of the District's emergency response. Later, Williams met with Employee in order to debrief regarding this call and to note what went wrong. He recalls that he told her that she mishandled this situation. He recollected that Employee told him that she could have handled the call "more professionally."[7] Williams explained that Joint Exhibit No. 8, was an email that he authored just after this meeting with Employee and her Union representative that detailed the crux of their conversation.

Regarding the May 27, 2022, incident, OUC introduced Joint Exhibit No. 6, which was another recording of an emergency call handled by Employee. During this interaction, it was apparent that Employee had issues ascertaining the location of the emergency. A person was in distress, drooling and apparently unconscious and the caller was trying to get emergency services to respond. Williams critiqued Employee's call by deriding that she did not use the tools provided to get an accurate address, including Google Maps and RapidSOS. He denoted that with the landmarks that the caller provided, the use of these tools would have provided a more accurate destination for the responding ambulance. Williams also noted that Employee's voice was elevated (not conducive to helping calm the customer) and she terminated the call without providing additional life preserving instruction (coaching CPR to be performed by the caller) and waiting for the responding ambulance to arrive. This was all something that Employee was trained to do and expected to do given this circumstance.[8] According to Joint Exhibit No. 18, during this call, Employee failed to follow the interview questions that are necessary when routing services for someone who is unconscious/unresponsive. As a result of this interaction, emergency medical services ("EMS") were initially routed to the wrong location resulting in a delay of service.

As a result of the lackluster performance by Employee during these two incidents, Williams proposed that OUC remove Employee from service.[9] As was previously noted, her demeanor, inability to follow instructions, and failure to carry out her duties all supported her proposed removal for failure/refusal to follow instructions and neglect of duty.[10]

On cross examination, Williams acknowledged that from time to time, TEO's were required to work mandatory overtime to address staffing shortages. He also noted that coaching Employee was considered as an option but when he considered that another incident happened in the recent past, he determined that disciplinary action was necessary. Williams had conducted a coaching session with Employee.[11] Williams noted that while Employee was supposed to be

[6] Tr. 35 – 39.
[7] Tr. p. 41.
[8] Tr. pp. 50 – 53.
[9] *See*, Joint Exhibit No. 2.
[10] Tr. 60 – 62.
[11] Tr. pp. 76 – 79.

constantly apprised and updated with the various OUC process and regulations, he did not have firsthand knowledge that these updates were specifically given to Employee.[12] The following is another excerpt of Williams' testimony:

> Q: Okay. And how would one be able to know whether the cross-streets are accurate? Would you be using one of the systems that we've talked about? The ANI/ALI, the RapidSOS?
>
> A: So if -- okay. So if she utilized the RapidSOS or the ANI/ALI information and the caller gave her a different location, then she should have put in the chronology the CAD event that the caller gave her this address. However, the ANI/ALI or RapidSOS is showing that the caller is at another location… That should've been documented on that… event record.[13]

During redirect examination, Williams asserted that he agreed with the charges in the proposed removal notice and considering all of the circumstances involved with this matter, he also agreed with the discipline that was imposed.

Employee Case-in-Chief

<u>Carolyn Marie Morris ("Morris") Tr. pp. 117 – 158</u>

Morris testified in relevant part that she has worked with the OUC since 2002 in various positions. Presently she is a Police Dispatcher, and she is the Vice President of NAGE R3-07 ("the Union"). She was present for the training session that Williams conducted with Employee. During it, she admits that Employee noted that she could have performed better during the incident that they were reviewing.[14] She further admitted that as a representative of the Union she represented Employee through the pre-termination process conducted by the OUC. During her research of this matter, she recalled that on one of the dates in question, the OUC call center was short staffed. However, during, cross-examination, she could not recollect which of those two dates that this occurred. The following excerpt from her recross examination is relevant to this matter:

> Q: Okay. Further down and I highlighted it as well, under the same code of conduct, it says: Be courteous and professional in all interactions with the public. You would agree with me that the call that you listened to during the coaching session with Mr. Williams, [Employee's] demeanor on that call was not courteous, and it was not professional, correct?
>
> A: Correct.
>
> Q: Scrolling further down under prohibited acts, 5.2, it reads as follows: The following acts are unacceptable and will result in immediate disciplinary action. And then 5.2.1.7 specifically says: Discourteous

[12] Tr. pp. 81 – 84.
[13] Tr. pp. 93 – 94.
[14] Tr. pp. 121 – 122.

treatment of the public, the supervisor, or other employees. I read that correctly, right?

A: Yes.[15]

<u>Employee Tr. pp. 159 –250</u>

Employee testified that she was previously employed by the OUC as a TEO. Her tenure as a TEO started in 2019. She recalled working 12 hour shifts usually from 6:00am to 6:00pm. She noted that when she was on duty, she would be in OUC's system as either ready, not ready, bathroom break or lunch status.[16] When receiving an emergency call, it is automatically forwarded to her station by OUC's call taking system. For the May 10 incident, Employee noted that she did not receive a "precise" answer from the caller. During her direct, Employee admitted to disconnecting the call.[17] She explained that in that moment, she was in a rush due to the high number of calls that were in her queue waiting for her to respond.[18] When she reviewed the call with Williams and Morris, it was depicted as a coaching opportunity during which she acknowledged her mistake and seemingly was supposed to learn from it.[19] At the time, Employee thought that the coaching session would be the extent of any corrective or adverse action.

Regarding the May 27 call, it was for a person that was in and out of consciousness. Employee asked the caller several questions to ascertain her exact location for the emergency ambulance response. She did not use the RapidSOS or Smart911 system during this call due to their being occasionally unreliable.[20] She could not recall if she alerted IT to a system problem on the date in question. She did recall that the OUC call center was short-staffed on both dates in question.[21] For this call, she remembered that the caller said the person in distress was conscious. Had she indicated that the person was unconscious/not breathing, then the CBD system would have prompted her to stay on the line and coach the caller to perform CPR until medical assistance arrives. Employee did not realize that the responding ambulances went to the wrong location until she was notified by OUC management.

During cross examination, Employe reiterated that she took responsibility for hanging up on the caller on May 10 and that the tone of her voice was not in line with OUC policy.[22] For the May 27 incident, she disagreed with the event chronology that indicated that she said the patient was unconscious. She asserted that the patient was conscious. This designation has a different response tree. She admitted that she did not use RapidSOS or Smart911 during this call. She also admitted that this is not in line with OUC TEO procedures. However, she was unsure as to whether OUC policy required her to use these tools in every instance. [23] Employee could not recall whether

[15] Tr. p. 157.
[16] Tr. p. 161.
[17] Tr. p. 163. *See also*, Tr. p. 192 – 194.
[18] Tr. pp. 163 – 164.
[19] Tr. p. 167.
[20] Tr. pp. 171 – 173.
[21] Tr. p. 176.
[22] Tr. pp. 192 – 199.
[23] Tr. pp. 200 – 212.

these tools were malfunctioning (or reported to be malfunctioning) on the date in question.[24] Employee acknowledged that the address she initially entered for the May 27 incident was incorrect and medical services were delayed in responding to the situation.[25] Employee admitted that she did not tell OUC management that she felt overworked on either May 10 or 27, 2022.[26] Further, she admitted that with the May 27 incident, she should have talked directly to the patient if he was actually conscious.[27] However, after reviewing a recording of the incident, she was forced to acknowledge that the patient was not conscious.[28]

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

The following findings of fact, analysis, and conclusions of law are based on the testimonial and documentary evidence presented by the parties during the course of Employee's appeal process with OEA. On July 28, 2022, Agency issued to Employee a Proposed Separation (Notice),[29] citing two causes of action for Failure/Refusal to Follow Instructions (6-B DCMR 1607.2(d)(1))[30] and Neglect of Duty (6-B DCMR 1607.2(e))[31]. This proposal stemmed from two incidents that happened in the month of May 2022.

Agency asserts that Employee's errors for the May 10 and May 27 incidents are inexplicable given that she has been thoroughly trained on how to handle these types of situations. Agency further asserts that the position of TEO anticipates that employees will be confronted with stressful situations and that they are required to meet this calamity with a calm demeanor while providing grace to the callers who are seeking varying degrees of emergency services. Employee's job training required Employee to *always* display a high degree of tactfulness and respect in the commencement of her duties. It is specifically contemplated that Employee, in the performance of her duties, would be continually subjected to rude, disrespectful, and bewildered 911 callers. According to the Agency, Employee was trained to rise above those circumstances in order to provide the tactful service that is required of all TEO operators. The Agency further contends that Employee failed to live up to her training during both instances in May 2022.

To further buttress the legitimacy of its adverse action, the OUC presented the testimony of Williams. He has long-standing tenure with the Agency and was innately familiar with its rules and procedures. Williams testified that Employee was:

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[24] *Id*.
[25] *Id*.
[26] Tr. pp. 213 – 215.
[27] Tr. pp. 224 – 226.
[28] Tr. pp. 233 – 239.
[29] The original Notice was sent to Employee on July 21, 2022. Employee objected to the assigned Hearing Officer, which OUC replaced and then reissued the Notice.
[30] "Failure/Refusal to Follow Instructions: Negligence, including the careless failure to comply with rules, regulations, written procedures, or proper supervisory instructions."
[31] "Neglect of Duty: Failing to carry out official duties or responsibilities as would be expected of a reasonable individual in the same position; failure to perform assigned tasks or duties; failure to assist the public; undue delay in completing assigned tasks or duties; careless work habits; conducting personal business while on duty; abandoning an assigned post; sleeping or dozing on-duty or loafing while on duty."

1. Rude and discourteous to a member of the public who was seeking service or information from the government (May 10 incident). And that,

2. For the May 27 incident, Employee failed to properly utilize all of the tools at her disposal (CBD, RapidSOS, Smart911, Google Maps) leading to a blown address and substantial delay in routing emergency medical services.

3. She did not follow the appropriate protocol when assessing the services required when she did not provide appropriate instruction to the caller for performing CPR for the May 27 incident but rather she terminated the call.

In making this determination, Williams listened to recordings of the interactions. He then sought to review the continuing errors with Employee in a failed attempt to correct her on-the-job behavior. During the course of the proceedings, I had the opportunity to observe the demeanor, poise, and credibility of Williams. I find his testimony relative to this matter to be credible and persuasive.

Employees asserts that the adverse action should be reversed and maintains that the OUC presented itself with a highly chaotic workplace that led to an unnecessarily stressful environment that contributed to the aforesaid errors in conduct. Employee further contends that some of the equipment that was provided for her was not working properly thereby preventing her from satisfactorily performing her assigned duties. Employee and her Union representative Morris testified on her behalf. Generally, I found their testimony to be inconsistent, unpersuasive and self-serving.

What is particularly illuminating in this matter is that Employee admitted to all of the specifications in this matter and further admitted that she knew that her conduct was not appropriate.[32] Employee failed to follow established OUC protocols for both incidents and she was unable to satisfactorily convince the Undersigned that the tools that were available to her (CBD, RapidSOS, Smart911) were in disrepair during these incidents. Moreover, her assertion that she was stressed (and ostensibly in need of medical/psychiatric treatment) was not corroborated by her actions surrounding this time frame. It was confirmed that she did not share this feeling with anyone at the OUC prior to her adverse action.

Notwithstanding her explanation to the contrary, I find that Employee admitted to the salient facts that are the subject of the instant adverse action. The Board of the OEA has previously held that an employee's admission is sufficient to meet Agency's burden of proof. *See*, *Employee v. Agency*, OEA Matter No 1601-0047-84, 34 D.C. Reg. 804, 806 (1987). I find that Employee did not credibly argue that Agency's action was not done in accordance with applicable laws or regulations. I conclude that the OUC has met its burden of proof for all of the charges levied against Employee in this matter.

When an Agency's charge is upheld, this Office has held that it will leave the Agency's penalty undisturbed when the penalty is within the range allowed by law, regulation or guidelines,

[32] *See* footnotes 22 through 28 *supra*.

is based on consideration of the relevant factors and is clearly not an error of judgment. *See Stokes*, *supra*; *Hutchinson*, *supra*; *Link v. Department of Corrections*, OEA Matter No. 1601-0079-92R95 (Feb.1, 1996); *Powell v. Office of the Secretary, Council of the District of Columbia*, OEA Matter No. 1601-0343-94 (September 21, 1995). I conclude that given the totality of the circumstances as enunciated in the instant decision, Agency's action of removing Employee from service should be Upheld. [33]

ORDER

Based on the foregoing, it is ORDERED that Agency's action of REMOVING EMPLOYEE FROM SERVICE is hereby UPHELD.

FOR THE OFFICE:

/s/ Eric T. Robinson_____
ERIC T. ROBINSON, ESQ.
SENIOR ADMINISTRATIVE JUDGE

[33] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin,* 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater,* 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

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. 1601-0008-16R24C24
EMPLOYEE,	OEA Matter No. 1601-0046-17R24C24
Employee	
	Date of Issuance: April 7, 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 COMPLIANCE

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. 1601-0008-16.

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.

When the parties indicated that it would take time for the parties to submit the required documents and for the government to process Employee's backpay, I thereby ordered the parties to submit periodic status reports regarding compliance. On December 6, 2024, the parties submitted a Joint Status Report asking for a stay as Agency needed time to complete the audit necessary to restore Employee's retirement benefits. I thereby granted the stay. On April 1, 2025, the parties emailed a Joint Status Report indicating that Agency had fully complied and that there are no outstanding issues remaining. The record is closed.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether the compliance 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

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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 compliance dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that Employee's motion for compliance is dismissed with prejudice.

FOR THE OFFICE:

/*s/Joseph Lim, Esq.*
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. 1601-0022-21C24
v.	Date of Issuance: April 7, 2025
DISTRICT OF COLUMBIA OFFICE OF UNIFIED COMMUNICATIONS, Agency	Monica Dohnji, Esq. Senior Administrative Judge

Employee, *Pro Se*
Connor Finch, Esq., Agency's Representative

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL HISTORY

On April 9, 2021, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Office of Unified Communications' ("OUC" or "Agency") decision to terminate her from her position as a Telephone Equipment Operator ("TEO"), effective March 12, 2021. Employee was terminated pursuant to District of Columbia Municipal Regulation ("DCMR") 6B DCMR §§ 435.6[2] and 1605.4(h).[3] Following an Evidentiary Hearing, the undersigned issued an Initial Decision ("ID") on July 25, 2022, reversing Agency's decision to terminate Employee.

Agency filed a Petition for Review with the OEA Board on August 29, 2022. The OEA Board issued an Opinion and Order on Petition for Review on November 17, 2022, denying Agency's Petition for Review. Subsequently, Agency appealed the OEA Board's decision to the Superior Court of the District of Columbia ("DC Sup. Ct."). On October 30, 2023, the DC Sup. Ct. issued an Order and Opinion denying Agency's Petition for Review and affirmed the July 25,

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] 6B DCMR § 435.6: In accordance with Section 428, a positive drug or alcohol test shall render an individual unsuitable for District employment and constitute cause for purposes of Chapter 16 of these regulations.
Pursuant to 6B DCMR § 428.1, Unless otherwise required by law, and notwithstanding Subsection 400.4, an employee shall be deemed unsuitable and there shall be cause to separate an employee from a covered position as described in Subsections 435.9 and 439.3 for: (1) A positive drug or alcohol test result.
[3] 6B DCMR §1605.4(h): Unlawful possession of a controlled substance or paraphernalia or testing positive for an unlawful controlled substance while on duty.

2022, ID. Agency did not appeal the October 30, 2023, Order from the DC Sup. Ct., accordingly, this became the final decision in this matter.

On December 8, 2023, Employee submitted a letter to this Office requesting the next step. This letter was considered by OEA as a Motion for Compliance and Enforcement. Thereafter, the matter was reassigned to the undersigned to address the pending compliance issues. On December 28, 2023, the undersigned issued an Order convening a Status Conference for January 31, 2024. Agency filed a Compliance Statement on January 2, 2024, requesting that Employee's Motion for Compliance and Enforcement be temporarily held in abeyance while Agency made efforts to comply with the ID. Both parties were present at the scheduled January 31, 2024, Status Conference. During the Status Conference, the parties requested additional time to comply with the ID. Therefore, on January 31, 2024, the undersigned issued an Order requiring the parties to provide written status update to the undersigned by March 15, 2024.

Subsequently, on March 15, 2024, Agency filed a Compliance Statement noting that Agency planned to fully resolve this matter, but full compliance would require approval from other agencies. Accordingly, Agency's request was granted in an Order dated March 22, 2024, and Agency was required to provide the undersigned with a written status update on compliance by May 1, 2024. Thereafter on May 1, 2024, Agency submitted its Compliance Status Report, requesting that a further status update be scheduled for July 1, 2024. This request was granted in an Order dated May 6, 2024, and Agency's status update was due on July 1, 2024.

On July 8, 2024, Agency submitted another Compliance Status Report requesting until August 2, 2024, to provide the undersigned with another status update. This request was granted in an Order dated July 9, 2024, and Agency's status update was now due by August 2, 2024. Subsequently, on August 9, 2024, Agency filed its Compliance Status Report, requesting that a subsequent status update be scheduled for September 20, 2024. This request was granted in an Order dated August 13, 2024. On September 20, 2024, Agency filed another Compliance Status Report, requesting until October 4, 2024, to provide another status update. This request was granted in an Order dated September 30, 2024, wherein, Agency was required to file a written Status Update by October 18, 2024.

On October 18, 2024, Agency filed another Compliance Status Report noting that the back pay process was pending before the District of Columbia Department of Human Resources ("DCHR"). Agency cited that it would continue to work with DCHR to complete the compliance process. This request was granted in an Order dated October 29, 2024, and Agency was required to submit a Status Report by November 18, 2024. Agency filed its Compliance Status Report as required noting that "the Pay Specialist and PeopleSoft Specialist completed all necessary tasks on November 13, 2024. Following legal review by DCHR, the matter may be referred to payroll for supplemental pay processing." Accordingly, I issued an Order dated December 3, 2025, which required Agency to file a written Status Update by January 10, 2025.

Agency filed its Compliance Status Report on January 10, 2025, noting that "… the back pay package has been transmitted to OPRS for processing and payment." As a result of this update, I issued an Order on February 5, 2025, which required Agency to file another Status Update by March 21, 2025. Agency filed a Status Report on March 21, 2025, noting that "[o]n March 19, 2025, the undersigned received information that payment to Employee would be issued the next day, March 20, 2025. It is Agency's belief that issuance of back pay was the only remaining issue. Once Employee receives the payment, Agency will be in full compliance with the ID." In an email exchange between the undersigned and the parties, dated March 27, 2025, Employee confirmed receipt of her backpay payment.[4] 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 Employee's December 23, 2023, request for compliance should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

In the instant matter, since Employee has resigned from Agency, and has received her backpay, I find that Agency has fully complied with the July 25, 2022, ID. Consequently, I further find that Employee's December 23, 2023, request for compliance has been resolved and should be dismissed.

ORDER

It is hereby ORDERED that the December 23, 2023, request for compliance in this matter is DISMISSED.

FOR THE OFFICE:

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge

[4] This email exchange is admitted into the record as filed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of: EMPLOYEE[1], Employee v. D.C. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, Agency	OEA Matter No. 1601-0050-23R25 Date of Issuance: April 30, 2025 MONICA DOHNJI, Esq. Senior Administrative Judge

Employee, *Pro Se*
Jeremy Greenberg, Esq., Agency's Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On July 13, 2023, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Fire and Emergency Medical Services Department's ("Agency" or "FEMS") decision to terminate him from his position as a Firefighter/EMT effective June 24, 2023. OEA issued a Request for Agency Answer to Petition for Appeal on July 13, 2023. Agency submitted its Answer to Employee's Petition for Appeal on August 11, 2023. This matter was assigned to the undersigned on August 14, 2023.

On August 22, 2023, the undersigned issued an Order Convening a Status/Prehearing Conference in this matter for September 12, 2023. During the Status/Prehearing Conference, the undersigned was informed that an Adverse Action Panel Hearing was convened in this matter on December 1, 2022. As such, OEA's review of this appeal was subject to the standard of review outlined in *Elton Pinkard v. D.C. Metropolitan Police Department,* 801 A.2d 86 (D.C. 2002). Thereafter, on March 15, 2024, I issued an Initial Decision ("ID") in this matter reversing Agency's decision to terminate Employee. Agency appealed the ID to OEA's Board on April 18, 2024, and on January 16, 2025, the OEA Board issued an Opinion and Order ("O&O") remanding this matter to the undersigned.[2] The OEA Board remanded this matter "to be adjudicated based on analysis of the 2012 regulations and Agency's Order Book." The OEA Board also noted that the undersigned

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] *Employee v. D.C. Fire and Emergency Medical Services Department*, OEA Matter No. 1601-0050-23, Opinion and Order on Petition for Review (January 16, 2025),

"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."[3]

Subsequently, on February 19, 2025, I issued an Order requiring the parties to submit written briefs addressing whether 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. Agency's brief was due by March 12, 2025; Employee's brief was due by April 2, 2025; and Agency had the option to file a sur-reply by April 18, 2025. While Agency timely filed its brief, Employee did not comply with the February 19, 2025, Order.[4] Accordingly, on April 4, 2025, the undersigned issued an Order for Statement of Good Cause wherein, Employee was ordered to explain his failure to respond to the February 19, 2025, Order. Employee had until April 18, 2025, to respond to the Statement of Good Cause Order.[5] On April 11, 2025, Employee emailed a courtesy copy of his response to the February 19, 2025, Order noting that "I will be turning the physical copy in shortly."[6] On April 15, 2025, Agency filed a Motion to Strike Employee's "Rebuttal" or alternatively, Agency's Reply Brief. As of the date of this decision, Employee has not mailed or hand-delivered his brief in compliance with OEA rules, or the February 19, 2025, and April 4, 2025, Orders. 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 for failure to prosecute.

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (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:

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[3] *Id*.

[4] The February 19, 2025, Order mailed to Employee's address on file was returned to OEA on March 3, 2025. Accordingly, a courtesy copy of the February 19, 2025, Order and a Change of Address form was emailed to Employee by OEA's administrative staff on March 4, 2025. Employee did not acknowledge receipt of the email, and he failed to provide this Office with an updated address as requested in the email. Employee was also reminded in that email that "OEA's official communication methods are by mail or hand delivery to the office. For ease of reference, see the link to the OEA rules 6B DCMR Chapter 6.pdf. Hence, the email above is a courtesy copy in light of the returned mail by USPS."

[5] The April 4, 2025, Order was returned to OEA by the USPS on April 28, 2025, as "Return to Sender. Not Deliverable as addressed. Unable to Forward."

[6] The courtesy April 11, 2025, email filing by Employee is not accepted as filed and not included as part of the record.

> the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.[7]

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

OEA Rule 624.3, DCMR Ch. 600, et seq (December 27, 2021) grants an Administrative Judge ("AJ") the authority to impose sanctions upon the parties as necessary to serve the ends of justice. The AJ "in the exercise of sound discretion may dismiss the action or rule for the appellant" if a party fails to take reasonable steps to prosecute or defend an appeal.[8] Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:

(a) Appear at a scheduled proceeding after receiving notice;
(b) *Submit required documents after being provided with a deadline for such submission* (emphasis added); or
(c) *Inform this Office of a change of address which results in correspondence being returned* (emphasis added).

This Office has consistently held that failure to prosecute an appeal includes a failure to submit required documents after being provided with a deadline for such submissions.[9] Here, Employee was warned in both the February 19, 2025, and April 4, 2025, Orders that failure to comply could result in sanctions, including dismissal. In addition, Employee was notified in both Orders, and in the March 4, 2025, email that OEA's official communication methods for filing required submissions are by mail or in-person delivery to the office. Employee was provided with a link to OEA's rules on document submission. Employee asserted in his April 11, 2025, email to the undersigned that "I will be turning the physical copy in shortly." To date, Employee has not provided a written response to these Orders as required. These responses were required for a proper resolution of this matter on its merits.

Additionally, this Office has also held that a matter may be dismissed for failure to prosecute when a party fails to inform this Office of a change of address which results in correspondence being returned. Employee was provided with a Change of Address form on March 4, 2025, but he failed to provide this Office with a change in his address. Employee's failure to inform this Office of a change in address resulted in the correspondence being returned to OEA. Wherefore, I find that Employee's failure to prosecute his appeal is a violation of OEA Rule 624. Accordingly, I further find that Employee has not exercised the diligence expected of an appellant

[7] OEA Rule § 699.1.
[8] OEA Rule 624.3.
[9] *Williams v. D.C. Public Schools*, OEA Matter No. 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).

pursuing an appeal before this Office. Therefore, this matter should be dismissed for his failure to prosecute.

ORDER

It is hereby **ORDERED** that this matter be **DISMISSED** for Employee's failure to prosecute his Appeal.

FOR THE OFFICE:

/s/ Monica N. Dohnji___
MONICA DOHNJI, Esq.
Senior Administrative Judge

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
EMPLOYEE[1] Employee	OEA Matter No. 1601-0065-23
v.	Date of Issuance: April 24, 2025
DISTRICT OF COLUMBIA PUBLIC SCHOOLS, Agency	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee worked as a Health and Physical Education Teacher with the District of Columbia Public Schools ("Agency"). On July 1, 2023, Agency issued a final notice of separation informing Employee that he would be removed from his position because he received a final rating of "Ineffective" under IMPACT, Agency's performance effectiveness assessment system, for the 2022-2023 school year. As a result, Agency terminated Employee.[2]

Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") on September 5, 2023. He asserted that his Teacher-Assessed Student Achievement Data ("TAS") score was improperly calculated. Employee contended that Agency failed to discuss or evaluate his TAS score. Accordingly, he requested that Agency reconsider its removal action.[3]

On October 6, 2023, Agency filed its Answer to Employee's Petition for Appeal. It argued that it properly followed the IMPACT process and explained that Employee was terminated because of an "Ineffective" rating for the 2022-2023 school year after he was evaluated over two assessment cycles. Therefore, Agency opined that Employee was properly terminated under IMPACT.[4]

After conducting an evidentiary hearing on May 2, 2024, the OEA Administrative Judge

[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. 5-6 (September 5, 2023).
[3] *Id*. at 2.
[4] *District of Columbia Public Schools' Answer to Employee's Petition for Appeal*, p. 1-3 (October 6, 2023).

("AJ") issued an Initial Decision on August 20, 2024. In the Initial Decision, the AJ noted that Employee did not deny that he received two observations and two post-observation conferences during the school year. However, Employee argued that he was not provided with a TAS conference, and Agency did not provide a clear procedure for submitting his TAS data. To the contrary, Agency asserted that TAS conferences are not required under IMPACT and that Employee failed to submit his TAS data by the submission deadline. Accordingly, Agency gave Employee a TAS score of one (1) and noted the lack of data provided to support the score.[5]

The AJ found that Agency did not comply with the IMPACT process, specifically as it relates to the TAS data submission.[6] She noted that although Agency contended that Principal Daniel made the entire school staff aware that the TAS score submissions were due by June 15, 2023, it failed to provide evidence of this communication and failed to provide the method by which scores were to be submitted. The AJ conceded that the IMPACT guidebook does not provide that a TAS conference is mandatory. However, she ruled that based on the testimony of Employee's witnesses, Ms. Samball and Mr. Moody, the procedure to submit TAS data occurred during TAS conferences. The AJ found that according to Mr. Cantave, school leaders were to request TAS data from the teachers. The AJ ruled that the record was void of any attempts by Principal Daniel to request or collect data from Employee, as she did with Ms. Samball. The AJ reasoned that Agency should have clearly communicated an alternative TAS submission method, prior to the TAS submission deadline, for those employees with whom it chose not to have TAS conferences.[7] Consequently, she held that Agency violated the IMPACT process due to its failure to collect TAS data and its failure to provide a submission method. As a result, Agency was ordered to reinstate Employee to his last position of record, or a comparable position, and reimburse Employee all back-pay and benefits lost because of the termination action.[8]

Agency disagreed with the Initial Decision and filed a Petition for Review with the OEA Board on September 25, 2024. It argues that the Initial Decision is not supported by substantial evidence. Specifically, Agency contends that a conference is not required for the TAS component and asserts that it is the responsibility of the teacher to submit their data to the school leaders. It highlights Principal Daniel's testimony that she sent out calendar reminders to the school informing them when the TAS scores were due. Agency opines that the AJ incorrectly determined that TAS conferences are a step in the IMPACT evaluation process; however, it is not. Therefore, it requests that the Board reverse the Initial Decision and dismiss Employee's appeal of his termination.[9]

<u>Substantial Evidence</u>

According to OEA Rule 633.3(c), the Board may grant a Petition for Review when the

[5] *Initial Decision*, 15-16 (August 20, 2024).
[6] *Id.*, 14-15.
[7] The AJ noted that Employee provided an exhibit showing that eighty-six percent ("86%") was achieved for his TAS goal. The AJ found that in accordance with the IMPACT guidebook and TAS rubric, 86% equates to a TAS score of three ("3"). Therefore, she found that this scoring would have had an impact on Employee's rating and move him to the "Minimally Effective" category on the IMPACT rating system. The AJ opined that Employee's low TAS score was not due to his inability or failure to meet his TAS goals satisfactorily, but rather because no data was provided to support a higher score.
[8] *Initial Decision,* 16-18 (August 20, 2024).
[9] *District of Columbia Public Schools' Amended Petition for Review*, p. 2-4 (September 25, 2024).

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.[10]

<u>TAS Data</u>

The AJ found that Agency violated the IMPACT process due to its failure to collect TAS data.[11] However, the language in the IMPACT guidebook suggests that it is an employee's responsibility to provide the required TAS data. In accordance with the IMPACT guidebook, TAS is an opportunity for teachers to identify and celebrate the learning not reflected on the state standardized test by incorporating it into teachers' own instructional goals and IMPACT evaluation. Additionally, the guidebook notes that achievement data for all assessments will be presented to administrators who, after verifying the data, will assign scores for each goal based upon the rubric.[12] Thus, according to the guidebook, TAS data is to be identified and presented by teachers to administrators. This is supported by Mr. Cantave's testimony. Cantave served as Interim Deputy Chief of IMPACT and testified that Employee was required to provide the school leader with the information necessary to score his TAS goal.[13] Additionally, he explained that it is the teacher's responsibility to send their data to school leaders and for the school leaders to verify and input scores.[14] Because the guidebook provides that the teacher is responsible to provide the TAS goals, there is not substantial evidence in the record to support the AJ's ruling that Agency failed to collect the data. The record lacks evidence to show that Employee submitted his TAS data, as required.

<u>Process for TAS Data Collection</u>

The AJ also found that that Agency violated the IMPACT process due to its failure to provide a submission method by which to collect data from those it chose not to hold TAS conferences.[15] The AJ correctly noted in her Initial Decision that there is no language in the guidebook requiring Agency to establish a process for collecting TAS data. Moreover, as the AJ further provided in the Initial Decision, there is also no requirement in the guidebook which mandates that TAS conferences be held. Principal Daniel testified during the evidentiary hearing that some teachers submitted their TAS data through scanned spreadsheets, and others slid a folder under her door with their assessments.[16] However, there is no evidence in the record to show, even an attempt by Employee, to submit his TAS data. The AJ appears to hold Agency to IMPACT requirements that do not exist. Accordingly, the AJ's ruling that Agency violated the IMPACT process when it failed to establish a TAS data collection procedure is not based on substantial evidence.

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[10] *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).
[11] *Initial Decision*, p. 17-18 (August 20, 2024).
[12] *District of Columbia Public Schools' Answer to Employee's Petition for Appeal*, p. 70-73 (October 6, 2023).
[13] *OEA Hearing Transcript*, p. 36 (May 2, 2023).
[14] *Id.* at 45.
[15] *Initial Decision*, p. 17-18 (August 20, 2024).
[16] *Id.* at 140.

TAS Data Deadline

Mr. Cantave testified that school leaders must input final scores and ratings by a June deadline.[17] Principal Daniel provided that June 15, 2023 was the deadline for TAS scores and that she sent out calendar invitations to all of the teachers within the school.[18] She explained that she did not receive any TAS goals from Employee.[19] After the AJ ordered Agency to conduct a search of all email exchanges between Employee and Principal Daniel, the record reflects that there was an email sent from Employee to Principal Daniel on June 9, 2023, that included his Commitment to School Community ("CSC") self-evaluation.[20] However, there is no evidence that he ever sent his TAS scores to Daniel or anyone in school leadership prior to the June 15, 2023 deadline. Because there is no evidence in the record to prove that Employee sent his TAS scores to Agency by the June 2023 deadline, or at all, there is not substantial evidence in the record to support the AJ's holding that Employee should have received at least a score of two (2) on his TAS score to increase his overall IMPACT score to 206, or Minimally Effective. Agency's score of one (1) noting that no data was provided to support a higher score was appropriate.

Conclusion

Because the IMPACT guidebook provides that the teacher is responsible for submitting the TAS goals, there is not substantial evidence in the record that Agency failed to collect data. Similarly, there is no evidence that Agency violated the IMPACT process by not establishing a TAS data collection procedure. Moreover, there is no evidence in the record to prove that Employee sent his TAS scores to Agency by the June 2023 deadline. Therefore, this Board grants Agency's Petition for Review and reverses the Initial Decision.

[17] *Id.,* 51-57.

[18] Agency provided a calendar invite from Principal Daniel on April 6, 2023, which provides that TAS scores are due for teachers by June 15, 2023. *District of Columbia Public Schools' List of Additional Exhibits for Evidentiary Hearing*, Exhibit #8 (May 17, 2024).

[19] *OEA Hearing Transcript*, 144-147 (May 2, 2023).

[20] *District of Columbia Public Schools' List of Additional Exhibits for Evidentiary Hearing*, Exhibit #9 (May 17, 2024).

ORDER

Accordingly, it is hereby **ORDERED** that Agency's Petition for Review is **GRANTED**, and the Initial Decision is **REVERSED.**

FOR THE BOARD:

Dionna Maria Lewis, Chair

Arrington L. Dixon

Lashon Adams

Jeanne Moorehead

Pia Winston

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
EMPLOYEE, Employee	OEA Matter No.: 1601-0079-22
v.	Date of Issuance: April 14, 2025
DEPARTMENT OF GENERAL SERVICES, Agency	ERIC T. ROBINSON, ESQ. SENIOR ADMINISTRATIVE JUDGE

Michael R. Goldstein, Esq., Employee Representative
C. Vaughn Adams, Esq., and Erin Meadors, Esq., Agency Representatives

INITIAL DECISION

PROCEDURAL HISTORY

Employee filed his Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") on August 25, 2022, contesting the Department of General Services' ("DGS" or the "Agency") action of removing him from service. As will be explained in greater detail *supra*, Employee was removed from service due to two separate events that occurred on the same day wherein Employee was charged with violating 6B DCMR § 1607. 2 (e) Neglect of Duty. In a nutshell, Agency asserts that Employee walked off his assigned post (twice) at the District of Columbia National Guard ("DCNG") Armory leaving his post unmanned. His absence in one instance resulted in a breach of the premises by an unidentified person.

The effective date of Employee's removal was July 29, 2022. On August 25, 2022, the Office of Employee Appeals sent a letter to DGS requiring that it provide an Answer to Employee's Petition for Appeal. The deadline for filing its Answer was September 24, 2022. This matter was then assigned to the Undersigned on October 14, 2022. On October 18, 2022, an Order for Statement of Good Cause was sent to the Director of DGS, Keith Anderson. This Order noted that DGS had not filed its Answer in this matter, and it further admonished that it was required to file an Answer. DGS was then required to respond no later than November 2, 2022, with a statement as to why its Answer was late and it was required to submit its Answer. The Agency timely filed a response where it asserted that neither the DGS' Office of the Director nor its Office of the General Counsel had received OEA's request for an Answer in this matter. It also asked for additional time to file its Answer. Upon review, the Agency's response was deemed adequate.

At the parties' continuing request, citing circumstances relating to either the press of business, substitution of counsel, or the availability of witnesses, the Evidentiary Hearing in this matter was rescheduled on three separate occasions. Ultimately, the Evidentiary Hearing was held on March 13 and 15, 2024. After an administrative delay in receiving the transcript in this matter, the parties were then tasked with providing their written closing arguments in this matter. Both parties have submitted their closing arguments. Upon review of the record, the Undersigned has determined that no further proceedings are necessary. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

1. Whether the Agency's adverse action was taken for cause. And,

2. If so, whether the penalty was appropriate under the circumstances.

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.

SUMMARY OF MATERIAL TESTIMONY

Volume I: Wednesday, March 13, 2024

Agency's Case-in-Chief

Michael Wilhelm ("Wilhelm") Transcript (Tr.) pp. 36-99.

Wilhelm worked as an adjuster for USAA. Prior to this position, he served as a Lieutenant and Watch Commander with the D.C. Department of General Services ("Agency"). Wilhelm testified that a watch commander is responsible for the Protective Service Division's ("PSD") citywide operations, including mobile operations, the D.C. Army National Guard ("National Guard"), the John Wilson Building, or the Consolidated Forensic Laboratory. Wilhelm further explained that the PSD was an element of Agency that was responsible for coordinating and providing security and law enforcement services to the District government. He stated that the PSD employees are commissioned under the D.C. Municipal Regulations as special police officers who carry weapons and have full arrest authority. Tr. 36-38.

Wilhelm testified that there were two types of PSD officers assigned to the D.C. Armory ("Armory"): career service and term employees. He provided that Career Service officers were utilized and deployed citywide; whereas term officers could only be used to support the National Guard because the funding for the term officers came out of the National Guard's Department of Defense budget. According to Wilhelm, if there were not enough term officers to cover all of the positions, the Career Service officers would fill the spots at the Armory. Tr. 39-40. Wilhelm attested that the chain of command between himself and the officers at the Armory was that the sergeant would report to him. As watch commander, he was responsible for supervising subordinate personnel on duty through his sergeants. If there was no sergeant on duty, Wilhelm testified that he would be responsible for directly supervising and monitoring subordinates, which could be upwards of twenty officers at any given time. Tr. 41.

Wilhelm testified that he was the watch commander on duty on February 21, 2022. He confirmed that he was covering as the acting watch commander for the day work operations from 5:30 a.m. until 12:00 p.m. Tr.42. Wilhelm identified Joint Exhibit 3, and provided that it was a Memorandum for Record that he wrote to his supervisor, Captain Gregory Godwin ("Godwin"). He explained that he informed Godwin of a critical failure that occurred at the Armory and the preliminary investigation conducted was a request to open a formal investigation into the event. Wilhelm further provided that there was a security breach that occurred at the Armory. He testified that there was a trespasser, later identified as Tanya Gardner ("Gardner"), who was found walking through the secure military area, outside of the Commanding General's office area of the Armory. Tr. 44-46.

According to Wilhelm, three officers would typically be assigned on duty during the weekend. However, he qualified that on drill weekends and during any activations, additional staffing would be on site to support the National Guard. Wilhelm stated that because the incident in question took place around President's Day, there was an officer posted at the open gate at Post 9. Tr. 48. He explained that Post 9 was accessible to a secure parking lot which some military vehicles were stored. Wilhelm further declared that Post 2 was located on the Independence Avenue side of the Armory noting that it was primarily used by officers who parked in the garage, including the Commanding General. Further, Wilhelm noted that Post 2 was different from Post 9 due to the automatic gate and card-controlled access, whereas the gate at Post 9 was not automatic and required a guard to manually close it. Tr. 49-50.

Wilhelm identified three specific failures of the PSD on February 21, 2022. He testified that the first failure was that Gate 9 was unattended when Gardner entered the lot of the Armory and walked around the secure military areas of the Armory. Wilhelm stated that the second failure was that the electronic security system that controlled the doors to the Armory from the lot were left unlocked, which allowed Gardner to enter the building. Lastly, he surmised that the third failure was that Gardner was not properly stopped and identified. Tr. 60.

Wilhelm testified that Employee was assigned to Post 9 on February 21, 2022. According to his investigation report, Officer Herbert Lara ("Lara") observed at 1:10 p.m. that Employee was in civilian clothes. After Wilhelm interviewed other officers who observed Employee, they provided that prior to the end of Employee's shift, Employee went into the locker room and changed into civilian clothes. According to Wilhelm, Lara instructed Employee to change back into his uniform and Employee complied. Wilhelm opined that Employee displayed gross misconduct by having his post unattended. Tr. 63-69.

On cross examination, Wilhelm confirmed that Officer Michael Boyd ('Boyd") was the rover on February 21, 2022. According to him, the role of the rover was to acknowledge the request of the officer who needed to be relieved from their post. Wilhelm explained that in order for the officer to leave their post, he or she was required to wait for the rover to physically arrive on scene for the officer to leave. Wilhelm testified that he ultimately covered the post on February 21st because he did not hear anyone announce on the radio that they would cover Post 9. Subsequently, he called on the radio for Boyd to respond to Post 9. Wilhelm admitted to counseling Boyd on the importance of ensuring that he provided breaks to officers. However, he did not speak with Employee about leaving his post because Wilhelm left for the day before Employee came back from his break. Tr. 71-79.

<u>Captain Gregory Godwin ("Godwin") Transcript (Tr.) pp. 100-192.</u>

Godwin worked as a Captain with the PSD at Agency. He was responsible for all operations for protective services, including managing facilities and mobile operations. Employee was a term employee always stationed at the DC National Guard Armory, and his position was funded pursuant to a Memorandum of Understanding (MOU) between the DC National Guard and the Department of General Services. Tr. 100-103. Godwin stated that he was informed by way of a memorandum from Wilhelm that Employee abandoned his post twice on February 21, 2022. Godwin testified that in turn he directed Lieutenant Craig Leo ("Leo") to investigate the matters. He attested that the proposed disciplinary charges against Employee after receiving the Investigative Report. Additionally, Godwin provided that on May 2, 2022, a notice of proposed separation was issued to Employee. The notice provided that Employee, charging him with neglect of duty because Employee failed to maintain his post until he was properly relieved. Further, Godwin stated that Employee allowed the building to be compromised when he abandoned his post. Tr. 105-115.

On cross examination, Godwin confirmed that Employee did not notify his supervisor that he would be leaving his post. He also acknowledged that according to page 78-79 of the Joint Exhibit List, Officer Belton ("Belton") provided in the report that Employee did not abandon his post, noting that Belton's testimony lamented that Employee requested a 10-7R, which is code for a restroom break. Godwin lastly testified that Belton did not consider any other forms of discipline within the spectrum of counseling to removal. Tr. 163, 174.

Lieutenant Craig Leo ("Leo") Transcript (Tr.) pp. 197-270.

Leo worked as a Lieutenant with the PSD at Agency and was assigned to training under the firearms and tactics unit. He stated that prior to serving in the unit, he was a watch commander and was assigned to patrol operations. Leo testified that he was carbon copied via email of a memorandum of a breach in security that occurred at Lot 9 involving Employee. He provided that he was then instructed to investigate and prepare a report detailing the incident. Tr. 202-204. Leo stated that he was unsure as to why Employee was dressed in civilian clothes around 1:10 p.m.; however, Employee was instructed to change back into his uniform and remain at his post. Tr. 206-207. After viewing the video in Joint Exhibit 4, Leo depicted Employee carrying a bookbag walking towards the entrance of the Armory at 1:14 p.m. Additionally, he viewed a civilian driving up to Post 9. Leo testified that the vehicle stopped, but continued to drive and was not identified by a guard. He affirmed that at 1:16 p.m., Gardner walked out towards Post 9 and roamed the facility, and that by 1:30 p.m., Gardner was surrounded by a PSD officer and two National Guard members before being escorted off Lot 9. Leo testified that the video depicted Employee returning to his post at 1:36 p.m. Tr. 216-221.

Leo identified Joint Exhibit 3, as the PD 119 report that Employee provided. According to the report, Employee took his belongings to his vehicle that was parked on the street from Lot 9. Leo attested that when Employee arrived back at his post, he learned that Gardner had gained access to Lot 9 and entered the building. He further provided that Employee recognized Gardner who was walking the area prior to Employee leaving Lot 9 and noted that Employee was not aware that Gardner entered the lot when he turned away. Tr. 207-208. Leo testified that once he concluded the investigation, he determined that Employee abandoned his post twice: once in the morning, and again in the afternoon. Further, he stated that the afternoon abandonment was a breach in security. Leo provided that Employee failed to follow protocol for calling out from a post or waiting for a relief to cover his post by not calling in and asking for Code 10-7. He also explained that Employee violated PSD's General Orders for time and attendance, mishandling radio assignments, false statements, failure/refusal to follow instructions, neglect of duty, and attendance related offenses. Tr. 229-236.

On cross examination, Leo confirmed that Employee violated the PSD General Order 605.01, Time and Attendance and General Order 406.02. Tr. 254. He reiterated that Employee did not request a Code 10-7. Tr. 267. Lastly, Leo stated that there was no surveillance footage from inside the building during the nine minutes that Gardner was inside. Tr. 264.

Colonel Moses Robinson, II. ("Robinson") Transcript (Tr.) pp. 274-332.

Robinson worked as the Deputy Chief of Staff for Operations for the Army National Guard. His primary role was developing operations orders and plans, in addition to coordinating training for the for the National Guard. Tr. 274-276. Robinson stated that the National Guard and Agency have a relationship, based on facility security requirements. He explained that he was responsible for physical security and force protection, which included the police or the National Guard force that was assigned to the facility. Robinson stated that Agency's PSD officers assisted with physical security. He further provided that the officers were stationed at one of four primary posts noting that Agency would typically have security personnel at the two posts on the east and west side of the Armory. Tr. 277-280.

Robinson testified that a security breach occurred on February 21, 2022. He explained that he and Command Sergeant Major Octavia Williamson ("Williamson") questioned Gardner as they were coming down the stairwell of the Joint Operations Center ("JOC") located on the east side of the Armory. According to Robinson, they asked Gardner various questions, including how she entered the facility and Gardner told them that she entered the building through a rear entrance. He testified that he and Williamson determined that Gardner should be brought to the PSD for further investigation. Tr. 286-294. Robinson provided that he subsequently learned that the Maglocks were disabled at the time Gardner entered the building. He explained that the locks were disabled because a unit needed to bring materials into the building, so it was requested through the PSD to have the locks disabled. Robison noted that if the locks were not disabled and the door was left open for an extended period of time, an alarm would sound on the doors. Tr. 297-298.

On cross examination, Robinson testified that he did not see Garder as a threat, but he knew after questioning her, Gardner should not have been on their side of the building. He also provided that alarms do not sound off when the building is in a lockdown posture. Robison stated that the building was locked down so a sweep could be conducted by members of the National Guard to ensure that no other intruder was in the facility. Tr. 309-314.

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Agency's Case-in-Chief

Command Sergeant Major Octavia Williamson ("Williamson") Transcript (Tr.) pp. 8-70.

Williamson, worked as a Land Component Command 20 Sergeant Major for the National Guard. She oversaw all the Army units assigned to the Armory. However, Williamson explained that she served in a different role on February 21, 2022. She stated that she was the G3 Sergeant Major and the Brigade Command Sergeant Major. Williamson explained that it was a scheduled day off, but a lot of staff were on site because they were preparing for a mission. She provided that on February 21st, the staff was released from the mission in the JOC and when Williamson and other soldiers walked down the steps of the east side of the building, they noticed Gardner coming up the steps. Williamson testified that she and Robinson questioned Garder. According to Williamson, initially Gardner stated that she was in the military and Williamson asked Gardner how she entered the facility. She attested that Gardner subsequently took her and other soldiers back through the parking lot where she entered. Tr. 8-13. After conducting their due diligence, and notifying the staff of the intrusion, Williamson stated that she found out that soldiers used the door through which Gardner entered to bring supplies in and out; however, none of the soldiers went back to ensure that the door was properly secured. She testified that the Army conducted a subsequent sweep to ensure that the building was secure. Tr. 14-21.

On cross examination, Williamson reiterated that she and Robinson intercepted Gardner while walking down the stairwell on the east side of the Armory. She stated that they were on the first level of the building. Williamson testified that Gardner did not seem intoxicated, but it appeared that she may have had some mental health challenges. She was also unsure if Gardner was part of the shelter that was near the south side of the building. Tr. 29-34. Williamson explained that the incident took place over the span of two hours. She stated that a lockdown occurred after Gardner was escorted off the Armory and the Army conducted a sweep of the facility to ensure there were no other trespassers on site. Tr. 35-41.

Inspector Herbert Lara ("Lara") Transcript (Tr.) pp. 71-149.

Lara worked with the Homeland Security division of the Federal Protective Service. Prior to this post, he worked as a Special Police Officer for the PSD with Agency and was responsible for access control and services, including screening portals. Tr. 71-75. Lara testified that he worked with Employee, noting that Employee worked the day shift, while he worked the night shift. Lara recalled the incident involving Employee. He clarified that he worked the day shift on February 21, 2022. Lara stated that he was not aware at the time that Garnder had entered the facility because he was stationed at Post 2. Lara also stated that he learned that Gardner was sent back with Officer Lassiter to show how she entered the facility. Tr. 94-98.

Lara testified that he, Wilhelm, and the 1A Command Center, tried to contact Employee multiple times over the radio during the morning shift, but Employee did not respond. According to Lara, she saw Employee talking on the telephone, but did not see a radio on him. He stated that he informed Employee that the 1A Command Center was trying to reach him on the radio. Tr. 101-102.

On cross-examination, Lara attested that Agency provided training at the beginning of his tenure on its leave procedures. Specifically, Lara stated that Agency explained the procedures of taking breaks during their field trainings. He explained that the officers learned that they would have to request taking a break over the radio and wait for the break guard or the rover to relieve the officer. He recalled this training only occurring the first two weeks of his employment. Lara testified that Employee was not in the same training class as he was since Employee was hired with Agency before he began. Tr. 105-109. He confirmed that he always requested breaks using his radio and claimed that he never used text message to request relief because he always had a radio. To his knowledge, he was not aware if other officers text messaged or emailed their break requests. Tr. 111.

Employee's Case-in-Chief

Employee Transcript (Tr.) pp. 151-228

Employee testified that he worked for Agency since August of 2017, specifically at the Armory starting in October of 2017. Employee was hired as a term employee and stayed in this position throughout his tenure. Employee testified that it was his understanding that his position would be converted to career permanent status after working for four years, which would have occurred in 2022. He stated that a term employee was specifically for the National Guard, and a Career Service employee was able to move out through different areas of the PSD units. Employee attested that when his status was not changed, he filed a grievance through his union. Tr. 151-154.

Employee stated that his tour of duty was from 6:00 a.m. to 2:00 p.m. and confirmed that he worked this schedule on February 21, 2022. According to Employee, on February 21st, there were only officers stationed at the Armory, noting that there were no lead officers, sergeants, or lieutenants physically stationed. Employee stated that he was stationed alone at Post 9, which was situated outside the D.C. Armory at the east side of the building. Employee stated that when he was stationed at Post 9, he was responsible for verifying correct identifications of drivers and pedestrians. Tr. 156-166.

Employee testified that prior to the incident on February 21, 2022, he had not been suspended, disciplined, or reprimanded. He explained that if he needed a break, he would request it via radio. Employee said that if there was a failure with the radio, officers would use their personal cellphones by either calling or texting. He attested that in practice, it was appropriate for officers to leave their post to call out a code 10-7R, for a restroom break or a short break, or 10-7E, to take a lunch break. Employee explained that if the rover Post 1A failed to respond, officers would notify over the radio that no one was responding, and the officer would take their break and watch their post from the bubble. Tr. 169-174.

Employee testified that at 8:15 a.m. on February 21st, he requested over the radio a 10-7E. When he did not receive a response, Employee claimed that he still proceeded with his break. Employee explained that no one questioned him when he returned from break, and to his knowledge, no one gained access to the east lot through Post 9 while he was gone. He stated that during the afternoon at approximately 1:00 p.m., he took a 10-7R. According to Employee, towards the end of his shift, he wrapped up some of his belongings and took them to his car. Employee confirmed that he was not informed that doors to the Armory were unlocked and testified that had he been notified that the doors were unlocked, he would have notified Post 1A to secure the doors before he left his post. Tr. 182-184.

After reviewing Joint Witness Exhibit 7, Employee recalled receiving a notice of proposed removal around May 2, 2022. He stated that his union representative assisted him with the response to the removal and requested the materials that Godwin used to determine a proposed removal. It was Employee's understanding that he received one charge for neglect of duty, not two charges. Employee stated that he believed that he would receive a suspension without pay, as a consequence of his actions, not termination. He explained that the removal action prevented him from being gainfully employed with other law enforcement bodies. Tr. 185-189.

Employee testified that in the past, the Armory was open to the public for major events such as motorcycle gatherings, car clubs, marathons, and job fairs held for civilians. He stated that there were numerous times that he was on his tour of duty when he would witness civilians wandering around the building. Tr. 191.

On cross examination, Employee affirmed that prior to leaving Post 9, he contacted Post 1A via telephone instead of using the radio because there was a radio failure from earlier in the morning when he tried to call a 10-7E. He testified that he did not receive any formal training; however, he was verbally spoken to on the procedure to call out on the radio to take a break. Tr. 198. Employee claimed that he has emails providing that the post could be guarded from the bubble. Tr. 211. Employee further maintained that he had his radio on him, but since the radio was down, he called Post 1A to send a rover to relieve him. Tr. 209, 219. He testified that he did not have his civilian clothes on until after 2:00 p.m. when he finished his shift, not at 1:00 p.m. as Agency's witnesses testified. Tr. 210.

Robert Miller ("Miller") Transcript (Tr.) pp. 230-273.

Miller worked as a Special Police Officer with Agency. He was assigned to the National Guard. Miller testified that there was one entrance to get into the Armory on the east side of the building. He explained that first the visitor would have to enter through Lot 9 and use a badge to enter the facility. Miller stated that the east side entrance was controlled by Post 1A and provided that the locks of the building from Post 9 could not be controlled. Tr. 230-238.

Miller testified that if a break was needed, it would have to be requested over the radio. He explained that when he contacted Post 1A for a break, he would call a Code for a 10-7R. Then, the break order rover would respond by notifying the requesting officer that the rover was en route to relieve the officer for their break. However, if the rover did not respond, the officer would contact the Post 1A watch the chamber to take the Code 10-7R. Tr. 240.

Miller stated that Employee was his coworker, and they worked together for approximately four and a half years. He described Employee as a good person, worker, and dependable. Miller testified that his tour of duty began at 2:00 p.m. on February 21, 2022 and that when he arrived at the bubble at 1:20 p.m., he noticed that three officers were in the bubble. Miller provided that he found it unusual because there were not many officers stationed in the bubble at once. He explained that he subsequently changed into his uniform and when he came out from changing, he learned that Employee abandoned his post. Miller provided that he was subsequently notified that Gardner entered the building but was ultimately escorted from the Armory. He testified that the building was not placed in an immediate lockdown procedure as a result of the breach, confirming that if there was a lockdown, he would have been notified by the JOC. Tr. 243-251.

On cross examination, Miller stated that he did not know whether Employee had on civilian clothes before he went back into the restroom because Miller was not at work during the day shift, but was told by Employee of the events that occurred. He then admitted to not having firsthand knowledge of what occurred at the Armory; however, he maintained that he knew something serious occurred for three officers to be stationed in the bubble. He provided that the radio was used to take restroom breaks, lunch breaks, or to leave the post. Tr. 257-259.

On redirect, Miller stated that calling on a break via telephone was not prohibited and that in the past, he would use the phone to call out if his radio died. To his knowledge, there are no Agency policies, procedures, orders or directives that govern taking breaks. Finally, he recalled receiving trainings on the proper break usage using a radio. Tr. 260-263.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

On August 21, 2017, Employee began his career as a Career Services Term Special Police

Officer (Grade 6) with Protective Service Division ("PSD") within the Department of General Services. Employee's duty station was at the DC Armory. According to letter dated May 2, 2022, Advance Written Notice of a Proposal to Remove Employee for cause from service, the following reasons were cited in support of this action:

> 1. On Monday, February 21, 2022, while on duty, you were assigned to the District of Columbia National Guard (DCNG) building on post #9. This assignment is a fixed post, and you must remain on the post until you have been relieved of your duties by another officer. At approximately 0815 hours, you left your post open without being relieved for over 20 minutes putting the DCNG at risk of a security breach.
>
> 2. On Monday, February 21, 2022, while on duty, you abandoned your post at approximately 1300 hours without being relieved. By doing so, this caused a security breach to the DCNG by an unauthorized person. This breach of security put the entire building and its occupants at risk of danger and caused the DCNG to go into lockdown mode.
>
> Neglect of Duty: Failing to carry out official duties or responsibilities as would be expected of a reasonable individual in the same position; failure to perform assigned tasks or duties; failure to assist the public; undue delay in completing assigned tasks or duties…, 6B DCMR § 1607.2 (e).)

According to DGS, the date in question in this matter bore witness to two security errors by Employee that led to at least one well documented security breach. Agency's witnesses testified in unison that Employee's lapses left his station vulnerable to a breach and could have resulted in unnecessary dire consequence(s). Employee's primary assigned duties required him to be exceptionally diligent in providing security as directed all while doing so at his duty station. DGS alleges that Employee failed in this regard on two separate instances on the same date. DGS further asserts that after thoughtful consideration, anything less than removal from service would not be an appropriate penalty given the instant circumstances.

Employee asserts that DGS did not meet its burden of proof in this matter. He further contends that he is the victim of Disparate Treatment considering the severity of the penalty meted out in this matter. Employee further asserts that Agency violated his constitutional due process, was retaliated against for engaging in a protected activity and that DGS committed harmful procedural error.

Agency fervently asserts the following in its Closing Argument:

> On February 21, 2022, Petitioner twice abandoned his post without relief during his tour of duty. Because of Petitioner's actions on this date, the DCNG found itself in a potentially avoidable lockdown situation – a situation that Petitioner's post for the day was assigned to mitigate by providing security services. This is untenable behavior for a security officer, especially in light of the heightened security posture of the DC National

> Guard Armory after January 6, 2021. Further, the District is not required to allow multiple instances of post abandonment that amounts to neglect of duty in order to substantiate a termination decision. DPM §1601.6. Still, even were the Agency so required, here Petitioner offered not one but two such instances in one day. And there was a breach of security because of one instance of Petitioner's neglect of duty. The Agency contends that Petitioner cannot serve as a Protective Services Division Special Police Officer when he has shown himself incapable of remaining on his post, which is integral to the job. Remaining on his post until relieved is a requirement of his job as a Special Police Officer, as the job is to secure the physical campus and building to which a SPO is assigned. Were it not necessary, there would be no need to have employed Petitioner or any other officers to the location or any other location that the PSD or its contracted officers secure throughout the District. Petitioner's multiple, same-day abandonments of his post and resultingly permitting an unknown person to wander into the facility through his abandoned post, which culminated in a lockdown of the DC National Guard Armory, constituted neglect of duty in every sense of the phrase.[1]

I find that Employee's assertion that DGS did not meet its burden of proof in this matter is without merit. Employee's assertion that Post 9 was not a fixed post is incredulous and was credibly contradicted by Wilhelm, Leo, and Godwin. I find that Employee's testimony in this matter was self-serving and not credible. Accordingly, I have afforded little credence to his "explanations" in this matter. The breadth of testimonial and documentary evidence includes clear video footage of Employee abandoning his post and separate footage of an intruder breaching said post; as well as the clear, credible and consistent testimony of DGS' witnesses delineating what happened, when it happened, and how Employee was thoroughly on notice that he was neglecting his duty by abandoning his post and leaving it unguarded. I note that his last infraction was the most egregious in that it was his express (almost sole) duty to screen incoming persons and provide armed security to the DCNG Armory facility.

Employee's excuse that he followed established protocol when he called out to be relieved of his guard post for a bathroom break is only half-true. He did in fact do as he said, but what he failed to do was wait for his relief to physically arrive at the guard post prior to leaving it. Employee then repeated this behavior again by leaving his assigned post so that he could change out of his uniform in preparation for the end of his tour of duty. This deleterious action allowed an unauthorized person to gain entry to the DCNG Armory grounds and resulted in a lockdown while the person was located and apprehended. I find this error to be egregious and dispositive of the finding that he neglected his duty when he left.

Employee further asserts that he is the victim of disparate treatment in that he was removed from service for acts that others had a less severe sanction meted out. The Board of the OEA has provided a framework that I will now utilize to ascertain whether a claim of disparate treatment may survive. The OEA Board noted as follows:

[1] Agency Closing Argument p. 13 (July 2, 2024).

> An employee who raises an issue of disparate treatment bears the burden of making a *prima facie* showing that he or she was treated differently from other similarly-situated employees. In proving a claim for disparate treatment, an agency must apply practical realism to each disciplinary situation to ensure that employees receive equitable treatment when genuinely similar cases are presented. To establish disparate penalties, an employee must show that there is "enough similarity between both the nature of the misconduct and the other factors to lead a reasonable person to determine that the agency treated similarly-situated employees differently. If such a showing is made, then 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.[2]

In its closing argument, Agency provides a compelling response to Employee's disparate treatment allegation by noting that:

> …no comparable PSD officer who abandoned their post twice in one shift *and* whose post abandonment resulted in a security breach. Notably, he has presented no case of a PSD officer abandoning their post twice in one shift or any of a PSD officer abandoning their shift twice in one day for any such officer who may have been working a double shift in one day. As such, the alleged misconduct of Officers Moore, Belton, and Lara is not comparable to the misconduct of Petitioner.

I adopt DGS' comparator assessment as noted above. I find that Employee abandoned his post twice on the same day with one of those abandonments resulting in a breach and a temporary lockdown. I find that none of the comparators come close to this egregious action. Considering that, I find that the comparators provided by Employee are not similarly situated to Employee herein. Therefore, it is unquestionable that the Employee's disparate treatment allegation must fail.

Agency further notes that the District Personnel Manual ("DPM") Table of Illustrative Actions[3] provides that removal is an acceptable recourse when confronted with one sustained instance. Here, Employee committed two separate acts of this charge. I find that Agency provided credible and compelling testimony from Wilhelm, Godwin, Robinson, Leo, Williamson, and Lara. These witnesses collectively testified that Employee committed the acts as alleged by DGS and that these acts were something that Employee should have known was a violation of Agency policy; and a violation of his training and that he created an unnecessary security risk that thankfully did not result in further calamity. Given the gravity of the conduct and the proper procedural safeguards of due process that Agency undertook, I find that Agency proved by a preponderance of the evidence that it had cause to terminate Employee. Although the OEA has a "marginally greater latitude of review" than a court, it may not substitute its judgment for that of

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[2] Employee v. Department of General Services, OEA Matter No. 1601-0077-15 pp. 11 – 12 (January 30, 2018).
[3] DPM § 1607 (e). See also, District Personnel Instruction 16-18 (June 22, 2016).

the agency in deciding whether a particular penalty is appropriate.[4] The "primary discretion" in selecting a penalty "has been entrusted to agency management, not to the OEA."[5] Selection of an appropriate penalty must involve a responsible balancing of the relevant factors in the individual case. 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 ensure that the Agency conscientiously considered 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.[6] I find that the evidence did not establish that the penalty removal constituted an abuse of discretion.[7] I conclude that the Agency has met its burden of proof in this matter and that Employee's termination should be sustained.

ORDER

Based on the foregoing, it is ORDERED that the Agency's action of REMOVING EMPLOYEE FROM SERVICE is hereby UPHELD.

FOR THE OFFICE:

/s/ Eric T. Robinson
ERIC T. ROBINSON, ESQ.
SENIOR ADMINISTRATIVE JUDGE

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[4] *See*, Douglas v. Veterans Administration, 5 MSPB 313, 328, 5 M.S.P.R. 280, 301(1981) (Federal Merit Protection Board case); Raphael 740 A. 2d 945).
[5] *Id*.
[6] *Raphel* 740 A. 2d at 945.
[7] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin,* 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater,* 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

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-0060-23
EMPLOYEE[1]	
Employee	Date of Issuance: April 24, 2025
v.	
D.C. DEPARTMENT OF TRANSPORTATION,	
Agency	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee worked as a Maintenance Mechanic with the Department of Transportation ("Agency"). On July 14, 2023, Agency notified Employee that he would be terminated pursuant to Chapter 2, Section 227, of the D.C. Municipal Regulations ("DCMR"). The notice provided that Employee was being terminated during his probationary period. The effective date of the adverse action was July 28, 2023.[2]

Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") on August 25, 2023. In his appeal, Employee argued that he was subject to acts of discrimination. He further asserted Agency provided him with inaccurate information regarding his employment status, as well as the termination action. Employee proffered that Agency hired him as a Mechanic, CS-4701; however, the job from which he was terminated was classified as a level WS-4749 position. As a result, he requested to be reinstated and asked for retribution against Agency for its discriminatory practices.[3]

On September 22, 2023, Agency filed an answer and a motion to dismiss for lack of jurisdiction. It explained that Employee's appeal was improper because he was terminated from his position as a Maintenance Mechanic during the required one-year probationary period for Career Service appointments, which was not appealable to this Office. Agency further expressed

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] *Agency's Answer, Tab 3* (September 22, 2023).
[3] *Petition for Appeal* (August 25, 2023).

that Employee's claims of discrimination were reserved for the Office of Human Rights ("OAH"), not OEA. Therefore, Agency opined that the instant matter should be dismissed.[4]

An OEA Administrative Judge ("AJ") was assigned to this appeal in September of 2023. On September 25, 2023, the AJ issued an order citing OEA Rule 628.2, which directed that Employee submit a brief on jurisdiction. Agency was also provided with an opportunity to respond.[5] However, Employee failed to submit a response, and the record was subsequently closed.

An Initial Decision was issued on October 30, 2023. The AJ held that in accordance with D.C. Code § 1-606.03 and District Personnel Manual ("DPM"), Section 227.4, separation from government service during an employee's probationary period is neither appealable nor grievable. Thus, he assessed that Employee was precluded from appealing his termination to OEA because this Office lacked jurisdiction over his appeal. As such, the AJ reasoned that Employee failed to satisfy his burden of proof in this matter. Moreover, the appeal was dismissed pursuant to OEA Rule 621.3 for failure to prosecute because Employee failed to provide a response to the AJ's September 25, 2023, order for briefs. The AJ reiterated that such a response was necessary to make an informed decision regarding OEA's ability to properly adjudicate the instant appeal. Consequently, Employee's Petition for Appeal was dismissed.[6]

Employee filed a Petition for Review with the OEA Board on September 10, 2024. His filing highlights the same arguments presented in his Petition for Appeal. Employee also maintains that he was not in probationary status at the time of the termination action; his official position classification was a Maintenance Mechanic, CS-4701-10, not WS-4749; Agency terminated Employee from a position he never held; and he was not required to serve a second probationary period. Thus, he reasons that the AJ erred and asks the Board to review the aforementioned discrepancies.[7]

Substantial Evidence

In accordance with OEA Rule 637.4, a Petition for Review must present one of the following arguments for it to be granted. Specifically, the rule provides:

> The petition for review shall set forth objections to the initial decision supported by reference to the record. The Board may grant a Petition for Review when the petition establishes that:
>
> (a) New and material evidence is available that, despite due diligence, was not available when the record closed;
> (b) The decision of the Administrative Judge is based on an erroneous interpretation of statute, regulation or policy;
> (c) The findings of the Administrative Judge are not based on substantial evidence; or

[4] *Agency's Answer to Employee's Petition for Appeal* (September 22, 2023) and *Agency's Motion to Dismiss* (September 22, 2023).
[5] *Order* (September 25, 2023).
[6] *Initial Decision* (October 30, 2023).
[7] *Petition for Review* (September 10, 2024).

> (d) The initial decision did not address all material issues of law and fact properly raised in the appeal

Additionally, the D.C. Court of Appeals 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.[8]

Failure to Prosecute

The Initial Decision concluded that Employee failed to submit a response to the AJ's September 25, 2023, order for briefs on jurisdiction. OEA Rule 621.3 states the following as it relates to failure to prosecute:

> 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:
>
> (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.

In this case, the AJ reasoned that Employee's response "was integral to making an informed decision regarding the OEA's ability to exercise jurisdiction over this matter" and that Employee failed to exercise the diligence expected of an appellant pursuing an appeal before this Office. However, in *In re Estate of Davis*, 915 A.2d 955, 962 (D.C. 2007) (quoting *Wilds v. Graham*, 560 A.2d 546, 547 (D.C.1989)), the D.C. Court of Appeals held that dismissal for failure to prosecute should be sparingly exercised. In *Murphy v. A.A. Beiro Construction Co. et al.*, 679 A.2d 1039, 1044 (D.C. 1996), the D.C. Court of Appeals held that "decisions on the merits of a case are preferred whenever possible, and where there is any doubt, it should be resolved in favor of trial."[9]

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[8] 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).

[9] *Employee v. D.C. Department of Forensic Sciences*, OEA Matter No. 1601-0015-21, *Opinion and Order on Petition for Review* (June 17, 2021); *Employee v. University of the District of Columbia*, OEA Matter No. 16010026-18, *Opinion and Order on Petition for Review* (May 19, 2020); *Employee v. Office of the Chief Technology Officer*, OEA Matter No. 2401-0094-17, *Opinion and Order on Petition for Review* (September 4, 2018); *Employee v. Office of the Chief Technology Officer*, OEA Matter No. 2401-0093-17, *Opinion and Order on Petition for Review* (September 4, 2018); *Employee v. D.C. Public Schools*, OEA Matter No. 1601-0135-15R16, *Opinion and Order on Petition for Review* (March 29, 2016); *Employee v. D.C. Public Schools*, OEA Matter No. 1601-0173-11, *Opinion and Order on Petition for Review* (October 29, 2013); and *Employee v. D.C. Public Schools*, OEA Matter No. 2401-0053-10, *Opinion and Order on Petition for Review* (April 30, 2013).

While this Board recognizes the AJ's authority to dismiss appeals for failure to prosecute, we believe that the better practice would have been to first issue Employee an order for statement of good cause, which is this Office's standard practice.[10] By issuing a show cause order, Employee would have been afforded the opportunity to provide a reason or proposed justification for missing the briefing deadline. Because the AJ failed to provide this procedural avenue, Employee was unable to expound upon or offer supporting evidence of his arguments related to establishing jurisdiction before OEA. As such, we cannot sufficiently determine if the AJ's rulings were supported by substantial evidence based on the record in its current state.

Timeliness

Additionally, OEA Rule 637.3 provides that "[a]ny party to the proceeding may serve and file one (1) original and one (1) copy of a Petition for Review of an Initial Decision with the Board within thirty-five (35) calendar days of issuance of the Initial Decision." Employee's petition to the Board was filed approximately eleven months after the Initial Decision was issued, which is considered an untimely submission. However, this Board notes that while the certificate of service attached to the October 30, 2023, Initial Decision contains the same address Employee provided on his Petition for Appeal form, the address reflected on the mailing envelope from OEA's front office contains an incorrect address for Employee.[11] As a result, the decision was returned to the Office as "Not Deliverable" on November 21, 2023.[12] This error further deprived Employee of the ability to timely contest the findings of the Initial Decision by way of petition for review.[13] Accordingly, in the interest of justice and fairness, this matter must be remanded to the AJ to afford Employee an opportunity to explain his failure to submit a brief, and if appropriate, to submit arguments related to his jurisdictional claims.

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[10] *Employee v. Office of the State Superintendent of Education*, OEA Matter No. 1601-0016-11 (October 2, 2013); *Employee v. Department of Youth Rehabilitation Services*, OEA Matter No. 1601-0038-24 (February 14, 2025); *Employee v. Department of Youth Rehabilitation Services*, OEA Matter No. 1601-0017-23R23; *Employee v. Office of the State Superintendent of Education*, OEA Matter No. J-0033-23 (April 29, 2024); *Employee v. Department of Corrections*, OEA Matter No. 1601-0025-23 (October 17, 2023); *Employee v. Department of Behavioral Health*, OEA Matter No. 1601-0009-22 (December 22, 2022); *Employee v. Department of Corrections*, OEA Matter No. 1601-0025-21 (January 7, 2022); *Employee v. Department of Public Works*, OEA Matter No. 1601-0088-19 (April 30, 2020); *Employee v. Department of Administrative Hearings*, OEA Matter No. 1601-0036-18 (May 15, 2019); and *Employee v. Department of Human Services*, OEA Matter No. 1601-0015-18 (August 24, 2018).

[11] The numerical address listed on the return envelope reads "9531" instead of "6531."

[12] *Returned Mail ("Not Deliverable/Unable to Forward")* (November 21, 2023). A copy of the Initial Decision was subsequently mailed to Employee's correct address of record.

[13] Employee's September 10, 2024, filing to OEA was submitted on the OEA form typically reserved for submitting a Petition for Appeal. However, because an Initial Decision was previously issued in this matter, his current submission will be construed as a Petition for Review.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's petition is **GRANTED**. Therefore, this matter is **REMANDED** for further review consistent with this opinion.

FOR THE BOARD:

Dionna Maria Lewis, Chair

Arrington L. Dixon

Jeanne Moorehead

LaShon Adams

Pia Winston

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.

DEPARTMENT OF ENERGY AND ENVIRONMENT

COMMISSION ON CLIMATE CHANGE & RESILIENCY

NOTICE OF PUBLIC MEETING

The Commission on Climate Change & Resiliency meeting will be held on Thursday, June 12, 2025, from 3:00 p.m. to 5:30 p.m. The meeting will be held virtually via WebEx.

Below is the draft agenda for this meeting. The link for the WebEx meeting will be included in the final agenda posted to the Commission on Climate Change & Resiliency's webpage 48 hours in advance of the meeting at: https://climatecommission.dc.gov/page/meetings-2

For additional information, please contact: Tasneem Islam, Program Analyst, at (202) 450-8620 or tasneem.islam1@dc.gov.

DRAFT MEETING AGENDA

June 12, 2025
3:00 – 5:30 pm

1. Call to Order
2. Announcement of Quorum
3. Approval of Agenda
4. Approval of Previous Meeting Minutes
5. Chair's Welcoming Remarks
6. Staff Report
7. Finance Report
8. Governance Report
9. Committee Reports
10. Guest Presentations
11. Public Comments
12. Discussion & Upcoming Meetings
13. Adjournment

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington DC, proposes to issue air quality permit No. 6576-R1 to the Architect of the Capitol (AOC) to operate an existing 203 MMBTU/hr dual fuel (natural gas and No. 2 commercial fuel oil) boiler, designated Boiler 3, at the U.S. Capitol Power Plant (CPP), 25 E Street SE, Washington DC 20003. The contact person for facility is Christopher Potter, Director, Utilities and Power Plant Operations, at (202) 641-6651 or christopher.potter@aoc.gov.

In addition to standard permit issuance, with this action, DOEE is proposing to submit, to the U.S. Environmental Protection Agency (EPA), the requirements contained in Conditions II(b) and (c) (emission limits) and III(b) (limits on fuel usage) of the draft permit for inclusion in the District's State Implementation Plan (SIP), located at 40 CFR 52, Subpart J. DOEE is proposing to include the requirements of these permit conditions in the SIP in order to ensure federal enforceability of the Alternative NOx RACT Plan, dated August 2024, submitted by AOC pursuant to 20 DCMR § 805.2. In a separate action, on April 25, 2025, DOEE proposed to accept AOC's alternative NOx RACT plan, and held a 30-day public notice and comment period, which ended on May 25, 2025 (see https://doee.dc.gov/node/1769906). DOEE has not fully evaluated the comments received in response to that action, the resolution of which may be considered in the resolution of this permitting action as well.

Emissions Estimates:

The maximum potential to emit air pollutants from Boiler 3, under the fuel usage limitations contained in the draft permit, has been estimated to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Particulate Matter (PM Total)	4.06
Sulfur Dioxide (SO_2)	0.30
Nitrogen Oxides (NOx)	53.46
Volatile Organic Compounds (VOC)	2.06
Carbon Monoxide (CO)	31.45

Emission Limitations:

The proposed emission limits for the equipment are as follows (from Condition II of the draft permit):

a. Emissions from Boiler 3 shall not exceed the following emission rates [20 DCMR 201]:

Pollutant	Emissions Burning Natural Gas (lb/hr)	Emissions Burning No. 2 Fuel Oil (lb/hr)
Oxides of Nitrogen (NO_x)	40.60	40.60
Carbon Monoxide (CO)	16.72	7.25
Volatile Organic Compounds (VOC)	1.09	0.29
Sulfur Dioxide (SO_2)	0.12	107.08
Total Particulate Matter [PM Total]*	1.51	4.79
Particulate Matter less than 10 microns (PM_{10})*	1.51	3.34
Particulate Matter less than 2.5 microns ($PM_{2.5}$)*	1.51	2.25

* Includes both condensable and filterable particulate matter fractions.

b. NO_x emissions shall not exceed 0.14 lb per million BTU when burning natural gas and No. 2 fuel oil in Boiler 3, or any combination of Boilers 3 through 7, as determined on a 30-day rolling average basis. This limit shall apply at all times including periods of startup, shutdown, or malfunction of the boiler. [20 DCMR 805.2 and 40 CFR 60.44b(a), (i), and (h)]

Note that this is a streamlined permit condition. This limit adopts an alternative RACT standard pursuant to 20 DCMR 805.2 and will be submitted to EPA for inclusion in the District's State Implementation Plan (SIP) at 40 CFR 52, Subpart J. Compliance with this streamlined condition will ensure compliance with both standards.

c. NO_x emissions shall not exceed either of the following [20 DCMR 804 and 20 DCMR 805.2]:

1. 0.2 lb/MMBTU, maximum 2-hour average, expressed as NO_2; or

2. 0.20 lb/MMBTU, based on a calendar day average.

Note that this is a streamlined permit condition. This limit adopts an alternative RACT standard pursuant to 20 DCMR 805.2 and will be submitted to EPA for inclusion in the District's State Implementation Plan (SIP) at 40 CFR 52, Subpart J. Compliance with this streamlined condition will ensure compliance with both standards.

d. Except as specified below, visible emissions whose opacity is in excess of ten percent (10%) (unaveraged), at any time shall not be permitted into the outdoor atmosphere. This visible emissions standard shall apply at all times, except that discharges shall be permitted for two (2) minutes during any startup, cleaning, adjustment of combustion or operational controls, or regeneration of emission control equipment; provided that such discharges shall not exceed the following opacities (unaveraged): [20 DCMR 606.1 and 606.2]

1. When burning exclusively natural gas, twenty percent (20%); and

2. When burning fuel oil or a combination of fuel oil and natural gas, twenty-seven percent (27%).

e. Total suspended particulate matter emissions from Boiler 3 shall not be greater than 0.05 pounds per million BTU. [20 DCMR 600.1]

f. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

Violation of the requirements of this condition that occur 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)]

Note: This condition is District enforceable only.

g. In addition to complying with the requirements of this permit document, the Permittee shall comply with all Plantwide Applicability Limits (PALs) established for the facility.

<u>Additional Alternative NOx RACT Limit</u>
In addition to Conditions II(b) and (c) listed above, the following Condition III(b) of the draft permit is proposed for inclusion in the District's SIP at 40 CFR 52, Subpart J:

b. The consumption of fuel, on a 12-consecutive-month rolling sum basis, shall be limited to the following [20 DCMR 201 and 20 DCMR 805.2]:

1. 1,069,730 gallons of No. 2 fuel oil (or other distillate oil as described in Condition III(a);

2. 748.80 MMSCF of natural gas; and

3. A total, combined heat input of all fuels of 763,776 MMBTU.

Note that this condition has been adopted as an alternative RACT standard pursuant to 20 DCMR 805.2 and will be submitted to EPA for inclusion in the District's State Implementation Plan (SIP) at 40 CFR 52, Subpart J.

The permit applications and supporting documentation, along with the draft permit 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: https://doee.dc.gov/service/public-notices-hearings.

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

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

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after July 7, 2025 will be accepted.

For more information, please contact Stephen S. Ours at (202) 498-8143.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF REQUEST FOR INFORMATION

Advancing DER Aggregations and FERC Order 2222 Implementation in DC

The Department of Energy and Environment (DOEE) is seeking responses to this RFI to inform the next steps District agencies, utilities, and industry groups should take to advance the deployment of virtual power plants and implementation of FERC Order 2222 in DC. With these responses, DOEE aims to foster a deeper understanding of the technical, financial, regulatory, and administrative issues that must be addressed to further the participation of DER aggregations in wholesale markets, and potentially in future retail-level programs as well. DOEE intends to use these responses to develop priority actions for DOEE to pursue.

Beginning 06-06-2025, the full text of the RFI will be available on the DOEE's website. A person may obtain a copy of this RFI by any of the following means:

> **Online** at DOEE's website at www.doee.dc.gov. Select the *Laws & Regulations* tab. Cursor over the pull-down list and select *Public Notices & Hearings*. On the new page, cursor down to this RFI. Click on *Read More*.
>
> **Email** a request to 2025DERAggregationRFI@dc.gov with "Request copy of RFI - DER Aggregations" in the subject line.

Potential Respondents
DOEE would like to hear from individuals and organizations that have perspectives on the technical, financial, or regulatory changes needed to enable DER aggregations to participate in wholesale electricity markets and/or provide grid services to the distribution system. Potential respondents to this RFI may include, but are not limited to:

- DER manufacturers,
- DER installers,
- DER aggregators,
- DER software developers,
- Interested private citizens,
- Non-profit organizations,
- Governmental agencies, and
- Any other private entities.

Submissions
Respondents should submit their responses to these questions by August 1, 2025, as well as any other relevant information, by email to 2025DERAggregationRFI@dc.gov. The subject line of the email should state: DOEE DER Aggregation RFI Response – [Primary Respondent Name].

Any questions by prospective respondents concerning this RFI shall be sent by email to: 2025DERAggregationRFI@dc.gov. The subject line of the e-mail should state: "DOEE DER Aggregation RFI Questions."

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

MEDICAID FEE SCHEDULE UPDATES FOR CPT-HCPCS CODES

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in Section 988 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations, published January 1, 2016 (63 DCR 40), announces changes to the codes and rates for reimbursement of medical services and procedures billed by physicians and other health care providers that will go into effect on July 1, 2025.

Each year, the National Healthcare Common Procedure Coding System (HCPCS) code changes are released quarterly, and Medicare published updated fee schedules as applicable for medical services billed by physicians and other healthcare providers, including but not limited to physician services, physician-administered drugs, laboratory services, and Durable Medical Equipment (DME). Under the District of Columbia's State Plan for Medical Assistance, these services, except for physician-administered drugs, primary care services, and certain DME items, are reimbursed at eighty percent (80%) of the Medicare rate as established by the Centers for Medicare and Medicaid Services. Due to the timing of the publications of the HCPCS code changes and Medicare fee schedules, DHCF will not be able to provide a listing of the changes to the Medicaid fee schedule thirty (30) days in advance of the changes. However, DHCF will provide a comprehensive listing of all changes on the DC Medicaid website http://www.dc-medicaid.com and through a transmittal no later than July 31, 2025.

For further information or questions regarding this fee schedule update, please contact Amy Xing, Reimbursement Analyst, Department of Health Care Finance, at amy.xing2@dc.gov, or via telephone at (202) 481-3375.

DC DEPARTMENT OF HEALTH

Community Health Administration (CHA)

NOTICE OF FUNDING AVAILABILITY (NOFA)

FO# CHA-TitleV-6.20.25

Title V Maternal and Child Health Services 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:	Title V Maternal and Child Health Services Program
Funding Opportunity Number:	CHA-TitleV-6.20.25
DC Health Administrative Unit:	Community Health Administration
DC Health Program Bureau	Family Health Bureau
Funding Opportunity Contact:	Desirée Brown, Title V Program Manager Title V Program: titlev@dc.gov
Funding Opportunity Description:	This funding opportunity seeks proposals to support Title V Program priorities: decreasing maternal morbidity and mortality for postpartum women; postpartum care coordination and timely follow-up appointments; breastfeeding support; mental health services including grief and trauma-informed care for adolescents and school health service staff; medical homes a system of family-centered care for Children and Youth with Special Healthcare Needs (CYSHCNs) CYSHCNs.
Eligible Applicants	• Not-for profit organizations • Primary care clinics and • Federally Qualified Health Centers (FQHCs) • For-profit clinics providing primary care services
Anticipated # of Awards:	Up to seven (7)
Anticipated Amount Available:	$1,750,000

Annual Floor Award Amount:	$50,000
Annual Ceiling Award Amount:	$250,000
Legislative Authorization	Social Security Act, Title V, 45CFR 96
Associated CFDA#	93.994
Associated Federal Award ID#	BO4MC33828
Cost Sharing/Match Required?	No
RFA Release Date:	June 13, 2025
Letter of Intent Due date:	Not applicable
Application Deadline Date:	July 22, 2025
Application Deadline Time:	3:00 p.m.
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse 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.

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. 25-06: Latin American Youth Center
Latin American Youth Center
3045 15th Street NW
Square 2672, Lot 734
Advisory Neighborhood Commission: 1A

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.

IDEA INTEGRATED DESIGN AND ELECTRONIC ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Finance Consulting Services

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Finance Consulting Services

Full RFP available by request. All proposals must be submitted in PDF format and emailed to bids@ideapcs.org no later than 5:00 PM on **Tuesday, June 17th, 2025**. No phone calls please.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF PUBLIC MEETING

District of Columbia Combat Sports Commission

The District of Columbia Combat Sports Commission ("Commission") hereby gives notice of its upcoming meeting, pursuant to 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 Commission will hold its upcoming meeting on Wednesday, June 11, 2025, at 12:00 p.m.

The Commission holds its meetings on the second Wednesday of each month at 12:00 p.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Mr. Terron McAbee, acting Commission Administrator, at (202) 442-4320 or terron.mcabee@dc.gov.

DRAFT AGENDA

1. Call to Order – 12:00 p.m. (*Public Session*)
2. Attendance
3. Comments from the Public
4. Approval of Minutes
5. Old Business
6. New Business
7. Executive Session (*Closed to the Public*) 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.
8. Adjournment

Meeting Link:
https://dc-gov.zoom.us/j/85888231877?pwd=fxieEsaERjXNXnbOvwmIZgaclsQesg.1
Webinar ID: 858 8823 1877
Password: Combat2024

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.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF PUBLIC MEETING

District of Columbia Real Estate Commission

The District of Columbia Real Estate Commission ("Commission") hereby gives notice of its upcoming meeting, pursuant to 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 Commission will hold its upcoming meeting on Tuesday, June 10, 2025, at 10:00 a.m.

The Commission holds its meetings on the second Tuesday of each month at 10:00 a.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Ms. Stacey Price, Commission Administrator, at (202) 442-4495 or stacey.price@dc.gov.

DRAFT AGENDA

1. Call to Order – 10:00 a.m. (*Public Session*)
2. Attendance
3. Comments from the Public
4. Approval of Minutes
5. Reports
    a. Education Subcommittee
6. Budget Update
7. Correspondence
8. Old Business
9. New Business
10. Executive Session (*Closed to the Public*) 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.
11. Recommendations
    a. Applications for Licensure
        i. Administratively Approved
        ii. Technical Applications
    b. Complaints/Legal Matters
12. Adjournment

Meeting Link:
https://dc-gov.zoom.us/j/88207652064
Webinar ID: 882 0765 2064
Passcode: DCREC

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.

MAYA ANGELOU PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Human Resource Information System (HRIS)

Maya Angelou Public Charter School, located in Washington DC, invites proposals for qualified firms to implement a Human Resource Information System (HRIS). The submission deadline is 3:00 PM Eastern Time on June 13, 2025.

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

Dr. Nakita McNeil-West
Procurement, Contracts and Grants
nwest@seeforever.org

PERRY STREET PREPARATORY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

IT Services: Comprehensive IT Services for Perry Street Preparatory Public Charter School

Perry Street Preparatory Public Charter School is seeking proposals from qualified vendors to provide comprehensive IT services, including desktop support for students and staff, infrastructure management, cybersecurity, compliance, and recommendations to enhance the school's overall technology systems. Proposals may also include support for wiring and security camera installation.

To request the full RFP, please visit https://www.pspdc.org/apps/pages/procurment

The deadline for submitting PDF proposals is 12:00 PM (noon) on Friday June 20, 2025. Proposals that are incomplete or received after the deadline will not be considered. All submissions must address the full scope outlined in this RFP.

For additional information, contact:

Porsche Paulding, Chief Operating Officer

Perry Street Preparatory Public Charter School

1800 Perry Street NE

Washington, DC 20018

(202)-589-4400

ppaulding@pspdc.org

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

FIRST AMENDMENT TO NOTICE OF FUNDING AVAILABILITY (NOFA)

FY25 Chinatown Lease Incentive Program

This notice supersedes the notice published in the DC Register on March 14, 2025 volume 72/11

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 **June 13th, 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.

OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2026 Safe Passage, Safe Blocks RFA

Request for Application (RFA) Release Date: Tuesday, June 10, 2025

Background: The Office of the Deputy Mayor of Public Safety and Justice **("DMPSJ")** announces the availability of Fiscal Year 2026 grant funds to improve student safety along school commute routes in pre-identified Safe Passage priority areas.

Purpose: The grant will enhance the safety and well-being of students as they travel to and from school. Through this grant, the District will fund community-based organizations (CBOs) to provide visible, trusted adult presence along designated Safe Passage routes, reduce incidents of violence or disruptions, and support positive youth engagement. This initiative aims to foster a safer, more supportive environment for students, families, and school communities in identified priority areas.

Safe Passage utilizes a community-based crime reduction model to improve student safety in pre-determined priority areas through surveillance and violence interruption services. Safe Passage Ambassadors, who are central to this model, are trained to identify potential threats, intervene in unsafe situations, de-escalate conflicts, and report instances of violence against students.

Eligible Applicants/Entities: Any public or private, community-based non-profit agency, organization, or institution located in the District of Columbia is eligible to apply. For profit organizations are eligible but may not include profit in their grant application.

Subcontracting will only be permitted under this grant if the applicant CBO provides a fully executed agreement with the proposed subcontractor at the time of application submission. The agreement must clearly outline the scope of work to be performed by the subcontractor and demonstrate alignment with the objectives of the funded program. Draft agreements or letters of intent will not be accepted in lieu of a signed contract.

Availability of RFA: The RFA and grant application will be released on **June 10, 2025**, and posted at the DMPSJ website (dmpsj.dc.gov) and District Grants Clearinghouse.

Deadline of RFA for Electronic Submission: Applicants must submit a completed online application to DMPSJ via ZoomGrants™ no later than 11:59 PM/ET on **July 10, 2025.**

Period of Performance: Effective date of the grant agreement October 1, 2025, through September 30, 2026.

Inquiry/Contact Information: For questions not covered in the RFA or specific to your application, please email safepassage@dc.gov with the subject line: FY 2026 Safe Passage RFA Application Inquiry.

Information Session: DMPSJ will host a virtual pre-application conference for interested applicants on **June 23, 2025**.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

WGPOR-2025-01, IN THE MATTER OF THE INVESTIGATION INTO THE ESTABLISHMENT OF A PURCHASE OF RECEIVABLES PROGRAM FOR NATURAL GAS SUPPLIERS AND THEIR CUSTOMERS IN THE DISTRICT OF COLUMBIA,

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 proposed amendments to Firm Delivery Service Gas Supplier Agreement – Rate Schedule No. 5, Purchase of Receivables Discount Rate Calculations of Washington Gas Light Company's (WGL or Company) General Regulations Tariff 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]

2. In Order No. 19772, the Commission directed WGL to track and report all revenues of the Purchase of Receivables (POR) program at the end of the first year of operation and annually file POR discount rate calculations and new tariff pages reflecting the updated discount rates.[3] In Order No. 20734, the Commission directed WGL to include in all future annual POR discount rate calculation filings the supporting schedules and work papers for all the components of the POR discount rate.[4] In addition, the Company was directed to submit with its 2022 POR discount rate filing and, in every annual filing thereafter, a tariff that includes the proposed POR discount rate in the tariff.[5] On April 15, 2025, WGL submitted its 2025 POR tariff with proposed changes to Rate Schedule No. 5 of its General Regulations Tariff.[6]

3. WGL's POR tariff filing consists of: (1) WGPOR 2025 Purchase of Receivables Discount Rate Calculation; (2) WGPOR 2025 – Reconciliation Factor; (3) WGPOR 2025 - Year 7 Implementation Cost Calculation; (4) Year 7 - 3rd Party Marketer

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[1] D.C. Code § 2-505 and D.C. Code § 34-802.

[2] *Formal Case No. 1140*, *In the Matter of the Investigation into the Establishment of a Purchase of Receivables Program for Natural Gas Suppliers and Their Customers in the District of Columbia* (*Formal Case No. 1140*), Order No. 19719, rel. October 17, 2018.

[3] *Formal Case No. 1140*, Order No. 19772, rel. December 13, 2018.

[4] *WGPOR-2021-01*, *In the Matter of the Investigation into the Establishment of a Purchase of Receivables Program for Natural Gas Suppliers and Their Customers in the District of Columbia*, Order No. 20734, rel. May 6, 2021 (Order No. 20734).

[5] Order No. 20734, ¶¶ 1, 3-4.

[6] *WGPOR-2024-01*, Washington Gas Light Company – Annual Purchase of Receivables Discount Rate and Calculations, Public Version filed April 15, 2024 (Tariff filing).

Revenue Lag; (5) WGPOR 2025 – Commodity Billed Revenues Five Year Average; (6) WGPOR 2025 – Year 6 Implementation Cost Calculation; (7) Year 6 – 3rd Party Marketer Revenue Lag; (8) WGPOR 2025 Utility Cost of Capital – Overall and Pretax Returns Effective January 16, 2024 from *Formal Case No. 1169* Approved Order; (9) WGPOR 2025 – Class Allocation Factors; (10) WGPOR 2025 – Calculation of the 3rd Party Marketer AR LagWG; and (11) Determination of Operating Revenues Composite Days Lag.[7]

4. The WGPOR 2025 POR Discount Rate Calculation includes the following components: (1) Component No. 1 Bad Debt Expense $436,140; (2) Sub-Component No. 1 Late Payment Revenues ($188,604); (3) Component No. 1 - Bad Debt Expense - Net Late Payment Revenues of $247,535 [*i.e.*, Component 1 plus Sub-Component No.1]; (4) Component No. 2 - Implementation Costs, $101,628; (5) Component No. 3 - Incremental Collection Costs, $46,184; (6) Component No. 4 – Cash Working Capital Costs, $243,321; (7) Component No. 5 – Risk Factor, $0; (8) Component No. 6 - Reconciliation Factor $ 321,347; (9) Total Annual Costs, $960,016; (10) Commodity Billed by WGL on Behalf of 3rd Party Marketers, $32,307,363; and (11) POR Discount Rate – Residential 9.985%; Non-Residential 0.924%.[8] Accordingly, WGL proposes to amend the following tariff page:[9]

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3
(Former) Fourth Revised Page No. 27GG
(New) Fifth Revised Page No. 27GG

5. Any person interested in commenting on the subject matter of this proposed tariff may submit written comments not 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, and sent electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed tariff 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 "WGPOR" 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 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.

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7 Tariff filing at 1-15.

8 Tariff filing at 1.

9 Tariff filing at 36.

A TRUE COPY:	**BY DIRECTION OF THE COMMISSION:**
CHIEF CLERK:	**BRINDA WESTBROOK-SEDGWICK** **COMMISSION SECRETARY**

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF VIRTUAL SPECIAL BOARD MEETING

OPEN SESSION

DANNY C. GREGG, CHAIR
THURSDAY, JUNE 5, 2025
10:45 A.M.

WebEx Meeting	Telephone: **650-479-3208**	Conference Access Code: **2319 582 3523**	Meeting Password: **piJUKN3G9k5**

AGENDA

10:45 AM	**OPEN SESSION -- CALL TO ORDER AND ROLL CALL**	
11:05 AM	**CHAIR'S COMMENTS**	**TAB 2**
11:10 AM	**OTHER BUSINESS**	**TAB 3**
111:15 AM	**ADJOURNMENT**	**TAB 4**

"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."

SELA PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Interim Head of School/Strategic Leadership and/or Head of School Search Services

Sela PCS is looking for strategic support as the school transitions to new leadership and creates a strategic path for the next five years effective in SY 2025-26. Sela is seeking to engage with an expert consultant or organization to provide an interim leader (Head of School) for SY 2025-26, advise on strategic planning and implementation, and support the Board of Directors in conducting an inclusive, transparent, and thorough search for a permanent Head of School for SY 2026-27 and beyond. Respondents may offer services for any/all of the following elements:

- Provide Interim Head of School to successfully lead the school during SY 2025-26 and engage with stakeholders to lead the strategic planning process
- Provide School Leader Executive Search services

Questions or comments to this Request for Proposals should be directed to the Sela Board of Directors via e-mail only at selapcsboard@gmail.com no later than June 13, 2025. A detailed document of requirements is available upon request. Please indicate in the subject of your email: Request for Proposals – Interim Head of School Leadership Search.

TWO RIVERS PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

AV System

Two Rivers PCS is soliciting proposals from an audiovisual design and installation company to install systems in three buildings. To request a copy of the RFP, email Gail Williams at procurement@tworiverspcs.org. Proposals are due by June 26, 2025.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will hold a meeting via Microsoft Teams on Wednesday, June 18, 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 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. Roll Call	Board Secretary
3. AWTP Status Updates - BPAWTP Performance	Vice-President, Wastewater Ops
4. Project Status Updates	Vice-President of Engineering & Technical Services
5. Water Quality Monitoring	Vice-President, Water Ops
6. Action Items - Joint Use - Non-Joint Use	 Chief Operating Officer and EVP Vice President of Procurement
7. Emerging Items/Other Business	Committee Chairperson
8. Executive Session	Committee Chairperson
9. 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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 78-17A
(Judiciary Plaza, LLC – PUD Modification with Hearing
@ Square 489, Lot 21 (450 5th Street, N.W.))
June 5, 2025

<u>THIS CASE IS OF INTEREST TO ANC 2E and 6C.</u>

On May 9, 2025, the Office of Zoning received an application from Judiciary Plaza, LLC (the "Applicant") for approval of a PUD Modification with Hearing for the above-referenced property.

The subject property is located in northwest Washington, D.C. (Ward 2). The property consists of Lot 21 in Square 489 and is currently zoned MU-8B Zone. The Property contains approximately 57,250 square feet of land area. The PUD was approved in ZC Order Nos. 213, 252, and 287 in order to convert the existing building to a residential building that will include approximately 500 residential units, with 8% of the residential Gross Floor Area reserved for Inclusionary Zoning units. The modified building will retain the maximum 120-foot height of the original building and will result in a slight increase in Gross Floor Area to approximately 412,000 square feet, for an FAR of 7.19. The project will include 242 underground parking spaces.

This case was filed electronically through the Interactive Zoning Information System ("IZIS"), which can be accessed through http://dcoz.dc.gov. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

District of Columbia REGISTER – June 6, 2025 – Vol. 72 - No. 23 006445 - 006606

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.

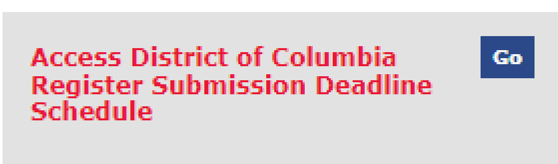
If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, November 27, 2025 is Thanksgiving Day, the deadline for the December 5, 2025 *District of Columbia Register* is Wednesday, noon on November 26, 2025.

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