



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Law 20-91, Minimum Wage Amendment Act of 2013
- DC Council passes Law 20-96, Omnibus Health Regulation Amendment Act of 2014
- Department of Human Resources updates regulations on employee conduct
- DC Public Schools clarifies regulations regarding the boundary lottery application process
- Office of the DC Auditor solicits proposals from experienced survey research firms
- Department of Health publishes Board of Nursing advisory opinions
- Medical Marijuana Scientific Subcommittee schedules a public hearing to consider adding Post-Traumatic Stress Disorder as a new qualifying medical condition

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

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

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-80

**“Prohibition on Government Employee Engagement
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Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-117 on first and second readings November 5, 2013 and December 3, 2013, respectively. Following the signature of the Mayor on December 27, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-250 and was published in the January 10, 2014 edition of the D.C. Register (Vol. 60, page 169). Act 20-250 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-250 is now D.C. Law 20-80, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21

COUNCIL OF THE DISTRICT OF COLUMBIA

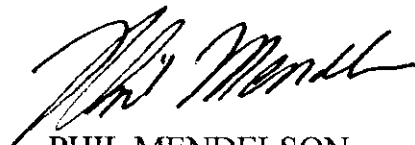
NOTICE

D.C. LAW 20-81

“Manufacturers’ Sunday Sale Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-197 on first and second readings November 5, 2013 and December 3, 2013, respectively. Following the signature of the Mayor on December 27, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-251 and was published in the January 10, 2014 edition of the D.C. Register (Vol. 60, page 173). Act 20-251 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-251 is now D.C. Law 20-81, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

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Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-82

“Manufacturer Tasting Permit Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-234 on first and second readings November 5, 2013 and December 3, 2013, respectively. Following the signature of the Mayor on December 27, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-252 and was published in the January 10, 2014 edition of the D.C. Register (Vol. 60, page 175). Act 20-252 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-252 is now D.C. Law 20-82, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

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COUNCIL OF THE DISTRICT OF COLUMBIA

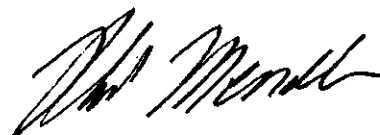
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D.C. LAW 20-83

“Funeral and Memorial Service Leave Amendment Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-235 on first and second readings November 5, 2013 and December 3, 2013, respectively. Following the signature of the Mayor on December 27, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-253 and was published in the January 10, 2014 edition of the D.C. Register (Vol. 60, page 176). Act 20-253 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-253 is now D.C. Law 20-83, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

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COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-84****“Focused Student Achievement Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-311 on first and second readings November 5, 2013 and December 3, 2013, respectively. Following the signature of the Mayor on December 27, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-254 and was published in the January 10, 2014 edition of the D.C. Register (Vol. 60, page 178). Act 20-254 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-254 is now D.C. Law 20-84, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

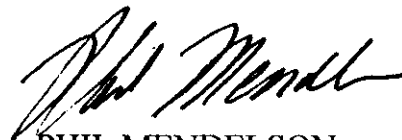
Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

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COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-85****“Tax Clarity Equity Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-348 on first and second readings November 5, 2013 and December 3, 2013, respectively. Following the signature of the Mayor on December 27, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-255 and was published in the January 10, 2014 edition of the D.C. Register (Vol. 60, page 184). Act 20-255 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-255 is now D.C. Law 20-85, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 20-86

**“Historic Music Cultural Institutions
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Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-70 on first and second readings November 5, 2013 and December 3, 2013, respectively. The Legislation was deemed approved without the signature of the Mayor on January 1, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-256 and was published in the January 17, 2014 edition of the D.C. Register (Vol. 60, page 305). Act 20-256 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-256 is now D.C. Law 20-86, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 20-87

**“Fair Student Funding and School-Based
Budgeting Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-309 on first and second readings December 3, 2013 and December 17, 2013, respectively. Following the signature of the Mayor on January 2, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-257 and was published in the January 17, 2014 edition of the D.C. Register (Vol. 60, page 309). Act 20-257 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-257 is now D.C. Law 20-87, effective February 22, 2014.


PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

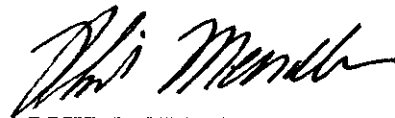
Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-88****“Closing of a Portion of the Public Alley in
Square 858, S.O. 12-03336, Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-388 on first and second readings December 3, 2013 and December 17, 2013, respectively. Following the signature of the Mayor on January 2, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-258 and was published in the January 17, 2014 edition of the D.C. Register (Vol. 60, page 315). Act 20-258 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-258 is now D.C. Law 20-88, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 20-89

“Earned Sick and Safe Leave Amendment Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-480 on first and second readings December 3, 2013 and December 17, 2013, respectively. Following the signature of the Mayor on January 2, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-259 and was published in the January 17, 2014 edition of the D.C. Register (Vol. 60, page 317). Act 20-259 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-259 is now D.C. Law 20-89, effective February 22, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 20-90

“Tax Exemption for Teacher Awards Temporary Act of 2013”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-593 on first and second readings December 3, 2013 and December 17, 2013, respectively. Following the signature of the Mayor on January 2, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-260 and was published in the January 17, 2014 edition of the D.C. Register (Vol. 60, page 322). Act 20-260 was transmitted to Congress on January 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-260 is now D.C. Law 20-90, effective February 22, 2014.


PHIL MENDELSON
Chairman of the Council

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Jan. 9,10,13,14,15,16,17,21,22,23,24,27,28,29,30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-91****“Minimum Wage Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-459 on first and second readings December 3, 2013 and December 17, 2013, respectively. Following the signature of the Mayor on January 15, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-265 and was published in the January 31, 2014 edition of the D.C. Register (Vol. 60, page 778). Act 20-265 was transmitted to Congress on January 27, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-265 is now D.C. Law 20-91, effective March 11, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Jan. 27,28,29,30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21,24,25,26,27,28

Mar. 3,4,5,6,7,10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-92

“Closing of a Portion of the Public Alley in Square 5452, S.O. 12-03541, Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-298 on first and second readings December 3, 2013 and January 7, 2014, respectively. Following the signature of the Mayor on January 14, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-266 and was published in the January 31, 2014 edition of the D.C. Register (Vol. 60, page 781). Act 20-266 was transmitted to Congress on January 27, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-266 is now D.C. Law 20-92, effective March 11, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Jan. 27,28,29,30,31
- Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21,24,25,26,27,28
- Mar. 3,4,5,6,7,10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-93

“Microstamping Implementation Temporary Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-613 on first and second readings December 17, 2013 and January 7, 2014, respectively. Following the signature of the Mayor on January 15, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-267 and was published in the January 31, 2014 edition of the D.C. Register (Vol. 60, page 783). Act 20-267 was transmitted to Congress on January 27, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-267 is now D.C. Law 20-93, effective March 11, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Jan. 27,28,29,30,31
- Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21,24,25,26,27,28
- Mar. 3,4,5,6,7,10

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-94

“Procurement Practices Reform Exemption Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-152 on first and second readings December 3, 2013 and January 7, 2014, respectively. Following the signature of the Mayor on January 23, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-271 and was published in the February 7, 2014 edition of the D.C. Register (Vol. 60, page 963). Act 20-271 was transmitted to Congress on January 30, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-271 is now D.C. Law 20-94, effective March 14, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Jan. 30,31
- Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21,24,25,26,27,28
- Mar. 3,4,5,6,7,10,11,12,13

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-95

“Public Charter School Historic Preservation Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-364 on first and second readings December 3, 2013 and January 7, 2014, respectively. Following the signature of the Mayor on January 24, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-272 and was published in the February 7, 2014 edition of the D.C. Register (Vol. 60, page 966). Act 20-272 was transmitted to Congress on January 30, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-272 is now D.C. Law 20-95, effective March 14, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Jan. 30,31

Feb. 3,4,5,6,7,10,11,12,13,14,18,19,20,21,24,25,26,27,28

Mar. 3,4,5,6,7,10,11,12,13

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-96

“Omnibus Health Regulation Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-153 on first and second readings December 3, 2013 and January 7, 2014, respectively. Following the signature of the Mayor on February 5, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-273 and was published in the February 14, 2014 edition of the D.C. Register (Vol. 60, page 1184). Act 20-273 was transmitted to Congress on February 11, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-273 is now D.C. Law 20-96, effective March 26, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Feb. 11,12,13,14,18,19,20,21,24,25,26,27,28

Mar. 3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25

ENROLLED ORIGINAL

A RESOLUTION

20-406

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2014

To confirm the appointment of Ms. Marnique Heath to the Board of Zoning Adjustment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Zoning Adjustment Marnique Heath Confirmation Resolution of 2014”.

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

Ms. Marnique Heath
54 Hawthorne Court, N.E.
Washington, D.C. 20017
(Ward 5)

as a member of the Board of Zoning Adjustment, established by section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), for a term to end September 30, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-407

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2014

To confirm the reappointment of Mr. Anthony J. Hood to the Zoning Commission for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Zoning Commission for the District of Columbia Anthony J. Hood Confirmation Resolution of 2014”.

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

Mr. Anthony J. Hood
1859 Channing Street, N.E.
Washington, D.C. 20018
(Ward 5)

as a member of the Zoning Commission for the District of Columbia, established by section 1 of An Act To regulate the height, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes, approved December 24, 1973 (87 Stat. 810; D.C. Official Code § 6-621.01), for a term to end February 3, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 4, 2014

To approve the removal of a portion of 28th and Austin Streets, S.E., abutting Parcel 213/52, from the Plan of Permanent System of Highways of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Abandonment of the Highway Plan for a Portion of 28th and Austin Streets, S.E., S.O. 13-11875, Resolution of 2014”.

Sec. 2. The Mayor has proposed the removal of a portion of 28th Street, S.E., and Austin Street, S.E., abutting Parcel 213/52, as shown on the Surveyor’s Plat filed under S.O. 13-11875, from the Plan of Permanent System of Highways of the District of Columbia.

Sec. 3. Pursuant to section 6 of An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of the cities, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council approves the revision to the highway plan referred to in section 2.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

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

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

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

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|--|-----------------------------|
| COUNCIL OF THE DISTRICT OF COLUMBIA | PROPOSED LEGISLATION |
|--|-----------------------------|

BILLS

B20-746 Vending Regulations Amendment Act of 2014

Intro. 04-01-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs with comments from the Committee on Judiciary and Public Safety

B20-749 Fiscal Year 2015 Budget Request Act of 2014

Intro. 04-03-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

B20-750 Fiscal Year 2015 Budget Support Act of 2014

Intro. 04-03-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole with comments from standing committees on the specific subtitle indicated below:

COMMITTEE LEGEND

- BCRA BUSINESS CONSUMER AND REGULATORY AFFAIRS
- COW COMMITTEE OF THE WHOLE
- E EDUCATION
- ED ECONOMIC DEVELOPMENT
- FR FINANCE AND REVENUE
- GO GOVERNMENT OPERATIONS

H HEALTH

COMMITTEE LEGEND CON'T

HS HUMAN SERVICES

JPS JUDICIARY AND PUBLIC SAFETY

TE TRANSPORTATION AND THE ENVIRONMENT

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. BONUS AND SPECIAL PAY LIMITATION.....GO

SUBTITLE B. ELECTED ATTORNEY GENERAL IMPLEMENTATION AND LEGAL SERVICE ESTABLISHMENT TECHNICAL AMENDMENT.....JPS

SUBTITLE C. PUBLIC SECTOR WORKERS' COMPENSATION BUDGET SAVINGS.....GO

SUBTITLE D. FLEXIBILITY IN PROVISION OF TECHNOLOGY SERVICES.....GO

SUBTITLE E. PAY-AS-YOU-GO AND RESERVE ACCOUNT TECHNICAL AMENDMENTS.....COW

SUBTITLE F. FAMILY BONDING AMENDMENT.....GO

SUBTITLE G. OFFICE OF CONTRACTING AND PROCUREMENT SURPLUS PROPERTY FUND ESTABLISHMENT.....COW

SUBTITLE H. DISTRICT OF COLUMBIA FOOD PROVISION AMENDMENT.....GO, TE

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

SUBTITLE A. MANUFACTURER TASTING PERMIT AMENDMENT.....BCRA

SUBTITLE B. WARD 4 FULL SERVICE GROCERY STORE AMENDMENT.....BCRA

SUBTITLE C. ALCOHOLIC BEVERAGE CONTROL BOARD STIPEND AMENDMENT.....BCRA

SUBTITLE D. CONSUMER PROCEDURES AND PROTECTIONS ENFORCEMENT AMENDMENT.....BCRA

SUBTITLE E. SOLAR PERMITTING FEES AMENDMENT.....BCRA, TE

SUBTITLE F. PUBLIC UTILITIES REIMBURSEMENT FEE AMENDMENT.....GO

SUBTITLE G. UNEMPLOYMENT INSURANCE BENEFITS MODERNIZATION AND FEDERAL CONFORMITY.....BCRA

SUBTITLE H. H STREET RETAIL PRIORITY AREA INCENTIVE AMENDMENT.....ED

SUBTITLE I. LOCAL RENT SUPPLEMENT SUSTAINMENT.....ED, HS

SUBTITLE J. FILM DC ECONOMIC INCENTIVE AMENDMENT.....BCRA

TITLE III. PUBLIC SAFETY AND JUSTICE

SUBTITLE A. MPD ESCORT AND REIMBURSEMENT.....JPS

SUBTITLE B. STATE SAFETY OVERSIGHT AGENCY ESTABLISHMENT.....JPS, TE

TITLE IV. PUBLIC EDUCATION

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS AMENDMENT.....E

SUBTITLE B. ALTERNATIVE SCHOOL ESTABLISHMENT.....E

SUBTITLE C. PUBLIC CHARTER SCHOOL BOARD FUNDING AMENDMENT.....E

SUBTITLE D. PREFERENCES IN ADMISSION FOR PUBLIC CHARTER SCHOOL APPLICANTS.....E

SUBTITLE E. RESIDENCY EXEMPTION FOR WARDS OF THE STATE.....E

SUBTITLE F. ESTABLISHMENT OF THE COMMON LOTTERY BOARD.....E
SUBTITLE G. EDUCATION FUNDING FORMULA EQUITY.....E

TITLE V. HEALTH AND HUMAN SERVICES

SUBTITLE A. DEVELOPMENTAL DISABILITY SERVICE MANAGEMENT REFORM.....HS, H
SUBTITLE B. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION AMENDMENTS.....H
SUBTITLE C. MEDICAL ASSISTANCE PROGRAM AMENDMENTS.....H
SUBTITLE D. DEPARTMENT OF BEHAVIORAL HEALTH ESTABLISHMENT
AMENDMENT.....H
SUBTITLE E. DBH ENTERPRISE FUND ESTABLISHMENT.....H
SUBTITLE F. LIHEAP HEAT AND EAT ELIGIBILITY AMENDMENT.....HS, TE
SUBTITLE G. HEALTH SERVICES PLANNING AND DEVELOPMENT.....H
SUBTITLE H. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TIME LIMIT.....HS

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

SUBTITLE A. VAULT RENT AMENDMENT.....TE, FR, ED
SUBTITLE B. PUBLIC SPACE RENTAL AMENDMENT.....TE, COW
SUBTITLE C. CAPITAL BIKESHARE CORPORATE SPONSORSHIP ESTABLISHMENT.....TE
SUBTITLE D. DDOT MANAGED LANE AUTHORIZATION.....TE
SUBTITLE E. INTEGRATED PREMIUM TRANSIT SYSTEM AMENDMENT.....TE, COW
SUBTITLE F. PESTICIDE REGISTRATION FUND AMENDMENT.....TE

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. SUBJECT TO APPROPRIATIONS AMENDMENTS.....COW
SUBTITLE B. TAX REVISION COMMISSION RECOMMENDATIONS IMPLEMENTATION....FR
SUBTITLE C. URBAN INSTITUTE REAL PROPERTY TAX ABATEMENT REPEAL AND REAL
PROPERTY TAX REBATE.....FR
SUBTITLE D. INDUSTRIAL REVENUE BOND SECURITY INTEREST INSTRUMENT
RECORDATION TAX EXEMPTION AMENDMENT.....FR
SUBTITLE E. FISCAL YEAR 2014 BUDGET SUPPORT ACT AMENDMENTS.....COW
SUBTITLE F. SENIOR CITIZEN REAL PROPERTY TAX RELIEF AMENDMENT.....FR
SUBTITLE G. WHITMAN WALKER TAX ABATEMENT.....FR
SUBTITLE H. ENCOURAGING ALTERNATIVE FUEL VEHICLES THROUGH TAX
INCENTIVES.....FR, TE
SUBTITLE I. ENCOURAGING ALTERNATIVE FUEL INFRASTRUCTURE INSTALLATION
THROUGH TAX INCENTIVES.....FR, TE
SUBTITLE J. REAL PROPERTY TAX CALCULATED RATE CLARITY.....FR
SUBTITLE K. CARVER 2000 SENIOR MANSION REAL PROPERTY TAX ABATEMENT
AMENDMENT.....FR
SUBTITLE L. RESIDENTIAL REAL PROPERTY EQUITY AND TRANSPARENCY
AMENDMENT.....FR

TITLE VIII. CAPITAL BUDGET

SUBTITLE A. DDOT CAPITAL BUDGET ALLOCATION AUTHORITY.....TE
SUBTITLE B. DDOT CAPITAL PROJECT REVIEW AND RECONCILIATION.....TE
SUBTITLE C. FY 2015 CAPITAL PROJECT FINANCING REALLOCATION APPROVAL.....COW

TITLE IX. ADDITIONAL REVENUE CONTINGENCY LIST

SUBTITLE A. REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY LIST.....COW

TITLE X. SPEICAL PURPOSE AND DEDICATED REVENUE FUND AMENDMENTS AND TRANSFERS

SUBTITLE A. LOCAL AND O-TYPE FUND AMENDMENTS.....COW

SUBTITLE B. LOCAL AND O-TYPE FUND TRANSFERS.....COW

B20-753 Transportation Network Services Innovation Act of 2014

Intro. 04-04-14 by Councilmembers Cheh and Grosso and referred to the Committee on Transportation and the Environment

PROPOSED RESOLUTIONS

PR20-718 District of Columbia Small and Local Business Opportunity Commission Vinoda Basnayke Confirmation Resolution of 2014

Intro. 03-31-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-719 District of Columbia Small and Local Business Opportunity Commission Lloyd Henry Confirmation Resolution of 2014

Intro. 03-31-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-720 Real Property Tax Appeals Commission May S. Chan Confirmation Resolution of 2014

Intro. 04-01-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR20-724 Public Employee Relations Board Keith Washington Confirmation Resolution of 2014

Intro. 04-02-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

Council of the District of Columbia
Committee on Human Services
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**THE COMMITTEE ON HUMAN SERVICES
JIM GRAHAM, CHAIRMAN**

ANNOUNCES A PUBLIC HEARING ON

BILL 20-735, THE "END YOUTH HOMELESSNESS AMENDMENT ACT OF 2014"

WEDNESDAY, MAY 7, 2014 AT 11:00 A.M.

**ROOM 123
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Jim Graham, Chairperson of the Committee on Human Services, announces a public hearing on Bill 20-735, the "End Youth Homelessness Amendment Act of 2014." The hearing will be held on Wednesday, May 7, 2014 at 11:00 a.m., in Room 123 of the John A. Wilson Building.

Bill 20-735 would amend the Homeless Services Reform Act of 2005 to require the Interagency Council on Homelessness to clarify in its Winter Plans that the right to hypothermia shelter applies to all District residents who are homeless, including unaccompanied minors; to require the Interagency Council to prepare and submit to the Council a comprehensive Plan to End Youth Homelessness in the District by 2020; to provide that the Continuum of Care shall include comprehensive, age-appropriate supportive services for children and youth; to require the Department of Human Services to establish a new grant program to fund street outreach; to require the Department of Human Services to conduct an extended youth count; to require the Mayor to operate a coordinated system for entering youth into the District's network of shelters, housing and services; and to require additional funding for the Continuum of Care.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by e-mail at mcameron@dccouncil.us or by telephone at (202) 724-8191 by May 6, 2014. E-mail contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their written testimony to the hearing. Witnesses representing an organization should limit their testimony to five minutes; individual witnesses will have three minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Human Services, 1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004, no later than 5:30 p.m., May 17, 2014.

**Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs
Notice of Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Ste. G-6 Washington, DC 20004

**COUNCILMEMBER VINCENT B. ORANGE, SR., CHAIR
COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY AFFAIRS**

ANNOUNCES A PUBLIC HEARING ON

B20-746, THE “VENDING REGULATIONS AMENDMENT ACT OF 2014”

**Wednesday, April 30, 2014, 10:00 a.m.
John A. Wilson Building, Room 123
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public hearing of the Committee on Business, Consumer, and Regulatory Affairs for the purpose of receiving testimony on B20-746, the “Vending Regulations Amendment Act of 2014”. The public hearing is scheduled for Wednesday, April 30, 2014 at 10:00 a.m. in Room 123 of the John A. Wilson Building located at 1350 Pennsylvania Ave., N.W., Washington, DC 20004.

B20-746, the “Vending Regulations Amendment Act of 2014” proposes to reinstate criminal penalties for violations of the District’s vending regulations and all for their enforcement by the Metropolitan Police Department. The bill will ensure compliance of licensed vendors with vending regulations and provide for enforcement action against individuals found to be illegally vending.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Ms. Faye Caldwell or Gene Fisher of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us or gfisher@dccouncil.us. Witnesses are asked to furnish their names, addresses, telephone number, email address, and organizational affiliation, if any, by the close of business, Wednesday, April 23, 2014. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made part of the official record. The official record will remain open until the close of business of Wednesday, May 14, 2014. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
 NOTICE OF PUBLIC HEARINGS
 FISCAL YEAR 2015 PROPOSED BUDGET AND FINANCIAL PLAN,
 FISCAL YEAR 2015 BUDGET SUPPORT ACT OF 2014,
 FISCAL YEAR 2015 BUDGET REQUEST ACT OF 2014, AND
 COMMITTEE MARK-UP SCHEDULE**

4/7/2014

SUMMARY

| | |
|------------------------------|--|
| April 3, 2014 | Mayor Transmits the Fiscal Year 2015 Proposed Budget and Financial |
| April 7, 2014 | Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2015 Proposed Budget and Financial Plan |
| April 9, 2014 to May 9, 2014 | Committee Public Hearings on the "Fiscal Year 2015 Budget Request Act of 2014." (The Committees may also simultaneously receive testimony on the sections of the Fiscal Year 2014 Budget Support Acts that affect the agencies under each Committee's purview) |
| May 9, 2014 | Committee of the Whole Public Hearing on the "Fiscal Year 2015 Budget Request Act of 2014" and the "Fiscal Year 2015 Budget Support Act of 2014" |
| May 13, 14, and May 15, 2014 | Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2015 |
| May 28, 2014 | Committee of the Whole and Council consideration of the "Fiscal Year 2015 Budget Request Act of 2014", and the "Fiscal Year 2015 Budget Support Act of 2014" |
| June 11, 2014 | Council consideration of the "Fiscal Year 2015 Budget Request Act of 2014", and the "Fiscal Year 2015 Budget Support Act of 2014" |

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2015 Proposed Budget and Financial Plan, the "Fiscal Year 2015 Budget Request Act of 2014", and the "Fiscal Year 2015 Budget Support Act of 2014". The hearings will begin Wednesday, April 9, 2014 and conclude on Friday, May 9, 2014 and will take place in the Council Chamber (Room 500), Room 412, Room 120, or Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

The Committee mark-ups will begin Tuesday, May 13, 2014 and conclude on Thursday, May 15, 2014 and will take place in the Council Chamber (Room 500) of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 15 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget oversight hearing and mark-up schedule please contact the Council's Office of the Budget Director at (202) 724-8544.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

| <u>New Date</u> | <u>Original Date</u> | <u>New Time</u> | <u>Hearing</u> |
|------------------------|-----------------------------|------------------------|--|
| 4/9/14 | 4/9/14 | 1:30pm | Office of the Deputy Mayor for Planning & Economic Development - Room 500 |
| 4/11/14 | 4/11/14 | Noon | Dept of Disability Services - Room 412 |
| 4/28/14 | 4/17/14 | 9:30am | Office of Budget and Planning - Room 500 |
| 5/2/14 | 4/9/14 | 11:00am | Dept. of Housing and Community Development - Room 120 |

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

| MONDAY, APRIL 7, 2014; COUNCIL CHAMBER (Room 500) | |
|--|---|
| Time | Subject |
| 10:00 a.m. - End | Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2015 Proposed Budget and Financial Plan |

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

| WEDNESDAY, APRIL 9, 2014; COUNCIL CHAMBER (Room 500) | |
|---|--|
| Time | Agency |
| 1:30 p.m. - End | Office of the Deputy Mayor for Planning & Economic Development |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Judah Gluckman, jgluckman@dccouncil.us or by calling 202-724-8052.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

| WEDNESDAY, APRIL 9, 2014; Room 412 | |
|---|--|
| Time | Agency |
| 1:00 p.m. - 6:00 p.m. | Metropolitan Washington Council of Governments |
| | Office of Labor Relations |
| | Collective Bargaining |
| | District of Columbia Auditor |
| | Council of the District of Columbia |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Renee Johnson, rjohnson@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

Chairperson Tommy Wells

| THURSDAY, APRIL 10, 2014; COUNCIL CHAMBER (Room 500) | |
|---|-------------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Judicial Nomination Commission |
| | Department of Corrections |
| | Office of Returning Citizen Affairs |
| | Justice Grants Administration |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Tawanna Shuford, tshuford@dccouncil.us or by calling 202-724-7808.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

| THURSDAY, APRIL 10, 2014; Room 412 | |
|---|--|
| Time | Agency |
| 10:00 a.m. - End | Health Benefit Exchange Authority |
| | Deputy Mayor for Health and Human Services |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, rsmith@dccouncil.us or by calling 202-741-2111.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

| FRIDAY, APRIL 11, 2014; COUNCIL CHAMBER (Room 500) | |
|---|--|
| Time | Agency |
| 11:00 a.m. | District Department of the Environment |
| 1:00 p.m. | Taxicab Commission |

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

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

| FRIDAY, APRIL 11, 2014; Room 412 | |
|----------------------------------|-----------------------------------|
| Time | Agency |
| Noon - End | Department on Disability Services |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-724-8191.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

| MONDAY, APRIL 14, 2014; COUNCIL CHAMBER (Room 500) | |
|--|---|
| Time | Agency |
| 10:00 a.m. - 6:00 p.m. | Retirement Board |
| | Retiree Health Contribution |
| | Teachers' Retirement System |
| | Police Officers' and Fire Fighters' Retirement System |
| | Office of Zoning |
| | Office on Planning |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Jessica Jacobs, jjacobs@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

| MONDAY, APRIL 14, 2014; Room 412 | |
|----------------------------------|---|
| Time | Agency |
| 10:00 a.m. - End | Office of the Chief Technology Officer |
| | Board of Ethics and Government Accountability |
| | Office of Risk Management |
| | Disability Compensation Fund |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Ronan Gulstone, rgulstone@dccouncil.us or by calling 202-478-2456.

COMMITTEE ON EDUCATION

Chairperson David Catania

| MONDAY, APRIL 14, 2014; Room 123 | |
|----------------------------------|--------------------------|
| Time | Agency |
| 10:00 a.m. - End | State Board of Education |
| | Public Library System |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Jamaal Jordan, jjordan@dccouncil.us or by calling 202-724-8061.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

| MONDAY, APRIL 14, 2014; Room 120 | |
|----------------------------------|---------------------------|
| Time | Agency |
| 11:00 a.m. - End | Child and Family Services |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-724-8191.

COMMITTEE ON EDUCATION

Chairperson David Catania

| THURSDAY, APRIL 17, 2014; COUNCIL CHAMBER (Room 500) | |
|--|---|
| Time | Agency |
| 10:00 a.m. - End | District of Columbia Public Schools (Public Witnesses Only) |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Jamaal Jordan, jjordan@dccouncil.us or by calling 724-8061.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

| THURSDAY, APRIL 17, 2014; Room 412 | |
|---|---------------------------------------|
| Time | Agency |
| Noon - 3:00 p.m. | Contract Appeals Board |
| | Office of Contracting and Procurement |
| | Innovation Fund |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Evan Cash, ecash@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

| THURSDAY, APRIL 17, 2014; Room 123 | |
|---|---------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Office of Inspector General |
| | Public Employee Relations Board |
| | Department of General Services |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Ronan Gulstone, rgulstone@dccouncil.us or by calling 202-478-2456.

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

Chairperson Tommy Wells

| THURSDAY, APRIL 17, 2014; Room 120 | |
|---|--------------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Office of Victim Services |
| | Department of Forensic Sciences |
| | Office of the Chief Medical Examiner |
| | Office of the Attorney General |
| | Corrections Information Council |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Tawanna Shuford, tshuford@dccouncil.us or by calling 202-724-7808.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

| MONDAY, APRIL 28, 2014; COUNCIL CHAMBER (Room 500) | |
|---|--|
| Time | Agency |
| 9:30 a.m. - 4:00 p.m. | Office of Budget and Planning |
| | University of the District of Columbia |
| | University of the District of Columbia Community College |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Evan Cash, ecash@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON EDUCATION

Chairperson David Catania

| MONDAY, APRIL 28, 2014; Room 412 | |
|---|---|
| Time | Agency |
| 10:00 a.m. - End | District of Columbia Public Schools (Government Witnesses only) |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Jamaal Jordan, jjordan@dccouncil.us or by calling 202-724-8061.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyon McDuffie

| MONDAY, APRIL 28, 2014, Room 123 | |
|---|---|
| Time | Agency |
| 10:00 a.m. - End | Advisory Neighborhood Commissions |
| | Office of City Administrator |
| | Executive Office of the Mayor |
| | - Office of Policy and Legislative Affairs |
| | - Serve DC |
| | - Office of Community Affairs |
| | - Advisory Commission on Caribbean Community Affairs |
| | - Advisory Committee to the Office of GLBT Affairs |
| | - Commission on African Affairs |
| | - Commission on African American Affairs |
| | - Commission on Asian and Pacific Islander Affairs |
| | - Commission on Women |
| | - Commission Latino Community Development |
| | - Interfaith Council |
| | - Office of Asian and Pacific Islander Affairs |
| | - Office of Gay, Lesbian, Bisexual, and Transgender Affairs |
| | - Office of Partnerships and Grants Services |
| - Office of Religious Affairs | |
| - Office of Veteran's Affairs | |
| - Office on African Affairs | |
| - Office on Latino Affairs | |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Ronan Gulstone, rgulstone@dccouncil.us or by calling 202-478-2456.

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

Chairperson Tommy Wells

| MONDAY, APRIL 28, 2014, Room 120 | |
|---|---|
| Time | Agency |
| 10:00 a.m. - End | Commission on Judicial Disabilities and Tenure |
| | Office of Human Rights |
| | Deputy Mayor for Public Safety and Justice |
| | Office of Administrative Hearings |
| | Homeland Security and Emergency Management Agency |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Tawanna Shuford, tshuford@dccouncil.us or by calling 202-724-7808.

COMMITTEE ON TRANSPORATION & THE ENVIRONMENT

Chairperson Mary Cheh

| TUESDAY, APRIL 29, 2014; COUNCIL CHAMBER (Room 500) | |
|--|---------------------------------------|
| Time | Agency |
| 11:00 a.m. | District Department of Transportation |

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

COMMITTEE ON FINANCE AND REVENUE

Chairperson Jack Evans

| TUESDAY, APRIL 29, 2014; Room 412 | |
|--|--|
| Time | Agency |
| 10:00 a.m. - End | Commission on the Arts and Humanities |
| | Washington Convention and Sports Authority (Events DC) |
| | Destination DC |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy, sloy@dccouncil.us or by calling 202-724-8058.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

| TUESDAY, APRIL 29, 2014; Room 123 | |
|--|----------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Department of Healthcare Finance |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, rsmith@dccouncil.us or by calling 202-741-2111.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

| WEDNESDAY, APRIL 30, 2014; COUNCIL CHAMBER (Room 500) | |
|--|------------------------------|
| Time | Agency |
| 11:00 a.m. - End | Department of Human Services |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-724-8191.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

| WEDNESDAY, APRIL 30, 2014; Room 412 | |
|--|--|
| Time | Agency |
| 10:00 a.m. - End | Washington Area Metropolitan Transit Authority |
| | Office of Cable Television |
| | Housing Authority |
| | Housing Finance Agency |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Kate Kourtzman, kkourtzman@dccouncil.us or by calling 202-724-8052.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

| THURSDAY, MAY 1, 2014; COUNCIL CHAMBER (Room 500) | |
|--|---------------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Public Service Commission |
| | Office of People's Counsel |
| | Office of Employee Appeals |
| | Secretary of the District of Columbia |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Ronan Gulstone, rgulstone@dccouncil.us or by calling 202-478-2456.

COMMITTEE ON EDUCATION

Chairperson David Catania

| THURSDAY, MAY 1, 2014; Room 412 | |
|--|---|
| Time | Agency |
| 10:00 a.m. - End | Office of State Superintendent of Education |
| | Non-Public Tuition |
| | Special Education Transportation |
| | Public Charter School Payments |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Jamaal Jordan, jjordan@dccouncil.us or by calling 202-724-8061.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

| THURSDAY, MAY 1, 2014; Room 123 | |
|--|------------------------------|
| Time | Agency |
| 10:00 a.m. | Department of Motor Vehicles |
| 1:00 p.m. | Department of Public Works |

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

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

| THURSDAY, MAY 1, 2014; Room 120 | |
|---------------------------------|----------------------|
| Time | Agency |
| 10:00 a.m. - End | Department of Health |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, rsmith@dccouncil.us or by calling 202-741-2111.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

| FRIDAY, MAY 2, 2014; COUNCIL CHAMBER (Room 500) | |
|---|---|
| Time | Agency |
| 11:00 a.m. | Office of Disability Rights |
| Noon - End | Department of Youth Rehabilitation Services |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-724-8191.

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

Chairperson Tommy Wells

| FRIDAY, MAY 2, 2014; Room 412 | |
|-------------------------------|-------------------------------------|
| Time | Agency |
| 10:00 a.m. - End | District of Columbia National Guard |
| | Metropolitan Police Department |
| | Office of Police Complaints |
| | Office of Unified Communications |

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, tshuford@dccouncil.us or by calling 202-724-7808.

COMMITTEE ON EDUCATION

Chairperson David Catania

| FRIDAY, MAY 2, 2014; Room 123 | |
|-------------------------------|--------------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Public Charter School Board |
| | Office of Deputy Mayor for Education |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Jamaal Jordan, jjordan@dccouncil.us or by calling 202-724-8061.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

| FRIDAY, MAY 2, 2014; Room 120 | |
|-------------------------------|---|
| Time | Agency |
| 11:00 a.m. - End | Department of Housing and Community Development |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Judah Gluckman, jgluckman@dccouncil.us or by calling 202-724-8052.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

| MONDAY, MAY 5, 2014; COUNCIL CHAMBER (Room 500) | |
|---|---|
| Time | Agency |
| 10:00 a.m. - End | Department of Consumer and Regulatory Affairs |
| | Department of Insurance, Securities and Banking |
| | Office of Tenant Advocate |
| | Alcoholic Beverage Regulatory Administration |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Faye Caldwell, fcaldwell@dccouncil.us (please cc: gfisher@dccouncil.us) or by calling 202-727-6683.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

| MONDAY, MAY 5, 2014; Room 412 | |
|-------------------------------|---------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Department of Behavioral Health |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, rsmith@dccouncil.us or by calling 202-741-2111.

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

| MONDAY, MAY 5, 2014; Room 123 | |
|--------------------------------------|------------------------------------|
| Time | Agency |
| 11:00 a.m. - End | Department of Parks and Recreation |

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

COMMITTEE ON HUMAN SERVICES **Chairperson Jim Graham**

| MONDAY, MAY 5, 2014; Room 120 | |
|--------------------------------------|---|
| Time | Agency |
| 11:00 a.m. - End | Children and Youth Investment Trust Corporation |

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, mcameron@dccouncil.us or by calling at 724-8191.

COMMITTEE ON FINANCE AND REVENUE **Chairperson Jack Evans**

| WEDNESDAY, MAY 7, 2014; COUNCIL CHAMBER (Room 500) | |
|---|--------------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Office of Chief Financial Officer |
| | D.C. Lottery |
| | Real Property Tax Appeals Commission |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy, sloy@dccouncil.us or by calling 202-724-8058.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Kenyan McDuffie**

| WEDNESDAY, MAY 7, 2014; Room 412 | |
|---|-------------------------------|
| Time | Agency |
| 10:00 a.m. - End | Department of Human Resources |
| | Board of Elections |
| | Office of Campaign Finance |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Ronan Gulstone, rgulstone@dccouncil.us or by calling 202-478-2456.

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY **Chairperson Tommy Wells**

| THURSDAY, MAY 8, 2014; COUNCIL CHAMBER (Room 500) | |
|--|--|
| Time | Agency |
| 10:00 a.m. - End | Access to Justice Commission |
| | Sentencing and Criminal Code Revision Commission |
| | Fire and Emergency Medical Services |
| | Criminal Justice Coordinating Council |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Tawanna Shuford, tshuford@dccouncil.us or by calling 202-724-7808.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS **Chairperson Vincent Orange**

| THURSDAY, MAY 8, 2014; Room 412 | |
|--|---|
| Time | Agency |
| 10:00 a.m. - End | Department of Small and Local Business Development |
| | Department of Employment Services |
| | Workforce Investment Council |
| | Office of Motion Picture and Television Development |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Faye Caldwell, fcaldwell@dccouncil.us (please cc: gfisher@dccouncil.us) or by calling 202-727-6683.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

| THURSDAY, MAY 8, 2014; Room 123 | |
|--|---|
| Time | Agency |
| 10:00 a.m. - End | Not-for-Profit-Hospital Corporation D.C. Office on Aging |

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, rsmith@dccouncil.us or by calling 202-741-2111.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

| FRIDAY, MAY 9, 2014; COUNCIL CHAMBER (Room 500) | |
|--|---|
| Time | Subject |
| 10:00 a.m. - End | Committee of the Whole Public Hearing on the "Fiscal Year 2015 Budget Request Act of 2014", and the "Fiscal Year 2014 Budget Support Act of 2013" |

COMMITTEE MARK-UP SCHEDULE

TUESDAY, MAY 13, 2014; COUNCIL CHAMBER (Room 500)

| Time | Committee |
|-----------------------|----------------------|
| Noon - 2:00 p.m. | Economic Development |
| 2:00 p.m. - 4:00 p.m. | Health |

WEDNESDAY, MAY 14, 2014; COUNCIL CHAMBER (Room 500)

| Time | Committee |
|-------------------------|---|
| 10:00 a.m. - 12:00 p.m. | Business, Consumer & Regulatory Affairs |
| 12:00 p.m. - 2:00 p.m. | Finance & Revenue |
| 2:00 p.m. - 4:00 p.m. | Judiciary & Public Safety |
| 4:00 p.m. - 6:00 p.m. | Government Operations |

THURSDAY, MAY 15, 2014; COUNCIL CHAMBER (Room 500)

| Time | Committee |
|-------------------------|------------------------------------|
| 10:00 a.m. - 12:00 p.m. | Human Services |
| 12:00 p.m. - 2:00 p.m. | Transportation and the Environment |
| 2:00 p.m. - 4:00 p.m. | Education |
| 4:00 p.m. - 6:00 p.m. | Committee of the Whole |

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**THE BOARD OF ELECTIONS' PERFORMANCE IN THE
APRIL 1, 2014 PRIMARY ELECTION**

**Tuesday, April 29, 2014, 1:00 PM
Room 120 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On April 29, 2014, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public oversight roundtable on the Board of Elections' performance in the April 1, 2014 primary election. This public hearing will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 1:00 PM.

This Public Roundtable will include a review of topics such as staffing, polling place worker training, technology improvements, facilities preparation, public outreach efforts, voter database management, and election results processing times.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Ms. Barbara Mack, at (202) 724-4466, or via e-mail at bmack@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business April 25, 2014. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to bmack@dccouncil.us

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on May 14, 2014.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Roundtable**

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

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR 20-710, the “Trinity College Refunding Revenue Bonds Project Approval Resolution of 2014”

PR 20-720, the “Real Property Tax Appeals Commission May S. Chan Confirmation Resolution of 2014”

April 17, 2014

10:15 a.m.

**Room 412 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Thursday, April 17, 2014 at 10:15 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 20-710, the “Trinity College Refunding Revenue Bonds Project Approval Resolution of 2014” will authorize and provide for the issuance, sale and delivery of tax-exempt revenue bonds, notes or other obligations in aggregate principal amount not to exceed \$32 million to finance or refinance the development, construction, renovation, and expansion of the Trinity College campus in ward 5. The construction will consist of renovations to the academic buildings, administrative offices, support facilities, residential buildings, and construction of a New Academic Center.

PR 20-720, the “Real Property Tax Appeals Commission May S. Chan Confirmation Resolution of 2014” would confirm the re-appointment of May Chan to serve as a full-time member of the Real Property Tax Appeals Commission, for a term to end April 30, 2018.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:15 a.m. on Tuesday, April 15, 2014. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

| |
|---|
| <p style="text-align: center;">COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF MARCH 31, 2014</p> |
|---|

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 |
| McKeever, Marissa | Legislative Assistant | 5 | Excepted Service - Reg Appt |

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Request

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

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

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

Reprog. 20-167: Request to reprogram \$6,607,330.00 of Paygo Capital Funds Budget Authority and Allotment to the operating budget within the Office of Deputy Mayor for Planning and Economic Development (DMPED) was filed in the Office of the Secretary on April 2, 2014. This reprogramming will fund on a one-time basis up to 52 units of affordable workforce rental housing at a private development project located at 23rd and M Streets, NW (Square 50).

RECEIVED: 14 day review begins April 3, 2014

Reprog. 20-168: Request to reprogram \$18,123,866 of Capital Funds budget authority and allotment from various agencies to the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on April 3, 2014. This Reprogramming is needed to support the modernization and renovation of Payne Elementary School, located in Ward 6 at 1445 C Street S.E.

RECEIVED: 14 day review begins April 4, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 11, 2014
Petition Date: May 27, 2014
Roll Call Hearing Date: June 9, 2014

License No.: ABRA-078461
Licensee: M & M BEER & WINE, INC.
Trade Name: M & M MARKET
License Class: Retailer’s Class “B”GROCERY
Address: 3544 EAST CAPITOL STREET, NE.
Contact: EMANUEL N. MPRAS: 703-642-9042

WARD 7

ANC 7F

SMD 7F06

Notice is hereby given that this applicant has applied for a substantial change to its 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 at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Requesting to expand premises into adjacent property 3548 East Capitol St., NE
3544 – 3548 East Capitol Street, NE.

APPROVED HOURS OF OPERATION

Sunday through Saturday: 9am – 9pm

APPROVED HOURS OF ALCOHOLIC BEVERAGE SALES AND CONSUMPTION

Sunday through Saturday: 9am – 9pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: April 11, 2014
Petition Date: May 27, 2014
Hearing Date: June 9, 2014
Protest Hearing Date: July 30, 2014

License No.: ABRA-094178
Licensee: S & G INC
Trade Name: PARK MARKET
License Class: Retailer Class "B"
Address: 3400 13th Street, NW
Contact: Tesfaye Seifu (202) 213-0744

WARD 1

ANC 1A

SMD 1A04

Notice is hereby given that this applicant 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 license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for July 30, 2014 at 1:30pm.

NATURE OF OPERATION

This is a new Retailer Class "B" license.

HOURS OF OPERATION

Sunday through Saturday 8am to 10pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9am to 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: April 11, 2014
Petition Date: May 27, 2014
Hearing Date: June 9, 2014
Protest Hearing Date: July 30, 2014

License No.: ABRA-094363
Licensee: Tap 26 LLC
Trade Name: Tap26
License Class: Wholesaler B
Address: 1501 S. Capital St., SW #B-1089
Contact: Jon M. Lintvet (804) 240-5630

WARD 6

ANC 6D

SMD 6D06

Notice is hereby given that this applicant 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 license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for July 30, 2014 at 1:30pm.

NATURE OF OPERATION

This is a new Wholesaler B license.

**HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE
SALES/SERVICE/CONSUMPTION**

Monday through Saturday 8am to 5pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: April 11, 2014
 Petition Date: May 27, 2014
 Hearing Date: June 9, 2014
 Protest Hearing Date: July 30, 2014

License No.: ABRA-094844
 Licensee: The Big Stick LLC
 Trade Name: The Big Stick
 License Class: Retailer's Class "C" Restaurant
 Address: 20 M Street, SE
 Contact: Stephen J. O'Brien 202-625-7700

WARD 6

ANC 6D

SMD 6D02

Notice is hereby given that this applicant 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 license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for July 30, 2014 at 1:30pm.

NATURE OF OPERATION

This is a new "C" Restaurant with an Entertainment Endorsement and Sidewalk Café. The establishment will be a sports bar featuring an alpine lodge theme and décor serving casual foods such as bratwursts, sausages and kielbasas, salads, sandwiches, wraps and crispy oven-baked macaroni and cheese. Occasional DJ. No nude performances.

HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION/ HOURS OF LIVE ENTERTAINMENT

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

HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION/ HOURS OF LIVE ENTERTAINMENT/SIDEWALK CAFÉ

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: April 11, 2014
 Petition Date: May 27, 2014
 Hearing Date: June 9, 2014
 Protest Hearing Date: July 30, 2014

License No.: ABRA-094561
 Licensee: THE V.I.P. Room, LLC
 Trade Name: The V.I.P.
 License Class: Retailer's Class "C" Tavern
 Address: 6201 3rd Street NW
 Contact: Richard Bianco 202-220-3100

WARD 4

ANC 4B

SMD 4B06

Notice is hereby given that this applicant 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 license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for July 30, 2104 at 1:30 pm.

NATURE OF OPERATION

This is new Retail Class "C" Tavern. The applicant is a hall which can be rented by members of the public for the events and celebrations such as weddings, birthdays, anniversaries, church events etc. Additionally the applicant is going to hold events such as lectures, performance art, heritage celebrations, dance expos, art expos, and book signings. The facility offers a dance floor which will also be used for live performances by musicians, dancers and other artists. Total Capacity of 200 with Summer Garden 35 seats.

HOURS OF OPERATION/HOURS OF ALCOHOLIC BEVERAGE SALES

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

HOURS OF LIVE ENTERTAINMENT OCCURING OR CONTINUING AFTER 6 PM

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD
ON AIR QUALITY ISSUES

State Implementation Plan Revision - 40 C.F.R. Part 51, Subpart H

Notice is hereby given that a public hearing will be held on Monday, May 12, 2014, at 5:30 p.m. in Room 555 at 1200 First Street NE, 5th Floor, in Washington, D.C. 20002. This hearing provides interested parties an opportunity to comment on the proposed revision to the District of Columbia's (District) State Implementation Plan (SIP), found at 40 C.F.R. Part 52 Subpart J, regarding certain federal Clean Air Act (CAA) requirements under Sections 110(a)(2)(A) to (M); and a proposed submission of an Air Quality Emergency Episode Plan to the District's SIP for approval to meet the requirements of 40 C.F.R. Part 51, Subpart H for all applicable pollutants. Once the District has completed its procedures, the proposed revisions to the SIP will be submitted to the EPA for approval.

This SIP revision is a compilation of elements that describe how the District is implementing the "infrastructure" elements of the 2008 8-hour ozone national ambient air quality standards (NAAQS). Once approved by EPA, it will provide a federally enforceable written confirmation of how the District will continue to comply with the §110(a)(2) requirements of the CAA for ground-level ozone.

This SIP revision also includes a contingency plan, in case of an air pollution emergency, for pollutants for which the District is classified as a Priority I area at 40 C.F.R. § 52.471, including ground-level ozone. This revision is intended to meet the requirements of 40 C.F.R. Part 51, Subpart H, for all pollutants and will also satisfy the "infrastructure" element of § 110(a)(2)(G) for the 2008 ozone NAAQS.

Copies of the proposed SIP revision are available for public review during normal business hours at the offices of the District Department of the Environment (DDOE), 1200 First Street NE, 5th Floor, Washington, DC 20002, and on-line at <http://ddoe.dc.gov/>.

Interested parties wishing to testify at this hearing must submit in writing their names, addresses, telephone numbers and affiliation, if any, to Mr. William Bolden at the DDOE address above or at william.bolden@dc.gov by 4:00 p.m. on Monday May 12, 2014. Interested parties may also submit written comments to Ms. Jessica Daniels, Monitoring and Assessment Branch, Air Quality Division, DDOE, at the same address or by email at jessica.daniels@dc.gov. Questions about this SIP revision should be directed to Mr. Rama S. Tangirala by phone at 202-535-2989 or email at rama.tangirala@dc.gov, or Ms. Daniels at 202-741-0862 or jessica.daniels@dc.gov. No comments will be accepted after May 12, 2013.

DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD
ON AIR QUALITY ISSUES

State Implementation Plan Revision - 40 C.F.R. Part 52, Subpart J

Notice is hereby given that a public hearing will be held on Monday, May 12, 2014, at 5:45 p.m. in Room 555 at 1200 First Street NE, 5th Floor, in Washington, D.C. 20002. This hearing provides interested parties an opportunity to comment on the proposed revision to the District of Columbia's (District) State Implementation Plan (SIP), found at 40 C.F.R. Part 52 Subpart J.

The District was designated by the U.S. Environmental Protection Agency (EPA) as being in marginal nonattainment of the 2008 8-hour ozone national ambient air quality standard (NAAQS), effective on July 20, 2012 (77 Fed. Reg. 30088, May 21, 2012). To meet requirements of Clean Air Act § 172(c)(3) for marginal areas, a base year emissions inventory must be submitted to EPA as a SIP revision no later than two years after designation (42 U.S. Code § 7511a(a)(1)). Once the District has completed its procedures, the inventory and supporting documents will be submitted to EPA as a SIP revision.

Copies of the proposed SIP revision are available for public review during normal business hours at the offices of the District Department of the Environment (DDOE), 1200 First Street NE, 5th Floor, Washington, DC 20002, and on-line at <http://ddoe.dc.gov/>.

Interested parties wishing to testify at this hearing must submit in writing their names, addresses, telephone numbers and affiliation, if any, to Mr. William Bolden at the DDOE address above or at william.bolden@dc.gov by 4:00 p.m. on May 12, 2014. Interested parties may also submit written comments to Ms. Jessica Daniels, Monitoring and Assessment Branch, Air Quality Division, DDOE, at the same address or by email at jessica.daniels@dc.gov. Questions about this SIP revision should be directed to Mr. Rama S. Tangirala by phone at 202-535-2989 or email at rama.tangirala@dc.gov, or Ms. Daniels at 202-741-0862 or jessica.daniels@dc.gov. No comments will be accepted after May 12, 2014.

DEPARTMENT OF HEALTH
NOTICE OF PUBLIC HEARING

The Director of the Department of Health hereby gives the following notice pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2009); Section 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010 (Act), effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.01, *et seq.* (2012 Supp.)), and Mayor's Order 2013-201, dated October 28, 2013.

The District of Columbia Medical Marijuana Scientific Subcommittee of the Medical Marijuana Advisory Committee will hold a public hearing to consider adding Post-Traumatic Stress Disorder as a new qualifying medical condition. The public hearing will be held on:

Wednesday May 7, 2014, at 9:30 a.m.
At 899 North Capitol St, NE, Room 406/407
Washington, D.C. 20002

Any person that wishes to testify or present information in support of or in opposition to the inclusion of Post-Traumatic Stress Disorder as a qualifying medical condition may sign up by emailing his/her name and contact information to doh.mmp@dc.gov before 4:30 p.m. on Monday, May 5, 2014. Any person, who has not signed up by Monday, May 5, 2014, may still testify at the end of the hearing, time permitting. Any person may also submit written comment to the Scientific Subcommittee regarding the subject of this notice along with any documentation he/she would like the Subcommittee to consider. Written comment may be submitted beginning Monday, April 14, 2014 until 4:45pm on May 6, 2014.

The public hearing will be followed by an executive (closed) session meeting of the Scientific Subcommittee pursuant to D.C. Official Code § 2-575(b), and for the purposes set forth therein. Questions regarding this Notice should be e-mailed to doh.mmp@dc.gov with "MMP-HEARING Question" in the subject line. Please monitor the Department's Medical Marijuana website for questions/responses and other information. Phone inquiries will not be accepted.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JUNE 10, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

A.M.

WARD TWO

18773 **Application of Stephan Rodiger and Marissa Pirocato**, pursuant to 11
ANC-2B DCMR §§ 3104.1 and 3103.2, for a variance from the alley setback
 requirements under section 2300, and a special exception to allow a rear
 addition to an existing one-family row dwelling under section 223, not
 meeting the lot occupancy requirements under 403, and the rear yard
 requirements under section 404, in the DC/R-5-B District at premises
 1528 Church Street, N.W. (Square 194, Lot 802).

WARD ONE

18774 **Application of Robert E. Copyak**, pursuant to 11 DCMR § 3104.1, for a
ANC-1B special exception to allow a two story rear porch addition, and extension
 of third floor to an existing one-family row dwelling and expansion of
 garage height under section 223, not meeting the lot occupancy (section
 403), court (section 406) and nonconforming structure (subsection 2001.3)
 requirements in the R-4 District at premises 2819 13th Street, N.W.
 (Square 2856, Lot 109).

WARD SEVEN

18767 **Application of Darryl R. Clark**, pursuant to 11 DCMR §§ 3104.1, and
ANC-7C 3103.2, for a variance from the lot area requirements under section 401, a
 variance from the lot width requirements under section 401, a variance
 from the side yard requirements under section 405, a variance from the
 nonconforming structure requirements under subsection 2001.3 and a
 special exception from the pervious surface requirements under section
 412, to construct two new one-family semi-detached dwellings in the R-2
 District at premises 305 and 307 55th Street, N.E. (Square 5250, Lots 68
 and 70).

BZA PUBLIC HEARING NOTICE

JUNE 10, 2014

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WARD SIX

18770 **Application of &pizza**, pursuant to 11 DCMR § 3104.1, for a special
ANC-6B exception to allow a fast food establishment (first floor) under section 733,
 in the CHC/C-2-A District at premises 405 8th Street, S.E. (Square 902,
 Lot 825).

WARD TWO

18772 **Application of MR Gallery Square LLC**, pursuant to 11 DCMR §§
ANC-2C 3104.1 and 3103.2, for variances from the court (776), parking
 (subsection 2101.1), loading (section 2201) requirements and special
 exceptions from the roof structure (sections 770.6 and 411) and the rear
 yard (section 774) requirements to allow the construction of a new hotel
 with retail use in the DD/C-3-C District at premises 627 H Street, N.W.
 (Square 453, Lot 59).

PLEASE NOTE:

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

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

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

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

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**LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON
MARNIQUE HEATH, JEFFREY L. HINKLE, AND A MEMBER OF THE
ZONING COMMISSION BOARD OF ZONING ADJUSTMENT, CLIFFORD W.
MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF
ZONING**

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the “Fiscal Year 2014 Budget Support Act of 2013”, effective December 24, 2013 (D.C. Law 20-0061; 60 DCR 12472 (September 6, 2013)), hereby gives notice of the adoption of a new Chapter 53 entitled “Treatment Planning Services Provided to Department of Behavioral Health Consumers in Institutional Settings - Description and Reimbursement”, of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The Department certifies mental health providers to provide mental health rehabilitation services (MHRS) to Department consumers in the community. Occasionally, some consumers are hospitalized or placed in some other type of institutional setting. The public mental health providers need to work with the consumers and the institution treatment team to assist in the consumer’s transition to and continuity of care while in the institutional setting, and later in the development of a mental health service plan; that is, a plan to address discharge, treatment, and other services for the consumer after discharge to the community, and for the consumer to develop skills to transition to the community. These necessary services, when provided while the consumer is in an institutional setting, cannot be billed as a Medicaid service, which has caused consumers to go without this necessary service due to the providers having concerns about payments. Therefore this rule establishes the non-Medicaid reimbursement requirements and rates for those providers who provide treatment planning services to Department consumers hospitalized or in certain other institutional settings at the time of receiving the service.

The original Emergency and Proposed Rulemaking was adopted by the Director of the Department of Mental Health, the predecessor to the Department of Behavioral Health, and became effective on June 19, 2013; it was published in the *D.C. Register* on July 5, 2013 at 60 DCR 9910. A Second Emergency and Proposed Rulemaking, which amended the first rulemaking to clarify the applicability of certain services, was adopted and became effective on October 11, 2013, and was published in the *D.C. Register* on November 29, 2013 at 60 DCR 016313. The rules were also changed to reflect the new name of the agency, the Department of Behavioral Health. The Third Emergency and Proposed Rulemaking was issued to incorporate changes to the reimbursement rates which, as a result of a detailed review process, were determined to be needed to ensure providers could continue to provide these services. The Third Emergency Rulemaking was adopted and became effective on February 7, 2014, and was published in the *D.C. Register* on February 28, 2014 at 61 DCR 001765. No comments have been received and no changes have been made to the emergency and proposed rule published on February 28, 2014.

The Director took final action on this rule on March 31, 2014. This rule will become effective on the date of publication in the *D.C. Register*.

Title 22-A (Mental Health) of the District of Columbia Municipal Regulations is amended by adding a new Chapter 53 to read as follows:

CHAPTER 53 TREATMENT PLANNING SERVICES PROVIDED TO DEPARTMENT OF BEHAVIORAL HEALTH CONSUMERS IN INSTITUTIONAL SETTINGS - DESCRIPTION AND REIMBURSEMENT

5300 PURPOSE

- 5300.1 This chapter establishes the reimbursement rates for the treatment planning and supportive treatment services provided by certified Mental Health Rehabilitation Services (MHRS) providers to Department of Behavioral Health (Department) consumers while the consumer is in an institutional setting. Establishment of these reimbursement rates will allow the Department to reimburse providers using non-Medicaid local funds for continuity of care services, discharge treatment planning and transitional services while the consumer is in an institutional setting.
- 5300.2 Institutional settings in which these services shall be provided and may be reimbursed pursuant to this rule include: an Institute for Mental Disease (IMD); a hospital; a nursing facility (nursing home or skilled nursing facility); a rehabilitation center; a Psychiatric Residential Treatment Facility (PRTF); a Residential Treatment Center (RTC); or a correctional facility for defendants or juveniles.
- 5300.3 Nothing in this chapter grants to an MHRS provider the right to reimbursement for costs of providing services to a consumer in an institutional setting. Eligibility for reimbursement for these services provided by an MHRS provider to a consumer in one of the institutional settings listed in Subsection 5300.2 is determined solely by the Human Care Agreement (HCA) contract between the Department and the MHRS provider and is subject to the availability of appropriated funds. Claims for reimbursement pursuant to this chapter must be submitted in accordance with the Department billing policy.

5301 DESCRIPTION OF REIMBURSABLE SERVICES

- 5301.1 Reimbursable “Mental Health Service – Continuity of Care Treatment Planning, Institution” services (MHS-CTPI) are services to assist consumers in institutional settings. MHS-CTPI is to be used for any mental health service not for discharge treatment planning or Rehab/Day purposes provided by an MHRS provider to any consumer, including those enrolled in Assertive Community Treatment (ACT) or Community-Based Intervention (CBI) services, in an institutional setting.
- 5301.2 In order to be eligible for reimbursement, MHS-CTPI shall only be provided by an MHRS provider through a mental health professional or credentialed worker to a Department consumer who is in an institutional setting listed in Subsection 5300.2.

- 5301.3 Mental Health Service – Discharge Treatment Planning, Institution (MHS - DTPI) is a service to develop a mental health service plan for treating a consumer after discharge from an institutional setting. It includes modifying goals, assessing progress, planning transitions, and addressing other needs, as appropriate.
- 5301.4 In order to be eligible for reimbursement, MHS-DTPI shall only be provided by an MHRS provider through a mental health professional or credentialed worker to a Department consumer who is in an institutional setting who is not enrolled in Assertive Community Treatment (ACT) or Community-Based Intervention (CBI).
- 5301.5 In order to be eligible for reimbursement, MHS-DTPI (ACT) shall be provided only by a member of an MHRS Assertive Community Treatment (ACT) team to a consumer who is enrolled in ACT services and preparing for discharge from the institution setting.
- 5301.6 In order to be eligible for reimbursement, MHS-DTPI (CBI) shall be provided only by a member of an MHRS Community-Based Intervention (CBI) Team, all levels, to a child or youth who is enrolled in CBI and preparing for discharge from the institutional setting.
- 5301.7 Community Psychiatric Supportive Treatment Program – Rehab/Day Services (CPS-Rehab/Day) is a day treatment program provided in the community designed to acclimate the consumer to community living.
- 5301.8 In order to be eligible for reimbursement, CPS-Rehab/Day Services shall only be provided by a certified MHRS Rehabilitation/Day Services provider.
- 5301.9 All services must be provided in accordance with Department policies regarding care to consumers to be eligible for reimbursement.

5302 REIMBURSEMENT RATE

- 5302.1 The rates for reimbursement are as set forth below:

| CODE | SERVICE | RATE | UNIT | UNITS AUTHORIZED |
|---------|---|---------|------------|--|
| H0032HK | Mental Health Service – Continuity of Care Treatment Planning, Institution for all MHRS consumers (MHS-CTPI) | \$21.97 | 15 minutes | Up to 24 units within 180 days without prior authorization for continuity of care services |
| H0032 | Mental Health Service – Discharge Treatment Planning, Institution for all consumers except those in ACT or CBI (MHS-DTPI) | \$21.97 | 15 minutes | Based on medical necessity at time of authorization, for discharge planning. |
| H0046HT | Mental Health Service – Discharge Treatment Planning, Institution - ACT consumers (MHS-DTPI(ACT)) | \$38.04 | 15 minutes | Based on medical necessity at time of authorization for discharge planning. |

| CODE | SERVICE | RATE | UNIT | UNITS AUTHORIZED |
|-----------|--|----------|---------------------------|---|
| H0046HTHA | Mental Health Service – Discharge Treatment Planning, Institution – CBI consumers (MHS-DTPI (CBI)) | \$35.74 | 15 minutes | Based on medical necessity at time of authorization for discharge planning. |
| H0037 | Community Psychiatric Supportive Treatment Program – Rehab/Day Services (CPS – Rehab/Day) | \$123.05 | Per day, at least 3 hours | Based on medical necessity at time of authorization; only within sixty (60) days of discharge unless pursuant to court order. |

5303 ELIGIBILITY

- 5303.1 Only a certified MHRS provider with an HCA that has provided one of these identified services to a Department consumer may be reimbursed for services billed to the Department under this chapter.
- 5303.2 Reimbursement for MHS-CTPI requires prior authorization from the Department after 24 units billed within 180 days.
- 5303.3 Reimbursement for MHS-DTPI, MHS-DTPI (ACT), MHS-DTPI (CBI) and CPS-Rehab/Day requires prior authorization from the Department.

5304 SUBMISSION OF CLAIM

- 5304.1 In order for claims to be eligible for reimbursement, the MHRS provider shall:
 - (a) Submit claims through the Department’s electronic billing system pursuant to this chapter, the Department billing policy, and the terms of the HCA between the Department and the MHRS provider; and
 - (b) Complete appropriate documentation to support all claims under its HCA with the Department and shall retain such documentation for a minimum

of six (6) years or longer if necessary to ensure the completion of any audit.

- 5304.2 The Department will reimburse an MHRS provider for a claim that is determined by the Department to be eligible for reimbursement pursuant to the terms of this chapter, applicable Department policies, and the HCA between the Department and the MHRS provider, subject to the availability of appropriated funds.

5305 AUDITS

- 5305.1 An MHRS provider shall, upon the request of the Department, cooperate in any audit or investigation concerning claims for the provision of these services. Failure to cooperate or to provide the necessary information and documentation shall result in recoupment of the reimbursement and may result in other actions available to the Department pursuant to applicable policies and the HCA.

5399 DEFINITIONS

- 5399.1 When used in this chapter, the following terms shall have the meaning ascribed:

Assertive Community Treatment or “**ACT**” - Intensive, integrated rehabilitative, crisis, treatment, and mental health rehabilitative community support provided by an interdisciplinary team to adults with serious and persistent mental illness by an interdisciplinary team. ACT is provided with dedicated staff time and specific staff to consumer ratios. Service coverage by the ACT team is required twenty-four (24) hours per day, seven (7) days per week. ACT is a specialty service.

Consumer - Adult, child, or youth who seeks or receives mental health services or mental health supports funded or regulated by the Department.

Community-Based Intervention or “**CBI**” - Time-limited, intensive mental health services delivered to children and youth ages six (6) through twenty-one (21) and intended to prevent the utilization of an out-of-home therapeutic resource or a detention of the consumer. CBI is primarily focused on the development of consumer skills to promote behavior change in the child or youth's natural environment and empower the child or youth to cope with his or her emotional disturbance.

Continuity of Care services – Coordination of services towards the stability of consumer-provider relationships over time.

Correctional facility - A prison, jail, reformatory, work farm, detention center, or any similar facility maintained by either federal, state or local authorities for the purpose of confinement or rehabilitation of adult or juvenile criminal offenders or suspected offenders.

Hospital - A facility equipped and qualified to provide inpatient care and treatment for a person with a physical or mental illness by, or under, the supervision of physicians to patients admitted for a variety of medical conditions.

Institute for Mental Disease or “IMD” - A hospital, nursing facility, or other institution with more than 16 beds which is primarily engaged in providing diagnosis, treatment or care of persons with mental illnesses, including medical attention, nursing care and related services.

Mental Health Rehabilitation Services or “MHRS” - Mental health rehabilitative or palliative services provided by a Department-certified community mental health provider to consumers in accordance with the District of Columbia State Medicaid Plan, the provider’s Human Care Agreement with the Department, and Chapter 34 of this title.

MHRS provider - An organization certified by the Department to provide MHRS. MHRS provider includes CSAs, sub-providers, and specialty providers.

Nursing facility - A facility that primarily provides to residents skilled nursing care and related services for the rehabilitation of injured, disabled or sick persons, or on a regular basis, health-related care services above the level of custodial care to other than individuals with developmental disabilities.

Psychiatric Residential Treatment Facility or “PRTF” - A psychiatric facility that (1) is not a hospital and (2) is accredited by the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation of Services for Families and Children, or by any other accrediting organization with comparable standards that is recognized by the state in which it is located and (3) provides inpatient psychiatric services for individuals under the age of twenty-two (22) and meets the requirements set forth in §§ 441.151 through 441.182 of Title 42 of the Code of Federal Regulations, and is enrolled by the District of Columbia Department of Health Care Finance (DHCF) to participate in the Medicaid program.

Rehabilitation facility – An inpatient facility that provides comprehensive rehabilitation services under the supervision of a physician to inpatients with physical disabilities. Services include physical therapy, occupational therapy, speech pathology, social or psychological services, and orthotics or prosthetics services.

Residential Treatment Center or “RTC” - A facility which houses youth with significant psychiatric or substance abuse problems who have proven to be

too ill or have such significant behavioral challenges that they cannot be housed in foster care, day treatment programs, and other nonsecure environments but who do not yet merit commitment to a psychiatric hospital or secure correctional facility.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; Pub. L. 90-227, D.C. Official Code § 1-307.02 (2012 Repl. & 2013 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment to Chapter 65 (Medicaid Reimbursement to Nursing Facilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

Pursuant to Section 6508, entitled “Final Per Diem Rate Calculation,” each nursing facility located in the District of Columbia participating in the Medicaid program is reimbursed on a prospective basis, at a facility-specific per diem rate. This rate is calculated by establishing a base year per diem rate for each facility, adjusted semi-annually for case-mix, adjusted annually for inflation, and subject to other adjustments. Effective January 1, 2011, an amendment to the State Plan eliminated the annual inflation adjustment in order to create budget savings.

On July 30, 2013, the Council of the District of Columbia (Council), through the Medical Assistance Program Emergency Amendment Act of 2013 (D.C. Act 20-130; 60 DCR 11384), approved the submission of a State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS) to reinstate the annual inflation adjustment for nursing facility per diem rates, which included minor clarifications of the formula for calculating the annual inflation adjustment from January 1, 2006 to the present to reflect actual accounting practices. The SPA was approved by the CMS on January 24, 2014 with an effective date of October 1, 2013.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 27, 2013 at 60 DCR 013421, and a Notice of Second Emergency and Proposed Rulemaking was published on January 31, 2014 at 60 DCR 000877. No comments were received and no substantive changes were made.

The Director adopted these rules as final on March 26, 2014 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Section 6508 (FINAL PER DIEM RATE CALCULATION) of Chapter 65 (MEDICAID REIMBURSEMENT TO NURSING FACILITIES) of Title 29 (PUBLIC WELFARE) of the DCMR is amended by amending Subsection 6508.1 to read as follows:

6508.1 Each nursing facility’s per diem rate effective January 1, 2006 shall be the sum of Subparagraphs (a), (b), and (c) as set forth below:

- (a) The nursing and resident care base year cost per diem, which shall be calculated as follows:

- (1) Effective January 1, 2006, through September 30, 2007, the nursing and resident care base year cost per diem established pursuant to Section 6505, adjusted for inflation to March 30, 2003, using the CMS Prospective Payment System Skilled Nursing Facility Input Price Index (CMS Index).
 - (2) Effective October 1, 2007, through September 30, 2008, the nursing and resident care base year cost per diem calculated pursuant to Subsection 6508.1(a)(1), adjusted for inflation using the CMS Index for District Fiscal Years 2006, 2007, and 2008.
 - (3) Effective October 1, 2008, through September 30, 2009, the nursing and resident care base year cost per diem calculated pursuant to Subsection 6508.1(a)(2), adjusted for inflation using the CMS Index.
 - (4) Effective October 1, 2009 through December 31, 2010, the nursing and resident care base year cost per diem calculated pursuant to Subsection 6508.1(a)(3), adjusted for inflation using the CMS Index.
 - (5) Effective January 1, 2011 through September 30, 2013, the annual inflation adjustment shall be eliminated.
 - (6) Effective October 1, 2013, the nursing and resident care base year cost per diem calculated pursuant to Subsection 6508.1(a)(4), shall be annually adjusted for inflation using the CMS Index. This inflation adjustment shall not apply or be calculated for the period in which the inflation adjustment was eliminated in Subsection 6508.1(a)(5).
- (b) The routine and support base year cost per diem, which shall be calculated as follows:
- (1) Effective January 1, 2006, through September 30, 2007, the routine and support base year per diem established pursuant to Section 6506, adjusted for inflation to March 30, 2003, using the CMS Prospective Payment System Skilled Nursing Facility Input Price Index (CMS Index).
 - (2) Effective October 1, 2007, through September 30, 2008, the routine and support base year cost per diem calculated pursuant to Subsection 6508.1(b)(1), indexed for inflation using the CMS Index.

- (3) Effective October 1, 2008, through September 30, 2009, the routine and support base year cost per diem calculated pursuant to Subsection 6508.1(b)(2), adjusted for inflation using the CMS Index.
 - (4) Effective October 1, 2009 through December 2010, the routine and support base year cost per diem calculated according to Subsection 6508.1(b)(3), adjusted for inflation using the CMS Index.
 - (5) Effective January 2011 through September 30, 2013, the annual inflation adjustment is eliminated.
 - (6) Effective October 1, 2013, the routine and support base year cost per diem calculated pursuant to Subsection 6508.1(b)(4), shall be annually adjusted for inflation using the CMS Index. This inflation adjustment shall not apply or be calculated for the period in which the inflation adjustment was eliminated in Subsection 6508.1(b)(5).
- (c) The capital-related base year cost per diem, which shall be calculated as follows:
- (1) Effective January 1, 2006, through September 30, 2007, the capital-related base year cost per diem established pursuant to Section 6507 adjusted for inflation to March 30, 2003, using the CMS Prospective Payment System Skilled Nursing Facility Input Price Index (CMS Index). The inflation adjustment in this subparagraph shall not be applied to depreciation, amortization, and interest on capital related expenditures.
 - (2) Effective October 1, 2007, through September 30, 2008, the capital-related base year cost per diem calculated pursuant to Subsection 6508.1(c)(1) adjusted for inflation using the CMS Index for District Fiscal Years 2006, 2007, and 2008. The inflation adjustment in this subparagraph shall not be applied to depreciation, amortization and interest on capital related expenditures.
 - (3) Effective October 1, 2008, through September 30, 2009, the capital-related base year cost per diem calculated pursuant to Subsection 6508.1(c)(2) adjusted for inflation using the CMS Index. The inflation adjustment in this subsection shall not be applied to depreciation, amortization and interest on capital related expenditures.

- (4) Effective October 1, 2009 through December 31, 2010, the capital-related base year cost per diem calculated pursuant to Subsection 6508.1(c)(3) adjusted for inflation using the CMS Index. The inflation adjustment in this subsection shall not be applied to depreciation, amortization and interest on capital-related expenditures.
- (5) Effective January 2011 through September 30, 2013, the annual inflation adjustment is eliminated.
- (6) Effective October 1, 2013, the capital-related base year cost per diem calculated pursuant to Subsection 6508.1(c)(4), shall be annually adjusted for inflation using the CMS Index. This inflation adjustment shall not apply or be calculated for the period in which the inflation adjustment was eliminated in Subsection 6508.1(c)(5). The inflation adjustment in this subsection shall not be applied to depreciation, amortization and interest on capital-related expenditures.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF FINAL RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008; and in accordance with the provisions of Chapter XVIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-618.01 *et seq.*) (2012 Repl. & 2013 Supp.), hereby gives notice that final rulemaking action was taken to adopt the following rules to amend in its entirety Chapter 18, Employee Conduct, of Subtitle B of Title 6, Government Personnel, of the District of Columbia Municipal Regulations (DCMR).

The main purpose of amending the rules is to ensure the provisions reflect changes resulting from the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 ("Ethics Act"), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), and the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012 ("Act"), effective March 14, 2012 (D.C. Law 19-115; 59 DCR 461 (January 27, 2012)). Specifically, the rules have been amended to reference the Board of Ethics and Government Accountability ("BEGA") as the primary District government entity responsible for the enforcement of ethics-related matters; to add a new Section 1806, Restrictions on the Employment of Relatives (Nepotism); and to amend Section 1899, Definitions, to add definitions for the terms "Agency," "Code of Conduct," "Days," "Filers," "Former Government Employee," "Particular government matter involving a specific party," "Public official," "Relative," "Remedial action," and "Special government employee," and to amend the term "Employee". Additional changes were made throughout the chapter.

Comments were received from the Board of Ethics and Government Accountability following publication of the Notice of Proposed Rulemaking on January 3, 2014 at 61 DCR 000091. Based on those comments specific non-substantive changes were made to the notice. Those revisions include the change of "BEGA Act" to "Ethics Act"; "Director of Government Ethics" to "District of Columbia Office of Government Ethics;" and the "Board of Ethics and Government Accountability" to "Office of Government Ethics", throughout the chapter. In addition, non-substantive changes were made to correct typographical errors in Subsections 1810.4 (c) and (d).

The rules were adopted as final on April 7, 2014 and will become effective upon publication in the *D.C. Register*.

Chapter 18, Employee Conduct, of Subtitle B of Title 6 (Government Personnel) of the District of Columbia Municipal Regulations, is amended to read as follows:

1800 APPLICABILITY AND BASIC EMPLOYEE OBLIGATIONS

1800.1 This chapter applies to the ethical responsibilities of all employees pursuant to Chapter XVIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, as amended (D.C. Law 2-139; D.C. Official Code § 1-618.01 *et seq.*).

- 1800.2 Each employee has a responsibility to the District of Columbia and its citizens to place loyalty to the laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the District government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the District of Columbia Employee Ethics Pledge and in supplemental agency regulations and policies.
- 1800.3 The following general principles apply to every employee and form the basis for the standards contained in this chapter. Where a situation is not specifically covered by another provision of law or policy, employees shall apply the following principles set forth in this section in determining whether their conduct is proper:
- (a) Government service is a public trust, requiring employees to place loyalty to the laws and ethical principles above private gain.
 - (b) Employees shall not hold financial interests that conflict with the conscientious performance of duty.
 - (c) Employees shall not engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.
 - (d) An employee shall not, except as permitted by Section 1803 of this chapter, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
 - (e) Employees shall put forth honest effort in the performance of their duties.
 - (f) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the government.
 - (g) Employees shall not use public office or position for private gain.
 - (h) Employees shall act impartially and not give preferential treatment to any private organization or individual.
 - (i) Employees shall protect and conserve government property and shall not use it for other than authorized activities.
 - (j) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with their official government duties and responsibilities.

- (k) Employees shall report credible violations of the District Code of Conduct and this chapter to appropriate authorities.
- (l) Employees shall satisfy in good faith their lawful obligations, including all just financial obligations to federal, state, District and local governments.
- (m) Employees shall adhere to all federal, state, and local laws and regulations.
- (n) Employees shall not take actions creating the appearance that they are violating the law or the ethical standards set forth in this chapter. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

1800.4 An employee may not do indirectly what he or she may not do directly under this chapter.

1801 EMPLOYEE COOPERATION

1801.1 Employees shall immediately and directly report credible violations of the District Code of Conduct and violations of this chapter to the District of Columbia Office of Government Ethics, the District of Columbia Office of the Inspector General, or both.

1801.2 An employee shall not interfere with or obstruct any investigation conducted by a District or federal agency.

1801.3 An employee shall fully cooperate with any investigation, enforcement action, or other official function of the Office of Government Ethics.

1801.4 Coercive, harassing, or retaliatory action shall not be taken against any employee acting in good faith under this section.

1802 REMEDIAL ACTION

1802.1 A violation of this chapter or supplemental agency regulations and policies shall be cause for appropriate corrective or disciplinary action to be taken under the procedures applicable to the employee.

1802.2 It is the responsibility of the employing agency to initiate appropriate remedial, corrective, or adverse action in individual cases. Such action may be in addition to any other action or penalty prescribed by law.

1802.3 An employee who violates the Code of Conduct shall be subject to applicable civil and criminal penalties pursuant to Section 221 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform

Amendment Act of 2011 (D.C. Law 19-124; D.C. Official Code § 1-1162.21). Penalties imposed by BEGA are separate and apart from any corrective or disciplinary action taken by the employing agency.

1803 GIFTS FROM OUTSIDE SOURCES

1803.1 This section contains standards that prohibit an employee from soliciting or accepting any gift from a prohibited source or given because of the employee's official position unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this section.

1803.2 Except as otherwise provided in this section, an employee shall not, directly or indirectly, solicit or accept a gift:

- (a) From a prohibited source; or
- (b) Given because of the employee's official position or duties.

1803.3 Notwithstanding any exception provided in this section, an employee shall not:

- (a) Accept a gift in return for being influenced in the performance or nonperformance of an official act;
- (b) Solicit or coerce the offering of a gift; or
- (c) Accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the employee is using his or her public office for private gain.

1803.4 For purposes of this section, the following meanings apply:

- (a) "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. It does not include:
 - (1) Modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal;
 - (2) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation;
 - (3) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

- (4) Unsolicited items received by employees for the purposes of evaluation or review, provided the employee has no beneficial personal interest in the eventual use or acquisition of the item by the employee's agency;
- (5) Food and beverages, of nominal value, consumed at hosted receptions where attendance is related to the employee's official duties;
- (6) Admission to and the cost of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental or community organization, when the admission, food and beverages are of a nominal value;
- (7) Unsolicited gifts from dignitaries from the federal government, a state or territory, or a foreign country that are of a nominal value and intended to be personal in nature and, in the case of a foreign country, are permitted under 5 U.S.C. § 7342;
- (8) Loans from banks and other financial institutions on terms generally available to the public;
- (9) Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all government employees or all uniformed members of the Metropolitan Police Department and/or Fire and Emergency Medical Services Department, whether or not restricted on the basis of geographic considerations;
- (10) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the employee's entry into the contest or event is required as part of his official duties;
- (11) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer;
- (12) Anything which is paid for by the District or secured by the District under a District contract;
- (13) Any gift accepted by the District government under specific statutory authority; or
- (14) Anything for which market value is paid by the employee.

- (b) "Prohibited source" means any person or entity who:
 - (1) Is seeking official action by the employee's agency;
 - (2) Does business or seeks to do business with the employee's agency;
 - (3) Conducts activities regulated by the employee's agency;
 - (4) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
 - (5) Is an organization in which the majority of its members are described in subparagraphs (1) through (4) of this subsection.
- (c) A gift is accepted or solicited because of the employee's position if it is from a person other than an employee and would not have been solicited, offered, or given had the employee not held the status, authority or duties associated with his District government position.
- (d) A gift which is accepted or solicited indirectly includes a gift:
 - (1) Given with the employee's knowledge and acquiescence to his parent, sibling, spouse, child, or dependent relative because of that person's relationship to the employee, or
 - (2) Given to any other person or entity, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee.

1803.5 The prohibitions set forth in this section do not apply to gifts accepted under the circumstances described in paragraphs (a) through (e) of this subsection, and an employee's acceptance of a gift in accordance with one of those paragraphs will be deemed not to violate the principles set forth in Section 1800.

- (a) An employee may accept unsolicited gifts having a market value of \$10 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph shall not exceed \$20 in a calendar year, except when the offer of the gift would appear to a reasonable person to be intended to influence the employee in his or her official duties.
- (b) An employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee.

- (c) An employee may accept meals, lodgings, transportation and other benefits:
 - (1) Resulting from the business or employment activities of an employee's spouse or domestic partner when it is clear that such benefits have not been offered or enhanced because of the employee's official position; or
 - (2) Resulting from the employee's authorized outside business or employment activities when it is clear that such benefits have not been offered or enhanced because of the employee's official status.
- (d) When an employee is assigned to participate as a speaker or panel participant or otherwise to present information on behalf of the agency at a conference or other event, his acceptance of an offer of free attendance at the event on the day of his presentation is permissible when provided by the sponsor of the event. The employee's participation in the event on that day is viewed as a customary and necessary part of his performance of the assignment and does not involve a gift to him or to the agency. Any such assignment must be made by the employee's agency head, or other designee, in writing.
- (e) When an employee's attendance is in the interest of the agency, as determined by the Mayor or designee, in writing, because it will further agency programs and operations, the employee may accept an unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering of mutual interest to a number of parties from the sponsor of the event or, if more than 50 persons are expected to attend the event and the gift of free attendance has a market value of \$350 or less, from a person other than the sponsor of the event. A gathering is widely attended if it is expected that a large number of persons will attend and that persons with a diversity of views or interests will be present, for example, if it is open to members from throughout the interested industry or profession or if those in attendance represent a range of persons interested in a given matter. For employees subject to a leave system, attendance at the event shall be on the employee's own time or, if authorized by the employee's agency, without charge to the employee's leave account.

1803.6 Whenever an employee accepts a contribution, award or payment in accordance with Paragraphs 1803.5(d) or (e), the agency shall maintain the following records for a period of no less than two (2) years:

- (a) The name of the recipient;
- (b) The name of the organization;
- (c) The amount and nature of the contribution, award, or payment and the purpose for which it is to be used; and

(d) A copy of the written authorization.

1803.7 An employee who receives a gift that cannot be accepted under the provisions of this section shall inform the person offering the gift that District government ethics rules do not permit acceptance of gifts, and:

- (a) Return the gift to the donor, donate the gift to a tax exempt organization pursuant to 26 U.S.C. § 501(c)(3), or reimburse the donor the market value of the gift; or
- (b) If the gift is perishable and it would not be practical to return it to the donor, donate the gift to charity, share it with office staff, or destroy it.
- (c) The actions set forth in (a) and (b) above may be taken one time only with respect to any donor.

1803.8 In accordance with 18 U.S.C. § 209, an employee shall not receive any salary or anything of monetary value from a private source as compensation for his or her services to the government.

1804 GIFTS BETWEEN EMPLOYEES

1804.1 Except as provided in Subsection 1804.6, this section contains standards that prohibit an employee from giving, donating to, or soliciting contributions for, a gift to an official superior and from accepting a gift from a co-worker receiving less pay than the employee, unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this section.

1804.2 Except as otherwise provided in this section, an employee may not:

- (a) Directly or indirectly, give a gift to or make a donation toward a gift for an official superior; or
- (b) Solicit a contribution from another employee for a gift to their official superior or the other employee's official superior.

1804.3 Except as provided in this section, an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than themselves unless:

- (a) The two employees are not in a subordinate-official superior relationship;
- (b) There is a personal relationship between the two employees that would justify the gift; and
- (c) The gift was not given or solicited to gain or induce any professional advantage.

1804.4 Notwithstanding any exception provided in this section, an official superior shall not coerce a subordinate to make or contribute to a gift.

1804.5 For purposes of this section, the following meanings apply:

- (a) “Gift” has the meaning set forth in Section 1803. For purposes of that definition an employee will be deemed to have paid market value for any benefit received as a result of their participation in any carpool or other such mutual arrangement involving another employee or other employees if he or she bears their fair proportion of the expense or effort involved.
- (b) “Official superior” means any other employee including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of the employee's official duties or those of any other official superior of the employee. For purposes of this section, an employee is considered to be the subordinate of any of his official superiors.
- (c) “Solicit” means to request contributions by personal communication or by general announcement.
- (d) “Voluntary contribution” means a contribution given freely, without pressure or coercion. A contribution is not voluntary unless it is made in an amount determined by the contributing employee, except that where an amount for a gift is included in the cost for a luncheon, reception or similar event, an employee who freely chooses to pay a proportionate share of the total cost in order to attend will be deemed to have made a voluntary contribution. Except in the case of contributions for a gift included in the cost of a luncheon, reception or similar event, a statement that an employee may choose to contribute less or not at all shall accompany any recommendation of an amount to be contributed for a gift to an official superior.

1804.6 The prohibitions set forth in Subsections 1804.2 and 1804.3 do not apply to a gift given or accepted under the circumstances established in Paragraphs (a) and (b) of this subsection. A contribution or the solicitation of a contribution that would otherwise violate Subsections 1804.2 and 1804.3 may only be made in accordance with Paragraph (c) of this subsection.

- (a) On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - (1) Items, other than cash, with an aggregate market value of \$10 or less per occasion;

- (2) Items such as food and refreshments to be shared in the office among several employees;
 - (3) Personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends; and
 - (4) Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.
- (b) A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
- (1) In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or
 - (2) Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.
- (c) An employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior and an employee may make a voluntary contribution of a nominal amount to an appropriate gift to an official superior:
- (1) On a special, infrequent occasion as described in paragraph (b) of this section; or
 - (2) On an occasional basis, for items such as food and refreshments to be shared in the office among several employees.
- (d) An employee may accept such gifts to which a subordinate or other employee receiving less pay than himself or herself has contributed.

1804.7 For the purposes of Subsections 1804.3 and 1804.4 of this section, the term nominal means an individual cash donation of no more than ten dollars (\$10) or an individual voluntary gift of no more than ten dollars (\$10) in market value.

1805 FINANCIAL INTERESTS AND DISCLOSURES

1805.1 It is the policy of the District government to avoid conflicts of interest concerning the award, implementation, monitoring, and performance of contracts for services. Accordingly, as a means of assisting District government agencies to evaluate real or potential conflicts of interest in this area, each employee will be required to disclose to his or her employing agency upon appointment, such previous

employment relationships (whether in the private or public sectors) as the employing agency may direct, including full disclosure of any ongoing economic benefits to the employee from previous employment relationships.

1805.2 For the purposes of this section, the following terms apply:

- (a) “Ongoing economic benefit from a former employer” shall include any pension, annuity, stock option, bonus, cash or in-kind distribution in satisfaction of equitable interest, payment of all or a portion of the premiums on a life or health insurance policy, or any other comparable benefit.
- (b) A “former employer” is any person or organization:
 - (1) For whom or for which the employee has, within the one (1) year preceding his or her employment by the District government, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; or
 - (2) From whom or from which the employee receives an ongoing economic benefit.

1805.3 The employing agency shall inform each new hire of the requirement to disclose employment relationships as described in Subsection 1805.1. A new hire with employment relationships to disclose shall so inform his or her immediate supervisor and a person designated by the agency head, and complete D.C. Standard Form 36, Previous Employment Relationships, within thirty (30) days of the effective date of the new appointment.

1805.4 The head of the employing agency will communicate the information required to be disclosed under this subsection to each new hire, and advise the employee in writing of the restrictions imposed by this subsection.

- (a) For one (1) year after the date of initial employment with the District government, an employee required to make a disclosure under this section will be screened from and shall not participate in any manner, in the District government’s decision to enter into, extend, modify, or renew a contract or consultancy engagement with the employee’s former employer (hereafter, “procurement action”).
- (b) The one-year (1-year) restriction from participation in any procurement action prescribed in paragraph (a) will be extended for as long as the employee receives an ongoing economic benefit from a former employer. It will be the employee’s responsibility to advise his or her immediate supervisor and a person designated by the agency head of the continued receipt of the ongoing economic benefit from a former employer.

- 1805.5 Notwithstanding the prohibitions set forth in Subsection 1805.4, the head of the employing agency may authorize an employee, required to make a disclosure under this section, to do any of the following as part of the employee's official duties:
- (a) Participate in the oversight or review of the work-product or performance of a former employer that is currently a contractor or consultant with the District government;
 - (b) Serve as the District government's liaison with the former employer; or
 - (c) Otherwise communicate with the former employer on matters pending before the employee's employing agency.
- 1805.6 The determination to require an employee to perform any of the duties listed in Subsection 1805.5 shall be based upon a written determination of the agency head, made in light of all relevant circumstances, that the interest of the District government in the employee's participation outweighs the concern that a reasonable person might question the integrity of the District government's programs or operations. Applying this standard, the agency head may determine that the employee's participation reasonably may be permitted in certain activities involving the employee's former employer, but not in others. In all instances under this section in which the employee is prohibited from participation, the employee will be screened from the receipt of any information regarding the former employer's matter that is pending before the District government.
- 1805.7 An agency head may delegate the responsibility for making any of the determinations prescribed in this section to other personnel in the agency. The person in the agency making any such determinations may consult with the Board of Government Ethics and Accountability.
- 1805.8 No District government employee or any member of his or her immediate household shall knowingly:
- (a) Acquire any stocks, bonds, commodities, real estate, or other property, whether held individually or in concert with others, the possession of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities as a District government employee; or
 - (b) Acquire an interest in or operate any business or commercial enterprise which is in any way related, directly or indirectly, to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is in any way related to

matters over which the employee could wield any influence, official or otherwise.

1805.9 A District government employee who is called upon to act for or on behalf of the District government in a matter relating to or involving a non-governmental entity in which the employee or a member of the employee's immediate family has a financial interest, shall make this fact known to his or her immediate supervisor and a person designated by the agency head, in writing, at the earliest possible moment. Unless a waiver of the conflict of interest is granted by BEGA pursuant to D.C. Official Code § 1-1162.23(b), the head of the employing District government agency subsequently shall determine whether or not the employee must divest him or herself of such interest, or merely disqualify him or herself from taking part in any official decision or action involving the matter.

1805.10 Nothing contained in this chapter shall preclude the Mayor from serving as an honorary chair or honorary member of a nonprofit entity's fundraising event, so long as the entity for which funds are raised supports a nongovernmental bona fide charitable activity benefiting the District of Columbia. Use of the Mayor's name or title in fundraising solicitations or announcements of general circulation shall be in accordance with such terms and limitations as the Mayor may prescribe by Mayor's order or by direction in particular cases. The authority granted by this subsection shall not extend to the use of the Mayor's name or title in solicitations made by or on behalf of the Mayor directly to individual contributors.

1806 RESTRICTIONS ON THE EMPLOYMENT OF RELATIVES (NEPOTISM)

1806.1 In accordance with the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-115, D.C. Official Code § 1-618.04); and the Civil Service Act of 1967, effective October 13, 1978, as amended (Pub.L. 90-206, 5 U.S.C. § 3110), this section restricts the hiring and advancing of relatives by public officials.

1806.2 For purposes of this section, the following meanings apply:

- (a) "Public official" means an officer, employee, or any other individual in whom authority by law, rule, or regulation is vested, or to whom the authority has been delegated to select, appoint, employ, promote, reassign, demote, separate, or recommend individuals for any of these actions.
- (b) A "hiring decision" means selecting, appointing, employing, promoting, reassigning, advancing, or advocating a personnel action.

1806.3 A public official may not directly or indirectly make a hiring decision regarding a position within his or her own agency with respect to a relative. Specifically, a public official may not appoint, employ, promote, evaluate, interview, or advance

(or advocate for such actions) any individual who is a relative in an agency in which the public official serves or exercises jurisdiction or control. A violation of this subsection shall constitute disciplinary cause and subject the public official to disciplinary action, up to, and including removal.

- 1806.4 Any hiring decision secured or effectuated in violation of this section shall be rescinded immediately.
- 1806.5 In addition to any other remedies available pursuant to law, including penalties imposed by the Office of Government Ethics, a public official who violates Subsection 1806.3 shall pay restitution to the District of Columbia for any gains received by the relative.
- 1806.6 When the agency contemplates making a hiring decision concerning a relative of a public official within the same agency, the public official must file a written recusal, which shall be included in the relative's official personnel file along with the subject personnel action.
- 1806.7 In the event of emergencies resulting from natural or manmade disasters, the Mayor may suspend the prohibitions of this section, as permitted by the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-115; D.C. Official Code § 1-618.04); and the Civil Service Act of 1967, effective October 13, 1978, as amended (Pub.L. 90-206; 5 U.S.C. § 3110(d)).

1807 OUTSIDE EMPLOYMENT AND PRIVATE REPRESENTATIONS

- 1807.1 A District government employee shall not engage in any outside employment or other activity incompatible with the full and proper discharge of his or her duties and responsibilities. Activities or actions that are not compatible with government employment include, but are not limited to the following:
- (a) Engaging in any outside employment, private business activity, or other interest that is reasonably likely to interfere with the employee's ability to perform his or her job, or which may impair the efficient operation of the District government;
 - (b) Using government time or resources for other than official business, or government approved or sponsored activities;
 - (c) Ordering, directing, or requesting subordinate officers or employees to perform during regular working hours any personal services not related to official District government functions and activities;
 - (d) Maintaining financial or economic interest in or serving (with or without compensation) as an officer or director of an outside entity if there is any

likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee;

- (e) Engaging in any outside employment, private business activity, or interest which permits an employee, or others, to capitalize on his or her official title or position;
- (f) Divulging any official government information to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making use of or permitting others to make use of information not available to the general public;
- (g) Engaging in any outside employment, private business activity, or other interest which might impair an employee's mental or physical capacity to such an extent that he or she can no longer carry out his or her duties and responsibilities as a government employee in a proper and efficient manner;
- (h) Serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia, except as permitted by Subsection 1807.6 or 1807.7; or
- (i) Engaging in any outside employment, private business activity, or other interest which is in violation of federal or District law.

1807.2 A District government employee may receive compensation for engaging in teaching activities, writing for publication, consultative activities, and speaking engagements that are not prohibited by law, regulation, or agency standards, only if such activities are conducted outside of regular working hours, or while the employee is on annual leave, compensatory leave, exempt time off, or leave without pay.

1807.3 The information used by an employee engaging in an activity under Subsection 1807.2 of this section shall not draw on official data or ideas which have not become part of the body of public information, except nonpublic information that has been made available on request for use in such capacity, or unless the agency head gives written authorization for use on the basis that its use is in the public interest.

1807.4 If the employee receives compensation or anything of monetary value for engaging in an activity under Subsection 1807.2 of this section, the subject matter shall not be devoted substantially to the responsibilities, programs, or operations of his or her agency, to his or her official duties or responsibilities, or to information obtained from his or her government employment.

- 1807.5 An employee who is employed for not more than one hundred thirty (130) days during any period of three hundred sixty-five (365) consecutive days, to perform temporary duties, either on a full-time or intermittent basis, shall be subject to Subsection 1807.1(h) of this section only in relation to a particular matter involving specific parties in which he or she has at any time participated personally and substantially as a District government employee, or which is pending before his or her employing agency.
- 1807.6 Nothing in this section shall prevent an employee from acting without compensation as agent or attorney for another District employee who is the subject of any personnel action, if not inconsistent with his or her duties.
- 1807.7 Nothing in this chapter shall prevent an employee from acting, with or without compensation, as agent or attorney for his or her parent(s), spouse, domestic partner, child, or any person for whom, or for any estate for which, he or she is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he or she has participated personally and substantially as a government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of the employee's official responsibility, provided that the government official responsible for appointment to the employee's position approves. This provision shall not abridge a government attorney's responsibilities under the District of Columbia Rules of Professional Conduct.

1808 GOVERNMENT PROPERTY

- 1808.1 An employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.
- 1808.2 For purposes of this section the following definitions apply:
- (a) "Government property" includes any form of real or personal property in which a federal, District, state, or local government agency or entity has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the government mails, automated data processing capabilities, printing and reproduction facilities, government records, and government vehicles.
 - (b) "Authorized purposes" are those purposes for which government property is made available to members of the public or those purposes authorized by an agency head in accordance with law or regulation.

1809 ADDITIONAL STANDARDS

- 1809.1 Each subordinate and independent agency of the District government may prescribe additional standards of ethical conduct and reporting requirements that are appropriate to the particular functions and activities of the agency, which are not inconsistent with law or this chapter.
- 1809.2 Additional standards of ethical conduct must be approved prior to implementation as follows:
- (a) Proposed standards shall be submitted to the Director of Government Ethics in writing for comment, if any;
 - (b) Following receipt of any comments from the Director of Government Ethics, or the expiration of no fewer than fifteen business (15) days, the proposed standards shall be submitted to the Department of Human Resources electronically for approval;
 - (c) Once approved, the proposed standards shall be transmitted to any implicated labor organization for review; and
 - (d) Following approval by the Department of Human Resources and any appropriate review by a labor organization, the standards shall be published to the impacted employees.

1810 PUBLIC REPORTING AND CONFIDENTIAL DISCLOSURE OF FINANCIAL INTERESTS

- 1810.1 This section implements the financial interest disclosure requirements set forth in Section 224 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code §§ 1-1162.24 and 1-1162.25).
- 1810.2 At the time of hire, each personnel authority shall provide each employee with a copy, whether in hard copy or electronic form, of the BEGA ethics manual, inclusive of the Code of Conduct.
- (a) No later than 90 days after commencement of employment, all required filers, as defined in Section 1899, shall certify that they have undergone ethics training developed or approved by the Board of Government Ethics and Accountability.
 - (b) Filers shall certify on an annual basis that they have completed at least one ethics training program within the previous year.
- 1810.3 In accordance with Sections 1804 and 1806, no employee shall engage in outside employment or private business activity or have any direct or indirect financial

interest that conflicts or would appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities.

1810.4 For purposes of public reporting and confidential financial disclosures:

- (a) Each agency head shall provide to BEGA, no later than March 1st of each year, a list of all public officials within the agency, as defined by the Ethics Act. The list shall include the name, title, position, grade, home address, work email address (or personal email address if available and the employee no longer works for the agency), and work telephone number (or personal telephone number if available and the employee no longer works for the agency).
- (b) Each agency head shall identify any employee other than a public official, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, policy-making, regulating or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest as determined by the appropriate agency head. Advisory Neighborhood Commissioners shall also file the report required by this section.
- (c) On or before April 15th of each year, each agency head shall notify each designated person (“designees”) in the agency of their requirement to submit a confidential disclosure of financial information (“confidential report”) pursuant to Paragraph (a) of this subsection.
- (d) On or before May 1st of each year, each agency head shall supply the list of designees to the Office of Government Ethics.
- (e) Each designee shall file with their agency head a report containing a full and complete statement of the information required by D.C. Official Code § 1-1162.24 on or before May 15th of each year.

1810.5 When an agency head questions whether a specific individual should be designated pursuant to Subsection 1810.4, the matter shall be referred to the Director of Government Ethics for final resolution.

1810.6 Designees shall be notified in writing of the following:

- (a) That he or she has been designated; and
- (b) That he or she may request a review of the designation by the agency head within five (5) days.

1810.7 Designees may request a review of their designation as follows:

- (a) An employee may submit a written request for review to the agency head within five (5) days of written notification of the designation;
 - (b) The agency head shall make a redetermination, in writing, within five (5) days of receipt of the request; and
 - (c) The agency head's redetermination denying requested relief shall be appealable, in writing, within five (5) days of receipt of the notice of denial to the Director of Government Ethics.
- 1810.8 The decision of the Director of Government Ethics respecting the designation shall be in writing and shall be issued within five (5) days of receipt and shall be final.
- 1810.9 The agency head or his or her designee shall review each employee's confidential report and each supplementary statement and, on or before June 1st of each year, shall certify or otherwise report to the Office of Government Ethics, indicating whether or not designees have filed the required report, and if not, shall provide a list of those designees who have failed to submit the required report. This report shall include information about successful and pending designation appeals.
- 1810.10 Confidential reports of employees shall be reviewed by the agency head or his or her designee. Any apparent violation of the Code of Conduct shall immediately be forwarded to the Office of Government Ethics.
- 1810.11 Confidential reports constitute a record and shall be maintained by the BEGA for a period no less than six (6) years.
- 1810.12 An employee who has been designated to submit a confidential report shall provide the information specified in this section.
- 1810.13 Each employee required to submit a confidential report shall be provided with the statement and its instructions by the person designated by the agency head.
- 1810.14 Notwithstanding the filing of the annual statement required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest provisions of 18 U.S.C. § 208 or this chapter.
- 1810.15 The interest (that is, any reportable interest specified in Subsections 1810.17 through 1810.21 of this section) of a member of an employee's immediate household shall be considered to be an interest of the employee.
- 1810.16 If any information required to be included on a confidential report or supplementary statement, including holdings placed in trust, is not known to the

employee but is known to another person, the employee shall request that other person to submit information on his or her behalf.

- 1810.17 A person who is providing services to a District agency without compensation under the provisions of Section 4000 (Utilization of Voluntary Services) of these regulations shall be required to submit a confidential report if it is determined by the agency head that the volunteer's assignment is comparable to a position covered by this chapter requiring the submission of a confidential report.
- 1810.18 Each designated employee shall provide the following information pertaining to creditors:
- (a) The names and addresses of his or her creditors other than those to whom he or she may be indebted by reason of a mortgage on property which he or she occupies as a personal residence or to whom he or she may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses; and
 - (b) The character of the indebtedness, for example, personal loan, note, or security.
- 1810.19 Each designated employee shall provide the following information pertaining to interest in real property:
- (a) List his or her interest in real property or rights in lands, other than property which he or she occupies as a personal residence;
 - (b) State the nature of the interest, for example, ownership, mortgage, lien, vestment, or trust;
 - (c) Identify the type of property, for example, residence, hotel, apartment, farm, or undeveloped land; and
 - (d) Give the address of the property (if rural, give RFD, county, and state).
- 1810.20 Each designated employee shall expressly indicate whether any person or entity identified in accordance with Subsections 1810.19 and 1810.20 of this section is (a) engaged in doing business with the District government or (b) regulated by any agency of the District government, except as to any licensing requirement under applicable law. If any change occurs regarding such persons or entities after the filing of an annual statement, the employee shall furnish the updated information by submission of a supplementary statement within ten (10) days of learning of the commencement or cessation of the business activity or the regulatory function.

- 1810.21 For purposes of Subsection 1810.21 of this section, a person or entity shall be deemed to be doing business with the District government if a contract or agreement has been formally entered into for supplying goods or services, including contracts for construction, to the District, or for extending a leasehold interest to the benefit of the District.
- 1810.22 If any information is to be supplied by other persons, for example, a trustee, attorney, accountant, or relative, the employee shall indicate the following information:
- (a) The name, title, company name (if appropriate), and address of each other person;
 - (b) The date on which the information was requested by the employee to be supplied; and
 - (c) The nature of the subject matter involved.
- 1810.23 In responding to the requests for information required under Subsections 1810.25 through 1810.23 of this section, the employee shall write "none," if applicable.
- 1810.24 The employee shall sign and date the confidential report, certifying the following:
- (a) That he or she has received and read the instructions and the prohibitions pertaining to conflicts of interest as they relate to his or her employment;
 - (b) That, to the best of his or her knowledge and belief, he or she has no outside employment or other business interest other than the interests specifically listed and identified in accordance with Subsections 1810.19 through 1810.24 of this section; and
 - (c) That the statements he or she provided are true, complete, and correct to the best of his or her knowledge and belief.
- 1810.25 Each employee shall submit a supplementary statement disclosing any additional financial interests not previously disclosed in the employee's annual report within ten (10) days of his or her commencement of any previously unreported outside employment, acquisition of financial or real property interests, or agreement of indebtedness, in the same manner and to the same extent as specified for the submission of annual reports required by this section.
- 1810.26 When an employee identifies a person or entity in accordance with Subsections 1810.21 and 1810.22 of this section as either not engaged in doing business with the District government or not regulated by any agency of the District government and thereafter the person or entity commences either to do business with or to become subject to regulation by the District, the employee, within ten (10) days

after learning of the commencement of the business or regulatory function, shall notify in writing his or her immediate supervisor and submit a supplementary report identifying the change in status.

- 1810.27 Each employee required by this section to submit an annual statement shall notify his or her immediate supervisor in writing immediately whenever an assignment is given the employee which may directly or indirectly affect any person or entity identified by the employee in accordance with Subsections 1810.19 through 1810.27 of this section.
- 1810.28 Upon notification under Subsection 1810.28 of this section, the supervisor may reassign the matter in the event of a conflict of interest or the appearance of a conflict of interest when, in the discretion of the supervisor, a reassignment is warranted under the circumstances.
- 1810.29 After the employee has been notified by the supervisor that reassignment is warranted, the employee shall submit a written recusal from the matter, which shall be maintained by the agency head.
- 1810.30 An employee may receive a waiver and work on a matter in which he or she has a conflict of interest, if he or she has received a waiver pursuant to Section 223 of the Ethics Act (D.C. Official Code § 1-1162.23) and the written approval of his or her agency head or designee.

1811 POST-EMPLOYMENT CONFLICT OF INTERESTS

- 1811.1 District employees shall comply with the provisions of 18 U.S.C. § 207 and implementing regulations set forth at 5 C.F.R. Part 2641, Subparts A and B.
- 1811.2 District government employees and public officials are subject to certain provisions of the federal criminal conflict of interest provisions set forth in 18 U.S.C. §§ 201-216. Questions regarding the application of 18 U.S.C. § 207, 5 C.F.R. Part 2641, or these regulations, to specific factual circumstances, may be addressed to the Board of Government Ethics and Accountability.
- 1811.3 A former government employee shall be permanently prohibited from knowingly acting as an attorney, agent, or representative in any formal or informal appearance before an agency as to a particular government matter involving a specific party if the employee participated personally and substantially in that matter as a government employee.
- 1811.4 A former government employee shall be permanently prohibited from making any oral or written communication to an agency with the intent to influence that agency on behalf of another person as to a particular government matter involving a specific party if the employee participated personally and substantially in that matter as a government employee.

- 1811.5 A former government employee shall be prohibited for two (2) years after terminating District government employment from knowingly acting as an attorney, agent, or representative in any formal or informal matter before an agency if he or she previously had official responsibility for that matter.
- 1811.6 For purposes of Subsection 1811.5 of this section, a matter for which the former government employee had official responsibility is any matter that was actually pending under the former employee's responsibility within a period of one (1) year before the termination of such responsibility.
- 1811.7 The two-year (2-year) restriction period in Subsection 1811.5 of this section shall be measured from the date when the former employee's responsibility for a particular matter ends, not from the termination of government service, unless the two (2) occur simultaneously.
- 1811.8 A former employee shall be prohibited for two (2) years from knowingly representing or aiding, counseling, advising, consulting, or assisting in representing any other person (except the District of Columbia) by personal appearance before an agency as to a particular government matter involving a specific party if the former employee participated personally and substantially in that matter as a government employee.
- 1811.9 The two-year (2-year) period in Subsection 1811.8 of this section shall be measured from the date of termination of employment in the employee position held by the former employee when he or she participated personally and substantially in the matter involved.
- 1811.10 A former employee (other than a special government employee who serves for fewer than one-hundred and thirty (130) days in a calendar year) shall be prohibited for one (1) year from having any transactions with the former agency intended to influence the agency in connection with any particular government matter pending before the agency or in which it has a direct and substantial interest, whether or not such matter involves a specific party.
- 1811.11 The restriction in Subsection 1811.10 of this section is intended to prohibit the possible use of personal influence based on past governmental affiliations to facilitate the transaction of business. Therefore, the restriction shall apply without regard to whether the former employee had participated in, or had responsibility for, the particular matter, and shall include matters which first arise after the employee leaves government service.
- 1811.12 The restriction in Subsection 1811.10 of this section shall apply whether the former employee is representing another or representing him or herself, either by appearance before an agency or through communications with that agency.
- 1811.13 Communications from a former government employee shall be exempt from these prohibitions if he or she communicates with his or her agency solely to furnish

scientific or technological information under procedures acceptable to the agency concerned.

- 1811.14 Nothing in these regulations shall prevent a former government employee from giving testimony under oath, or from making statements required to be made under penalty of perjury.
- 1811.15 A former government employee may be exempted from the restrictions on post-employment practices if the Mayor (or designee), in consultation with the federal government's Director of the Office of Government Ethics, executes a certification published in the *D.C. Register*. The certification shall state that the former government employee has outstanding qualifications in a scientific, technological, or other technical discipline; is acting with respect to a particular matter which requires such qualifications; and the interest of the District of Columbia would be served by such former government employee's participation.
- 1811.16 The one-year (1-year) restriction stated in Subsection 1811.10 of this section shall not apply to appearances, communications, or representation concerning new matters by a former employee if the former employee is an elected official of a state or local government and is acting on behalf of that government, or is regularly employed by and acting on behalf of an agency or instrumentality of federal, state, or local government; an accredited, degree-granting institution of higher education; or a non-profit hospital or medical research organization.
- 1811.17 The one-year (1-year) restriction stated in Subsection 1811.10 of this section shall not apply to appearances or communications by a former employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits, or the application of these regulations to an undertaking proposed by a former employee. A former employee also may appear *pro se* (on his or her own behalf) in any litigation or administrative proceeding involving the individual's former agency.
- 1811.18 The one-year (1-year) restriction stated in Subsection 1811.10 of this section shall not prevent a former employee from making or providing a statement, which is based on the former employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

1899 DEFINITIONS

- 1899.1 In this chapter, the following terms have the meaning ascribed:

Agency – any unit of the District of Columbia government required by law, by the Mayor of the District of Columbia, or by the Council of the District of

Columbia to administer any law, rule, or any regulation adopted under authority of law. The term “agency” also includes any unit of the District of Columbia created or organized by the Council of the District of Columbia as an agency.

Code of Conduct – those provisions contained in the following:

- (a) The Code of Official Conduct of the Council of the District of Columbia, as adopted by the Council;
- (b) Sections 1801 through 1802 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-618.01);
- (c) Section 2 of the Official Correspondence Regulations, effective April 7, 1977 (D.C. Law 1-118; D.C. Official Code § 2-701 *et seq.*);
- (d) Section 416 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.16);
- (e) Chapter 18 of Title 6-B of the District of Columbia Municipal Regulations;
- (f) Subtitles C, D, and E of Title II of the Ethics Act , and Subtitle F of Title III of the Ethics Act for the purpose of enforcement by BEGA of violations of Section 338 of the Ethics Act that are subject to the penalty provisions of Section 221 of the Ethics Act .

Days – calendar days, unless otherwise specified.

Filers – any person required to file financial disclosure, honoraria, and confidential disclosure of financial interest reports, as applicable, pursuant to D.C. Official Code §§ 1-1162.24 and 1-1162.25.

Former government employee – one who was and no longer is an employee or official of the District government.

Employee/Government Employee - an individual who performs a function of the District government and who receives compensation for the performance of such services (D.C. Official Code § 1-603.01(7)), or a member of a District government board or commission, with or without compensation (D.C. Official Code § 1-602.02(3)). It does not include an individual performing services for the District government as an independent contractor under a personal services contract.

Immediate household – consists of the employee's spouse and blood relations who are full-time residents of the employee's household, and the employee's minor children, irrespective of residence.

Official responsibility – the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, personally or through subordinates, to approve, disapprove, or otherwise direct governmental action.

Particular government matter involving a specific party – any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which the District government is a party or has a direct and substantial interest, and which has application to one (1) or more specifically identified persons or entities.

Person – an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

Public official -- a candidate for nomination for election, or election, to public office; the Mayor, Chairman, and each member of the Council of the District of Columbia holding office under the Home Rule Act; the Attorney General; a Representative or Senator elected pursuant to Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code § 1-123); an Advisory Neighborhood Commissioner; a member of the State Board of Education; a person serving as a subordinate agency head in a position designated as within the Executive Service; a member of a board or commission listed in Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)); a District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest; and any additional employees designated by rule by BEGA who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest.

Relative - with respect to a public official, an individual who is related to the public official as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,

stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Remedial action – an action taken for the purpose of correcting a problem or issue.

Special government employee – any officer or employee of an agency who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not to exceed one hundred and thirty (130) days during any period of three hundred and sixty five (365) consecutive days.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2012 Repl.)), and Mayor’s Order 2007-186, dated August 10, 2007, hereby gives notice of the adoption of the following rule to add a new Section 405 (Third Party Grievance Procedure) of Chapter 4 (Community Involvement in Education) of Subtitle E, Title 5 (Education), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rule is to amend the language regarding the procedures for the filing, investigation, and resolution of complaints or grievances filed by parents, guardians, visitors and others in cases of discrimination, bullying, or harassment. The amendment is necessary because DCPS must ensure that its grievance procedures contain language that satisfies requirements set forth by the U.S. Department of Education, Office of Civil Rights.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 27, 2013 at 60 DCR 13425. No changes have been made to the text of the proposed rules. Additionally the “Parents, Guardians and Visitors Grievance Procedure Regulations Approval Resolution of 2013” was submitted to the Council on September 24, 2013 (PR-20-460). The Council has neither approved nor disapproved during the 45-day period of review and these rules are therefore deemed approved, pursuant to Section 103 of the Act. These rules were adopted as final on February 6, 2014 and will be effective upon publication in the *D.C. Register*.

Section 405 (Parent, Guardian and Visitor Grievance Procedure) of Chapter 4 (Community Involvement in Education) of Subtitle E (Original Title 5), Title 5 (Education) of the DCMR is added to read as follows:

405 GRIEVANCE PROCEDURE FOR PARENTS, GUARDIANS, AND VISITORS

405.1 The grievance procedure set forth in this section shall apply to all grievances or complaints brought for any suspected violation of the following laws:

- (a) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- (b) Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination on the basis of disability;
- (c) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- (d) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on

the basis of race, color, and national origin;

- (e) The District of Columbia Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, and disability; or
- (f) The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age.

405.2 The grievance procedure set forth in this section shall apply to all grievances filed by any individual other than a student or employee of the District of Columbia Public Schools. This includes but is not limited to parents, guardians, and school visitors. Grievances and complaints regarding students shall be governed by the procedures contained in Chapter B-24 of this title. Grievances and complaints regarding employees shall be governed by Chapter E-8 of this title.

405.3 The grievance procedure set forth in this section shall also apply to all grievances or complaints brought in the following instances:

- (a) Where it is alleged that the rights of an individual are being denied or abridged;
- (b) Where it is alleged that any individual is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
- (c) Where an individual is a victim of bullying or harassment, including sexual harassment; and
- (d) Any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.

405.4 No individual shall be discriminated against, or otherwise subjected to retaliation, on the basis of an individual's filing of a grievance pursuant to this section or an individual's participation in a grievance process.

405.5 An individual bringing a grievance about an issue set forth in § E-405.1 or § E-405.3 of this section shall follow the procedures contained in this section. A grievance may be filed on behalf of another individual by attorney or an authorized representative.

- (a) The individual bringing the grievance (the grievant) may make an informal complaint to the principal or other school official in charge of the program or activity. If the grievant makes a complaint to a teacher or

administrator other than the principal or official in charge of the program or activity, that person shall, with the permission of the grievant, advise the principal or official in charge of the program or activity of the nature of the complaint.

- (b) If the principal is the subject of the grievant's complaint or otherwise involved in the circumstances surrounding the complaint, the grievant shall make an informal complaint to the Instructional Superintendent with jurisdiction over the principal's school.
- (c) The person who receives the informal grievance shall investigate and attempt to resolve the problem through informal means, including but not limited to, meetings, conferences, and discussions. The person shall also make written documentation of all steps taken to investigate the matter.
- (d) A resolution in the informal process shall be proposed, or a decision issued, by the principal or other school official to the grievant within ten (10) school days of the day that the grievant made the informal complaint. The appropriate Instructional Superintendent shall be informed of the informal grievance and investigation and may be consulted by the principal or other school official in an attempt to resolve the grievance.
- (e) A grievant who is dissatisfied with the outcome of -- or chooses not to use -- the informal process, may file a written grievance with the Instructional Superintendent with jurisdiction over the school or other responsible school official. Written grievances must be filed within forty-five (45) calendar days of the incident or circumstance being grieved or ten (10) calendar days of the completion of the informal process, if any, whichever is longer. The timeframes for submission shall be tolled in instances where the grievant did not comprehend or was not aware of the harassment.
- (f) All complaints should include the following information, to the extent that is known by the grievant:
 - (1) The name and address of the grievant;
 - (2) The grievant's affiliation with the school (parent, guardian, volunteer or other);
 - (3) The date, approximate time, and location of the incident;
 - (4) The type of bullying or harassment that was involved in the incident;
 - (5) The identity of the person(s) who committed the alleged acts of

- harassment;
- (6) If the alleged harassment was directed towards other person(s), the identities of such persons;
 - (7) Whether any witnesses were present, and their identities; and
 - (8) A specific factual description of the incident, including any verbal statements or physical contact.
- (g) The Instructional Superintendent or other school official shall attempt to resolve the written grievance by beginning a formal investigation, including but not limited to conducting conferences with the grievant(s), students, parents, teachers, other school officials, and other involved parties and, when applicable, consultation with legal counsel, or the Section 504 Coordinator. The investigation shall also include the examination of any information submitted by the grievant and interviews with any witnesses identified by the grievant.
 - (h) The Instructional Superintendent shall provide the grievant with the evidence or documentation presented by the school and shall give the grievant the opportunity to rebut such evidence.
 - (i) The Instructional Superintendent or other school official who investigates a written grievance shall provide a written response to the grievant and the school principal.
 - (j) The written response shall be provided within ten (10) school days of the receipt of the written grievance; the parties should be notified if the investigation will take longer, including the reasons for the delay and the anticipated time frame.
 - (k) If the grievant is not satisfied with the response of the Instructional Superintendent, the grievant may file an appeal with another school official designated by the Chancellor. The appeal shall be filed within ten (10) calendar days of receipt or notice of the initial response.
 - (l) The designated school official shall attempt to resolve the grievance by reviewing the Instructional Superintendent's investigation and findings, and conducting further investigation of the grievance, including meeting with all involved parties and consulting with legal counsel as appropriate.
 - (m) The designated school official shall provide a written response to the grievant and the school principal within ten (10) school days of the receipt of the appeal.

- (n) If the grievant is not satisfied with the response or the designated school official is unable to achieve an adequate resolution, either the grievant or designated school official may, within ten (10) calendar days of the written response, request that the grievance be brought before a grievance review panel to ensure appropriate and fair resolution of the grievance. The panel shall be comprised of three (3) persons appointed by the Chancellor or designee, and may include the Section 504 Coordinator, the Title IX Coordinator, individuals from the DCPS Office of Compliance, Office of the General Counsel, other Instructional Superintendents or school officials, and other disinterested persons with training and knowledge about the issues raised by the grievance.
- (o) In all cases brought before the review panel, the panel shall provide the designated school official with written findings and recommendations for suggested implementation by the Instructional Superintendent and the principal; a copy of the written findings and recommendations shall also be issued to the grievant. The findings and recommendations shall be issued within ten (10) school days of receipt by the panel of the request referenced in §E-405.5(n) of this section.
- (p) Within five (5) days of receipt of the findings and recommendations, the designated school official shall issue a final administrative decision, which shall be the final administrative decision of the school system. The designated school official shall provide written notice of the decision to the grievant, the Instructional Superintendent, and the principal, and if appropriate, the grievant's attorney or authorized representative.
- (q) A grievant may also file a complaint directly with the U.S. Department of Education, Office of Civil Rights without utilizing, or following the completion of, the procedures contained in this section. See <http://www.ed.gov/ocr/complaintprocess.html> or call (202) 453-6020 for further information.
- (r) A grievant may also file a complaint directly with the District of Columbia Commission on Human Rights without utilizing or following the procedures contained in this section. Nothing in this section supersedes the rights or requirements for filing complaints with the District of Columbia Commission on Human Rights. See <http://www.ohr.dc.gov> or call (202) 727-4559 for further information.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2012 Supp.)), and Mayor's Order 2007-186, dated August 10, 2007, hereby gives notice of the adoption of the following rule to amend Section 2106 (Out-of-Boundary Transfers) of Chapter 21 (Attendance and Transfers) of Subtitle E of Title 5 (Education) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking amends the language regarding the start and end dates of the out-of-boundary lottery application process. The amendment is necessary because a new Common Lottery process is being instituted for the 2014-2015 school year, which will allow families to enter one lottery and choose from schools within DCPS as well as participating public charter schools. The amendment will ensure that DCPS is able to effectively serve families who choose to use the out-of-boundary lottery process by publicizing it as early as possible.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on December 6, 2013 at 60 DCR 16670. No changes have been made to the text of the proposed rules. Additionally the "Out-of-Boundary Common Lottery Process Regulations Approval Resolution of 2013" was submitted to the Council on October 31, 2013 (PR-20-0534). The Council has neither approved nor disapproved during the 45-day period of review and these rules are therefore deemed approved pursuant to Section 103 of the Act. These rules were adopted as final on February 6, 2014 and will become effective upon publication in the *D.C. Register*.

Chapter 21 (Attendance and Transfers) of Subtitle E (Original Title 5), Title 5 (Education) of the DCMR is amended as follows:

Section 2106 (Out-of-Boundary Transfers), Subsection 2106.4 is amended to read as follows:

2106.4 Applications for out-of-boundary transfers for the upcoming school year shall be submitted through the DCPS's formal application. Starting in the 2013-2014 school year application dates will be publicized by DCPS no later than November 1st for the upcoming school year. Application dates will be publicized on the DCPS website, in the *D.C. Register*, and through mailings to DCPS families. The application period shall last for 30 calendar days. The Chancellor or his/her designee shall send a response to any such request no later than 30 days following the last date of the application period.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(c)(3), (7), 14, 20a, 20g and of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(3), (7), 50-313, 50-320, 50-329 (2012 Repl. & 2013 Supp.)), hereby adopts amendments to Chapters 4 (Taxicab Payment Services) and 6 (Taxicab Parts and Equipment) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

These rules: (1) increase fines associated with a failure to properly maintain the vehicle or operator inventories; (2) increase fines associated with a failure to properly submit data to the Commission's Taxicab Information System (TCIS); and (3) clarify that a connection to the Commission's TCIS must be achieved through a required login process and increase the fine for allowing operation without the required login process. The failure to fully enforce these regulatory mandates prevents the owners and operators of taxicabs in the District from obtaining the protections contemplated by the Commission, in addition to negatively impacting residents and visitors from receiving the improvements intended by the *D.C. Council*.

These rules were originally adopted on October 9, 2013 as an Emergency and Proposed Rulemaking, became effective on an emergency basis upon publication and were published in the *D.C. Register* on November 8, 2013 at 60 DCR 15574. No comments were received and no substantive changes have been made to the proposed rules. This final rulemaking was adopted on March 12, 2014, and will take effect upon publication in the *D.C. Register*.

Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Chapter 4, TAXICAB PAYMENT SERVICES, is amended as follows:

Section 411, PENALTIES, is amended as follows:

A new Subsection 411.2 is added to read as follows:

411.2 A PSP shall be subject to a civil fine of one thousand dollars (\$1,000) for the first violation of any of the following provisions, two thousand dollars (\$2,000) for the second violation of the same provision, and three thousand dollars (\$3,000) for each subsequent violation of the same provision:

- (a) A violation of § 408.12 by failing to submit electronic trip data to the TCIS every twenty-four (24) hours;
- (b) A violation of § 408.12 by failing to verify driver credentials through a required login process; or

- (c) A violation of § 409.4 by failing to submit updated vehicle and operator inventories to the TCIS every twenty-four (24) hours.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended as follows:

Section 603, MTS SERVICE AND SUPPORT REQUIREMENTS, is amended as follows:

Subsection 603.9(a) is amended to read as follows:

- (a) Validate the status of the operator's DCTC license (Face Card) in real time by connecting to the Taxicab Commission Information System (TCIS) through a required login process to ensure the license is not revoked or suspended, and that the operator is in compliance with the insurance requirements of Chapter 9;

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 13-15
Z.C. Case No. 13-15
(Text Amendment – 11 DCMR)
(Text Amendment to Allow Veterinary Boarding Hospital and Veterinary
Hospital Uses in SEFC/CR District)
March 31, 2014**

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 (2012 Repl.)), hereby gives notice of adoption of the following text amendment to the Zoning Regulations of the District of Columbia, at Chapter 18 (Southeast Federal Center Overlay District), Title 11 (Zoning), of the District of Columbia Municipal Regulations (DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 14, 2014 at 61 DCR 1320. The amendment shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendments

The text amendment adds a new § 1803.16 to allow veterinary boarding hospital and veterinary hospital uses in the portion of the Southeast Federal Center (SEFC) Overlay District that is also mapped in the Mixed-Use Commercial Residential (CR) District. The amendment makes the uses subject to conditions, some of which may apply to only one of the uses. For example, a veterinary boarding hospital may devote not more than fifty percent (50%) of its gross floor area to animal boarding and must do so within an enclosed and soundproof building, while a veterinary hospital may board animals anywhere in its facility, but may only do so if needed for their convalescence.

Procedures Leading to Adoption of Amendments

On November 22, 2013, FC 1212, LLC and FC QUAICB, LLC submitted a petition requesting an amendment to the regulations to allow a veterinary boarding hospital on Lot 12 in Square 7711. The Office of Planning (OP) submitted a preliminary and pre-hearing report dated November 29, 2013 recommending that the proposed amendment be set down for a public hearing. The report further indicated that while “the petition limits the location of a veterinary hospital to a specific lot, OP would not be opposed to allowing the use on any property in the SEFC/CR District.”

At its December 9, 2013 public meeting, the Commission voted to set down the amendment for a public hearing and to advertise the amendment as permitting the more limited veterinary hospital use in addition to the veterinary boarding hospital use. The Commission also voted to advertise the text amendment as applying to any property within the SEFC/CR District, rather than only to Lot 12 in Square 771.

The Commission requested that OP address measures that would attenuate sound and manage waste created by the operation of veterinary hospital and veterinary boarding hospital uses. The Commission also sought clarification as to whether the boarding hospital use would or would not exclude dogs. OP and the Office of the Attorney General were granted the flexibility to revise the text consistent with the clarifications sought.

A notice of public hearing was published in the December 20, 2013 edition of the *D.C. Register* that included revised text necessary to protect against the potential adverse impacts of the proposed uses based upon existing zoning regulations governing those uses. The notice also clarified that dog boarding was permitted.

The District Department of Transportation (DDOT) submitted a report dated January 27, 2014. DDOT found that the proposed amendment would have no adverse impacts on the travel conditions of the District's transportation network.

OP submitted a final report dated January 27, 2014. The report recommended approval of the text amendment with a proposed revision, clarifying that the requirements of § 1803.16(d) that all boarding take place entirely within an enclosed and soundproof building would apply to a veterinary boarding hospital use, but not a veterinary hospital use, since the limited boarding permitted for a veterinary hospital is associated solely with the care of convalescing animals.

A public hearing was scheduled for and held on February 6, 2014. At the hearing, Lyle Blanchard, Esquire, on behalf of the Petitioner, presented the written testimony of Ramsey D. Meiser, Senior Vice-President of Development for Forest City Washington, in support of the amendment. Mr. Meiser's testimony highlighted the need for a veterinary hospital in the SEFC Overlay.

At the close of the hearing, the Commission authorized the publication of a notice of proposed rulemaking in the *D.C. Register* and a referral to the National Capital Planning Commission (NCPC) for the thirty (30)-day period of review required under § 492 of the District Charter for the proposed text amendment.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 14, 2014 at 61 DCR 01320. In response to concerns expressed by the Commission, the word "incidental" was removed from proposed § 1803.16 in describing the limitation on animal boarding for veterinary hospitals. Since such boarding was already limited to circumstances where the boarding was needed for convalescence, the term "incidental" was redundant and potentially confusing. No comments were received in response to the notice's publication during the thirty (30)-day comment period ending on March 12, 2014. However, on March 18, 2014, the Commission received the a letter from the District of Columbia Veterinary Medical Association. The Commission decided by consensus to accept the letter into the record, despite its late filing. The letter expressed support for the proposed amendment.

In a letter dated March 11, 2014, NCPC's Executive Director indicated that through delegated action he found that the proposed text amendment would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

At a properly noticed public meeting held on March 31, 2014, the Commission took final action to adopt the text amendment, making no changes to the text as proposed.

Advisory Neighborhood Commission (ANC) 6D submitted a report dated January 24, 2014 indicating that, at a regularly scheduled and properly noticed meeting, a quorum of Commissioners voted 6-0 in support of the proposed amendment. In accordance with § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(d)), the Commission must give “great weight” to the issues and concerns of the affected ANC. In this instance the Commission finds the ANC’s advice to be persuasive.

Title 11 DCMR, ZONING, is amended as follows:

Title 11 DCMR, Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, is amended by adding a new § 1803.16 to read as follows:

- 1803.16 Notwithstanding §§ 602.1(r) and 618, veterinary boarding hospital and veterinary hospital uses are permitted in the SEFC/CR Zone District, subject to the conditions below, which apply to both uses unless stated otherwise:
- (a) No more than fifty percent (50%) of the gross floor area of a veterinary boarding hospital may be devoted to the boarding of animals;
 - (b) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to § 9(b) (1) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1808 (h) (1));
 - (c) A veterinary hospital may include the boarding of animals as necessary for convalescence;
 - (d) Animal boarding at a veterinary boarding hospital shall take place entirely within an enclosed and soundproof building so that no noise or odor emanates onto neighboring properties;
 - (e) Animal and animal waste odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (f) External yards or other exterior facilities for the keeping of animals shall not be permitted;
 - (g) All animal waste shall be placed in closed waste disposal containers and shall be collected and disposed of at least once a week by a qualified waste disposal company; and

- (h) Pet grooming and the sale of pet supplies are permitted only as accessory uses (*i.e.*, not as an independent line of business).

On February 6, 2014, upon the motion of Commissioner Miller, as seconded by Commissioner May, the Zoning Commission **APPROVED** the petition at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On March 31, 2014, upon the motion of Vice Chairman Cohen, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May to adopt; Michael G. Turnbull to adopt by absentee ballot).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on April 11, 2014.

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the “Department of Behavioral Health Establishment Act of 2013,” effective December 24, 2013 (D.C. Law 20-0061; 60 DCR 12472, 12523 (September 6, 2013)), and any similar succeeding legislation, hereby gives notice of the intent to amend Chapter 34, entitled “Mental Health Rehabilitation Services Provider Certification Standards,” in Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

These amendments will clarify the use of Corrective Measures Plans during the Mental Health Rehabilitation Services (MHRS) certification process and period of certification, and create a decertification process for MHRS providers that fail to comply with Chapter 34 or the provider’s Human Care Agreement.

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

Chapter 34 (Mental Health Rehabilitation Services Provider Certification Standards) of Subtitle A, (Mental Health), Title 22 (Health), of the DCMR is amended as follows:

Subsection 3401.4 is amended to read as follows:

3401.4 The Department may conduct an on-site survey at the time of certification application or certification renewal, or at any other time during the period of certification with appropriate notice.

Subsection 3401.5 is amended to read as follows:

3401.5 During an on-site survey, the Department shall have access to all records necessary to verify compliance with certification standards, and may conduct interviews with staff, others in the community, and consumers with consumer permission.

Subsection 3401.6 is amended to read as follows:

3401.6 An applicant or certified MHRS provider that fails to comply with the certification standards or its Human Care Agreement, or is in non-compliance with federal or District law, shall receive a Corrective Measures Plan (CMP) from the Department. The CMP shall describe the areas of non-compliance, suggest actions needed to bring operations into compliance, and set forth a timeframe for the provider’s submission of a written Corrective Action Plan (CAP). The issuance of a CMP is a separate process from the issuance of a Notice of Infraction under 16 DCMR Chapter 35. The Department is not required to utilize

the CMP process and may proceed directly to decertification under Section 3426 when, in the Department's discretion, the nature of the violations present a threat to the health or safety of consumers.

Subsection 3401.7 is amended to read as follows:

3401.7 An applicant or certified MHRS provider's CAP shall describe the actions to be taken and specify a timeframe for correcting the areas of non-compliance. The CAP shall be submitted to DBH within ten (10) working days after receipt of the CMP from DBH.

Subsection 3401.11 is amended to read as follows:

3401.11 Certification as an MHRS provider shall be for one (1) calendar year for new applicants, and two (2) calendar years for existing providers seeking renewal. Certification shall start from the date of issuance of certification by the Department, subject to the MHRS provider's continuous compliance with these certification standards. Certification shall remain in effect until it expires, is renewed, or is revoked pursuant to Section 3426. The Certification shall specify the effective date of the certification, whether the MHRS provider is certified as a CSA, sub-provider, or specialty provider, and the types of services the MHRS provider is certified to provide.

Subsection 3401.14 is amended to read as follows:

3401.14 The Director may deny certification if the applicant fails to comply with any certification standard. The Director may revoke certification of an MHRS provider through the decertification process in accordance with Section 3426 of this chapter.

Subsection 3401.16 is added to read as follows:

3401.16 Nothing in these rules shall be interpreted to mean that certification is a right or an entitlement. Certification as an MHRS provider depends upon the Director's assessment of the need for additional providers(s) and availability of funds.

Subsection 3401.17 is added to read as follows:

3401.17 In addition to utilizing the CMP process in Subsection 3401.6 during the certification and recertification stage, the Director may utilize the same procedures at any other time to address violations of this chapter, a provider's Human Care Agreement, or a violation of federal or District law. The Department is not required to utilize the CMP process and may proceed directly to decertification under Section 3426 when, in the Director's discretion, the nature of the violations present a threat to the health or safety of consumers.

A new Section 3426 is added as follows:

3426 DECERTIFICATION PROCESS

- 3426.1 Decertification is the revocation of the certification issued by the Director to an organization or entity as an MHRS provider. A decertified MHRS provider shall not be entitled to provide any MHRS services and shall not be eligible for reimbursement for any services as a MHRS provider.
- 3426.2 Grounds for revocation include a provider's failure to comply with the certification requirements contained in this chapter, the provider's breach of its Human Care Agreement, violations of federal or D.C. law, or any other action that constitutes a threat to the health or safety of consumers. Nothing in this chapter requires the Director to issue a CMP prior to revoking certification.
- 3426.3 If grounds for revocation have been met, the Director will issue a written notice of revocation setting forth the factual basis for the revocation, the effective date, and right to request an administrative review.
- 3426.4 The provider may request an administrative review from the Director within fifteen (15) business days of the date on the notice of revocation.
- 3426.5 Each request for an administrative review shall contain a concise statement of the reason(s) why the provider should not have the certification revoked and include any relevant supporting documentation.
- 3426.6 Each administrative review shall be conducted by the Director and shall be completed within fifteen (15) business days of the receipt of the provider's request.
- 3426.7 The Director shall issue a written decision and provide a copy to the provider. If the Director approves the revocation of the provider's certification, the provider may request a hearing under the D.C. Administrative Procedure Act, D.C. Official Code §§ 2-501, *et seq.*, within fifteen (15) business days of receipt of the Director's written decision. The administrative hearing shall be limited to the issues raised in the administrative review request. The revocation shall be stayed pending resolution of the hearing.
- 3426.8 Once certification is revoked, the MHRS provider shall not be allowed to reapply for certification for a period of two (2) years following the date of the order of revocation. If a provider reapplies for certification, the provider must reapply in accordance with the established certification standards for the type of services provided, and show evidence that the grounds for the revocation have been corrected.

The following definitions in Section 3499 are amended to read as follows:

“Department” - the Department of Behavioral Health, the successor in interest to the Department of Mental Health, pursuant to the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; 60 DCR 12523).

“Director” – the Director of the Department of Behavioral Health, the successor in interest to the Department of Mental Health, pursuant to the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; 60 DCR 12523).

“DMH” – all references to DMH shall refer to the Department of Behavioral Health, the successor in interest to the Department of Mental Health, pursuant to the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; 60 DCR 12523).

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Matthew Caspari, Department of Behavioral Health, 64 New York Avenue, N.E., Third Floor, Washington, D.C. 20002, or at matthew.caspari@dc.gov. Additional copies of these rules are available from the Office of the General Counsel, Department of Behavioral Health.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**ET00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No. 1**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its intent to act upon the Potomac Electric Power Company's (Pepco or Company) - Public Space Occupancy Surcharge Rider "PSOS" (Surcharge Update)² in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking (NOPR) in the *D.C. Register*.

2. D.C. Official Code § 10-1141.06 states that "[e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement." On February 27, 2014, Pepco filed an updated Rider PSOS that proposes to amend the following tariff page:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
14th Revised Page No. R-33**

3. According to Pepco, the Surcharge Update consists of two parts reflecting: 1) the payments to be made by Pepco to the District of Columbia for the current year, and 2) the over or under recovery from the prior year.³ Pepco proposes a new PSOS rate of \$0.00205 per kilowatt hour delivered to the customer which is an increase of \$0.00006 per kilowatt hour from the current PSOS rate of \$0.00199 per kilowatt hour.⁴ The rate is based on a rate of \$0.00201 per kilowatt hour for estimated 2014 payments and a rate of \$0.00004 per kilowatt hour for the under collection of payments made by Pepco in 2013.⁵ Pepco proposes for its Surcharge Update to become effective with meter readings on and after March 1, 2014.⁶ The Company has a statutory right to implement the PSOS; however, if the Commission discovers any inaccuracies in the

¹ D.C. Official Code § 2-505 (2001 ed.) and D.C. Official Code § 34-802 (2001 ed.).

² *ET00-2, In The Matter of Potomac Electric Power Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Peter E. Meier, Vice President, Legal Services, re: ET00-2 - Rider "PSOS", filed February 27, 2014 (hereinafter referred to as Surcharge Update).

³ *ET00-2*, Surcharge Update at 1.

⁴ *Id.* at 2 and Attachment B.

⁵ *Id.* at Attachment C.

⁶ *Id.* at 1.

calculation of the proposed surcharge rated, Pepco could be subject to reconciliation of the surcharges.

4. This Surcharge Update may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's web site at www.dcpsec.org. Copies of the tariff are available upon request, at a per-page reproduction cost.

5. Comments on the Surcharge Update must be made in writing to Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. All comments and reply comments must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on Pepco's Surcharge Update.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C.****No. 3**

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 Surcharge Update of Washington Gas Light Company (WGL)² in not less than thirty (30) days after the date of publication of this Notice of Proposed Rulemaking (NOPR) in the *D.C. Register*.

2. The Rights-of-Way (ROW) Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On March 25, 2014, pursuant to D.C. Official Code § 10-1141.06,³ WGL filed a Surcharge Update to revise the ROW Current Factor.⁴ In the Surcharge Update, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**Section 22****3rd Revised Page 56**

3. WGL's Surcharge Update shows that the ROW Current Factor is 0.0317 with the ROW Reconciliation Factor of (0.0051) for the prior period, which yields a Net Factor of 0.0266.⁵ In addition, WGL expresses its intent to collect the surcharge beginning with the April

¹ D.C. Official Code § 2-505 (2001 ed.) and D.C. Official Code § 34-802 (2001 ed.).

² *GT00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3*, (GT00-2) Rights-of-Way Current Factor Surcharge Filing of Washington Gas Light Company (Surcharge Update), filed March 25, 2014.

³ D.C. Official Code § 10-1141.06 (2001) states that, "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁴ *GT00-2*, Surcharge Update at 1.

⁵ *Id.* at 2.

2014 billing cycle.⁶ The Company has a statutory right to implement its filed surcharges. However, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge, WGL could be subject to reconciliation of the surcharges.

4. This Surcharge Update may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's web site at www.dcpssc.org. Copies of the tariff are available upon request, at a per-page reproduction cost.

5. Comments on the Surcharge Update must be made in writing to Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. All comments and reply comments must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on WGL's Surcharge Update.

⁶ *Id.* at 1.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Section 8(c)(2) and (c)(20) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2); (20) (2012 Repl. & 2013 Supp.)) hereby gives notice of the adoption, on an emergency basis, of amendments to Chapters 4 (Taxicab Payment Services), 8 (Operation of Taxicabs), and 11 (Public Vehicles for Hire Consumer Service Fund) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments update existing fees authorized by the Commission and clarify the definition of the integration service fee. These rules are necessary to clarify that the integration service fee must be charged consistently with the integration rules in Chapter 4, not merely “whenever” a digital payment is processed, as the rule had originally been written. These rules are also necessary to fund testing and licensing of new operators by the Office, which cannot otherwise be supported. Further, as a result of Section 2(j)(1) of the Public Vehicle for Hire Innovation Amendment Act of 2012, effective April 23, 2013 (D.C. Law 19-270; 60 DCR 1717 (February 15, 2013)) (“Innovation Act”) the Office must be “actively accepting and processing applications for the licensure of public vehicle-for-hire operators and vehicles” in order to enforce regulations prohibiting certain violations of intra-District transport (the reciprocity rules). Without setting the testing fees in this rulemaking, the Office continues to be unable to enforce these rules, which unfairly impacts District public vehicle for hire owners and operators. These rules therefore serve an immediate need to preserve and promote the safety and welfare of the District taxicab industry and the District residents and visitors they serve.

These rules were originally adopted on September 11, 2013 as an Emergency and Proposed Rulemaking, became effective on Friday, September 13, 2013, and were published in the *D.C. Register* on September 27, 2013 at 60 DCR 13446. Portions of the original rulemaking are the subject of a separate final rulemaking adopted by the Commission. This Second Notice of Emergency and Proposed Rulemaking was adopted by the Commission on March 12, 2014 and became effective on Friday, March 14, 2014. The emergency rules shall remain in effect for one hundred twenty (120) days after the date of adoption, expiring July 9, 2014, unless earlier superseded by an amendment or repeal by the Commission, or the publication of a final rulemaking, whichever occurs first.

The Commission also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 4, TAXICAB PAYMENT SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 408, OPERATING REQUIREMENTS APPLICABLE TO PSPs AND DDSs, is amended as follows:

Subparagraph 408.16(b)(3)(A) is amended as follows:

408.16(b)(3) (A) Hardware integration requirements. Hardware integration between a PSP and DDS shall provide for and require the following events to occur in the following order:

Subparagraph 408.16(b)(3)(A)(iii)(C) is amended by striking the “and” at the end of the paragraph.

Subparagraph 408.16(b)(3)(A)(iv) is amended by striking the period at the end of the paragraph and inserting the phrase “; and” in its place.

A new Subparagraph (v) is added to § 408.16(b)(3)(A) to read as follows:

(v) The DDS shall pay an integration service fee to the PSP.

Subparagraph 408.16(b)(3)(B)(v) is amended as follows:

(v) The DDS shall pay an integration service fee to the PSP.

Section 499, DEFINITIONS, is amended as follows:

Subsection 499.2 is amended as follows:

The definition of “Integration service fee” is amended to read as follows:

“Integration service fee” - a thirty five cent (\$0.35) fee paid by each DDS to a PSP with which it is integrated under this chapter, for the use of the PSP’s MTS, each time a digital payment is processed by the DDS, unless the DDS and PSP have integrated in a manner allowed by this chapter that does not require the payment of such fee.

Chapter 8, OPERATION OF TAXICABS, is amended as follows:

Subsection 827.1, Annual Operator ID License, is amended to read:

| | |
|---------------------------|-------------------------|
| Hack License/Face Card | \$250 for two (2) years |
| Limo License/Face Card | \$300 for two (2) years |
| Taxi/Limo/Sedan Face Card | \$550 for two (2) years |

Subsection 827.1, Pre-License Testing, is amended to read:

| | |
|--------------------------------|-------|
| Pre-License Testing | |
| First Testing: | \$100 |
| Second and additional testing: | \$75 |

Chapter 11, PUBLIC VEHICLES FOR HIRE CONSUMER SERVICE FUND, is amended as follows:

Section 1104, FEES, is amended as follows:

Subsection 1104.1, amended to add the following fees:

| | |
|--|----------------------------------|
| Proposed PSP Application Fee (§ 403.3) | \$1000 |
| Late Renewal Application Fee – PSP or DDS (§§ 406 or 1604.6) | \$1000 |
| Vehicle Age Waiver Fee (§609) | \$50 |
| Taximeter Business License Fee (§1305.1) | \$2,000; \$500 non-refundable |
| Dome Light Business Application Fee (§1505.1) | \$500 |
| Dome Light Business Biennial Renewal Application Fee (§1505.3) | \$1500 |
| Pair of taxicab passenger rate stickers | \$1.00 |

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*.

THE OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR
717 14th Street, N.W., Suite 900
Washington, D.C. 20005

NOTICE OF REQUEST FOR PROPOSALS (RFP No.: ODCA-01-2014)

EXPERIENCED SURVEY RESEARCH FIRM

The Office of the District of Columbia Auditor (ODCA) is the legislative auditor of the District of Columbia. The ODCA is seeking proposals from qualified and experienced individuals/firms to perform survey research on the economic impact of the District of Columbia's Accrued Sick and Safe Leave Act of 2008.

RFP Posting Date: April 10, 2014

Questions to RFP Due by: April 30, 2014

RFP Response Due Date: Friday, May 9, 2014 no later than
3:00 p.m. EDT

The deadline for submission of proposals is no later than **3:00 p.m.**, Friday, May 9, 2014. A proposal received after this deadline will not be considered. Submit one original and four (4) copies to:

Mr. Joshua Stearns
Analyst
Office of the District of Columbia Auditor
717 14th Street, NW, Suite 900
Washington, DC 20005
Email: joshua.stearns@dc.gov
Telephone: (202) 727-3600

To download the Request for Proposal in its entirety, visit www.dcauditor.org and click on "Inside ODCA" on the tool bar and then click on Contracting Opportunities. If you have any questions regarding downloading the RFP, please contact Joshua Stearns at joshua.stearns@dc.gov or 202-727-3600.

D.C. PREPARATORY ACADEMY**NOTICE OF REQUEST FOR PROPOSAL FOR LEGAL SERVICES**

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for **legal services** for a public charter school real estate project. Please contact Mr. Ryan Aurori at bids@dcprep.org for a copy of the full Request for Proposal (RFP). All proposals must be submitted by **12:00 noon** on **April 21, 2014**.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES**

NOTICE OF BIMONTHLY PUBLIC MEETINGS

D.C. State Rehabilitation Council (SRC) to Hold Bimonthly Meetings

**The Department on Disability Services
Rehabilitation Services Administration
1125 15th St., NW, Room 2B
Washington, DC 20005**

The D.C. State Rehabilitation Council holds public bimonthly meetings regarding the operation of the D.C. state vocational rehabilitation program, as mandated by the Rehabilitation Act of 1975, as amended. .

The SRC has scheduled an additional General Meeting for Thursday, April 17, 2014. The meeting will take place at the Department on Disability Services located at 1125 15th Street, NW, Washington, D.C. 20005, from 9:30 am -12:00 noon.

There will be no change to the meetings already scheduled for the remainder of the fiscal year, which will be held at 1125 15th Street, NW Washington, DC 20005 from 9:30 am-12noon on the following dates:

| Dates: | Location: |
|------------------------------|-----------------------------|
| Thursday, May 8, 2014 | 2B Conference Training Room |
| Thursday, July 10, 2014 | 2B Conference Training Room |
| Thursday, September 11, 2014 | 2B Conference Training Room |

All meetings are open to the public, and individuals who wish to attend should RSVP by calling 202-442-8663.

If you require reasonable accommodations for attendance, please call 202-442-8432.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**REQUEST FOR APPLICATIONS (RFA)****Fiscal Year 2014 Farm Field Trip Grant**Announcement Date: **March 28, 2014**Request for Application Release Date: **April 11, 2014**Pre-Application Question Period Ends: **April 25, 2014**Application Submission Deadline: **May 23, 2014**

The Office of the State Superintendent of Education (OSSE), Wellness and Nutrition Services Division is soliciting grant applications for the District of Columbia Farm Field Trip grant. **The purpose of this grant is to increase the capacity of D.C. schools to participate in farm field trips as part of an integrated farm to school program.**

Eligibility: OSSE will accept applications from Washington D.C. public schools and public charter schools participating in the Healthy Schools Act (2010) and community-based organizations applying on behalf of a teacher or school.

Length of Award: The grant award period is one year.

Available Funding for Award: The total funding available for this award period is \$40,000. Eligible schools and organizations may apply for an award amount up to \$1,500 per school.

Anticipated Number of Awards: OSSE has funding available for at least twenty-five (25) awards.

For additional information regarding this grant competition, please contact:

Erica Steinhart
Farm to School Specialist
Wellness and Nutrition Services Division
Office of the State Superintendent of Education
Government of the District of Columbia
810 1st Street NE, 4th Floor
Washington, DC 20002
Phone: 202.442.8940
Email: erica.steinhart@dc.gov

The RFA and applications will be available at <http://osse.dc.gov/service/farm-field-trip-grant> or by contacting Erica Steinhart.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN****Cleanup Action Plan for 2600 Connecticut Avenue, NW**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (Act)), the Voluntary Cleanup Program in the District Department of the Environment (DDOE), Land Remediation and Development Branch (LRDB), informs the public that it has received a Cleanup Action Plan requesting to perform a remediation action for certain real property located at 2600 Connecticut Avenue, NW. The applicant for the referenced address, Case No. VCP2014-025, is Grosvenor Urban Retail, L.P, 1701 Pennsylvania Avenue, NW, Suite 1050, Washington DC 20006. The application identifies the presence of soil gas associated with volatile chlorinated organic solvents in the sub-slab. The applicant proposes no change to the existing commercial use of the property.

Written comments on the proposed Cleanup Action Plan must be received by the VCP program at the address listed below within twenty one (21) days from the date of this publication. DDOE is required to consider all public comments it receives before acting on the application, the Cleanup Action Plan, or a Certificate of Completion for any voluntary cleanup project.

The Cleanup Action Plan and supporting documents are available for public review at the following location:

Voluntary Cleanup Program
District Department of the Environment (DDOE)
1200 First St., NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Cleanup Action Plan for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-1771.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC) for the area in which the property is located.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN**Cleanup Action Plan for 3500 – 3518 Connecticut Avenue, NW**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (Act)), the Voluntary Cleanup Program in the District Department of the Environment (DDOE), Land Remediation and Development Branch (LRDB), informs the public that it has received a Cleanup Action Plan requesting to perform a remediation action for certain real property located at 3500 -3518 Connecticut Avenue, NW. The applicant for the referenced addresses, Case No. VCP2014-026, is Grosvenor Urban Retail, L.P, 1701 Pennsylvania Avenue, NW, Suite 1050, Washington DC 20006. The application identifies the presence of soil gas associated with volatile chlorinated organic solvents in the sub-slab. The applicant proposes no change to the existing commercial use of the property.

Written comments on the proposed Cleanup Action Plan must be received by the VCP program at the address listed below within twenty one (21) days from the date of this publication. DDOE is required to consider all public comments it receives before acting on the application, the Cleanup Action Plan, or a Certificate of Completion for any voluntary cleanup project.

The Cleanup Action Plan and supporting documents are available for public review at the following location:

Voluntary Cleanup Program
District Department of the Environment (DDOE)
1200 First St., NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Cleanup Action Plan for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-1771.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC) for the area in which the property is located.

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

Health Regulation & Licensing Administration
Board of Nursing

Written: May 1, 2013
Approved: September 4, 2013
Originating Committee: Practice Committee

Board of Nursing Advisory Opinion

Ear Lavage with an ear lavage machine:

QUESTION: Is it within the role and scope of responsibilities of the registered nurse (RN)/licensed practical nurse (LPN) to perform ear lavage with an ear lavage machine?

The Board of Nursing for the District of Columbia acknowledges that it is within the role and scope of responsibilities of the RN/LPN to perform ear lavage using the following methods, irrigation and suction to remove ear wax.

The Board of Nursing recommends the employer verify competency in the performance of this skill.

This statement is an advisory opinion of the Board of Nursing as to what constitutes competent and safe nursing practice.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH

Health Regulation & Licensing Administration
Board of Nursing

Written: May 1, 2013
Approved: September 4, 2013
Originating Committee: Practice Committee

Board of Nursing Advisory Opinion

Isoflurane for Refractory Status Asthmatics in the Intensive Care Setting

QUESTION: Is it within the role and scope of responsibilities of the registered nurse (RN) to manage and monitor Isoflurane for Refractory Status Asthmatics in the Intensive Care Setting?

The Board of Nursing for the District of Columbia acknowledges that it is within the role and scope of responsibilities of the RN to manage and monitor Isoflurane as prescribed and in accordance with institutional policy and procedure.

The Board of Nursing recommends the employer verify competency in the performance of this skill and that the RN is PALS certified.

This statement is an advisory opinion of the Board of Nursing as to what constitutes competent and safe nursing practice.

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

Health Regulation & Licensing Administration
Board of Nursing

Written: May 1, 2013
Approved: September 4, 2013
Originating Committee: Practice Committee

Board of Nursing Advisory Opinion

Staple Removal:

QUESTION: Is it within the role and scope of responsibilities of the registered nurse (RN)/licensed practical nurse (LPN) to remove skin sutures and/or staples?

The Board of Nursing for the District of Columbia acknowledges that it is within the role and scope of responsibilities of the RN/LPN to remove skin sutures and/or staples as prescribed and in accordance with institutional policy and procedure.

The Board of Nursing recommends the employer verify competency in the performance of this skill.

This statement is an advisory opinion of the Board of Nursing as to what constitutes competent and safe nursing practice.

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

Health Regulation & Licensing Administration
Board of Nursing

Written: May 1, 2013
Approved: September 4, 2013
Originating Committee: Practice Committee

Board of Nursing Advisory Opinion

Supra Pubic Catheter:

QUESTION: Is it within the role and scope of responsibilities of the registered nurse (RN)/licensed practical nurse (LPN) to replace a supra pubic catheter?

The Board of Nursing for the District of Columbia acknowledges that it is within the role and scope of responsibilities of the RN/LPN to replace supra pubic catheter. The initial replacement of the catheter is usually by the physician, advanced practice registered nurse or physician's assistant.

The Board of Nursing recommends the employer verify competency in the performance of this skill.

This statement is an advisory opinion of the Board of Nursing as to what constitutes competent and safe nursing practice.

Reference:

SUNA Society of Urology Nurses and Associates. (2005). Clinical Guidelines Task Force: Clinical Practice Guidelines of Supra Pubic Catheter Replacement. Retrieved from <http://www.sunu.org/sites/default/files/download/suprapubicCatheter.pdf>

Bullman, S. (2011) Ins and Outs of Supra Pubic Catheters- A Clinicians Experience. *Urologic Nursing*. 31(5):259-263. Retrieved from <http://www.sunu.org/sites/default/files/download/education/2013/article3105259263.pdf>

KIPP DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Materials & Inspections Services**

KIPP DC is accepting bids for materials & inspections services for a new high school construction project. Proposals are due no later than 5:00 pm on Friday, April 18, 2014. More information and the full RFP can be obtained by contacting via email Jeff Dean at JeffP@Deancompany.com.

Locker Vendor

KIPP DC is soliciting proposals from qualified vendors for lockers for its new middle school. The competitive RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals are due no later than 5:00 P.M., EST, April 18, 2014.

Furniture Vendor

KIPP DC is soliciting vendors for furniture purchases for new and existing schools. Instructions for being shortlisted can be found on KIPP DC's website at www.kippdc.org/procurement. Submissions are due no later than 5:00 P.M., EST, April 18, 2014.

UNIVERSITY OF THE DISTRICT OF COLUMBIA
STUDENT AFFAIRS COMMITTEE OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The Student Affairs Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Thursday, April 17, 2014 at 6:00 p.m. The meeting will be held in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call
- II. Approval of Minutes – March 12, 2014
- III. Health Services
- IV. Enrollment Update
- V. Records Management
- VI. Student Life
- VII. Counseling Center
- VIII. Veterans Affairs
- IX. Financial Aid
- X. A-133 Update
- XI. Closing Remarks

Adjournment

**WASHINGTON YU YING PCS
REQUEST FOR PROPOSALS**

Wireless Networking

Washington Yu Ying PCS is seeking competitive bids for purchase and installation of a wireless network for its 220 Taylor St. NE campus. The building has four floors covering roughly 45,000 square feet. Each floor is composed of 10-12 enclosed classrooms and/or offices with a central hallway. This wireless network will need to provide and support:

- 400-500 simultaneous wireless clients throughout the facility
- 802.11n and 802.11g protocols in 2.4Ghz and 5Ghz spectrums
- A central controller for all Wireless Access Points
- Administrative access for Yu Ying's onsite Systems Administrator
- Mitigation of wireless interference from the surrounding neighborhood
- Quality of service assurance for up to 2 years following installation

Please send all proposals to Brian, at RFP@washingtoneyuying.org. Proposals must be received no later than the close of business on Friday, April 25, 2014.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, April 17, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

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

DRAFT AGENDA

- | | |
|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. AWTP Status Updates 1. BPAWTP Performance | Assistant General Manager, Plant Operations |
| 3. Status Updates | Chief Engineer |
| 4. Project Status Updates | Director, Engineering & Technical Services |
| 5. Action Items - Joint Use - Non-Joint Use | Chief Engineer |
| 6. Emerging Items/Other Business | |
| 7. Adjournment | Committee Chairperson |

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

Application No. 18289-A of EQR-EYE Street LLC, pursuant to 11 DCMR § 3130, for a two-year extension of BZA Order No. 18289.

The original application was pursuant to 11 DCMR §§ 3104.1, and 3103.2, for a special exception relating to penthouse uniform height requirements under §§ 771.1 and 411.11, a variance from the lot occupancy requirements under § 772.1, a variance from the closed court requirements under § 776.4, and a variance from the floor area ratio limitations for historic lots under § 1707.4, to restore historic buildings and construct an addition to create a residential and retail building with below-grade parking in the DD/C-2-C District at premises 443-459 I Street, N.W. (Square 516, Lots 812-815, and 876).

| | |
|--|---|
| HEARING DATE (Original Application): | December 13, 2011 |
| DECISION DATE (Original Application): | January 10, 2012 |
| FINAL ORDER ISSUANCE DATE (Order No. 18289): | January 20, 2012 |
| DECISION ON 1ST EXTENSION OF ORDER DATE: | February 11, 2014 and March 11, 2014 |

**SUMMARY ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 18289**

The Underlying BZA Order

On January 10, 2012, the Board of Zoning Adjustment (the "Board") approved the Applicant's request for a special exception relating to penthouse uniform height requirements under §§ 771.1 and 411.11, a variance from the lot occupancy requirements under § 772.1, a variance from the closed court requirements under § 776.4, and a variance from the floor area ratio limitations for historic lots under § 1707.4, to restore historic buildings and construct an addition to create a residential and retail building with below-grade parking in the DD/C-2-C District at premises 443-459 I Street, N.W. (Square 516, Lots 812-815, and 876) (the "Site"). The Board issued its written order ("Order") on January 20, 2012. Pursuant to 11 DCMR §§ 3125.6 and 3125.9, the Order became final on January 20, 2012 and took effect 10 days later.

Under the Order and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued -- until January 20, 2014.

Subsection 3130.1 states:

No order authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless, within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

BZA APPLICATION NO. 18289-A**PAGE NO. 2**

(11 DCMR § 3130.1.)

Motion to Extend Validity of the Order Pursuant to 11 DCMR § 3130.6

On January 8, 2014, the Applicant sent a letter to the Board that requested, pursuant to 11 DCMR § 3130.6, a two-year extension of Order No. 18289, which was due to expire on January 20, 2014. This request for extension is pursuant to § 3130.6 of the Zoning Regulations, which permits the Board to “extend the time periods in § 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval...” Moreover, the Applicant “...served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond”, pursuant to § 3130.6(a).

The Applicant submitted a statement indicating that the main reasons for the request to extend the validity of the order are based on six factors. According to the Applicant, those factors are: (1) the current oversupply of the residential rental market, (2) current financing situation, (3) realigning its corporate structure, (4) physical site constraints because of construction to the north of the Site, (5) additional time to analyze the impact of an adjacent property which is currently soliciting development offers, and (6) statements of a showing of good faith efforts to develop the subject property. The Applicant provided descriptive explanations for a showing of “good cause” (Exhibits 44 and 47.) On February 11, 2014, the Board convened a Public Decision Meeting on Application 18289-A. During those deliberations, the Board requested more supporting documentation regarding the Applicant’s financials and the project’s marketability based on the criteria for a showing of good cause for a time extension. The Applicant submitted the requested additional supporting information in its filing of March 4, 2014. (Exhibit 48.) For the above reasons submitted, the Applicant is requesting a two-year time extension based on demonstrated good cause to extend the validity of the Order.

Criteria for Evaluating Motion to Extend

Subsection 3130.6 of the Zoning Regulations authorizes the Board to extend the time periods for good cause provided: (i) the extension request is served on all parties to the application by the applicant, and all parties are allowed 30 days in which to respond; (ii) there is no substantial change in any of the material facts upon which the Board based its original approval; and (iii) the applicant demonstrates there is good cause for such extension. Pursuant to 11 DCMR § 3130.6(c)(1), good cause is established through the showing of substantial evidence of one or more of the following criteria:

1. An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
2. An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or

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3. The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The Merits of the Request to Extend the Validity of the Order Pursuant to 11 DCMR § 3130.6

The Board finds that the motion has met the criteria of § 3130.6 to extend the validity of the underlying order. To meet the burden of proof, the Applicant submitted an affidavit and other supporting documents and information that described its efforts and difficulties in obtaining financing and marketing the project. Since the Board issued Order No. 18289 in January of 2012, the Applicant has been working diligently to secure the necessary funding and other approvals to move forward with development of the Site. The Applicant attached a sworn, notarized letter from the Applicant's Senior Vice President (Exhibit 48, Tab A) stating that, since the issuance of the Order, there has been a weekly conference call between the Applicant and Equity Residential's¹ Executive Vice President of Development, as a representative of Equity Residential's investment committee, wherein the financing to allow commencement of the Project's construction was discussed. During each of these calls, the Applicant requested financing approval for the Project and received feedback that the financing for the Project was on hold, pending more favorable dynamics in the market and resolution of at least some of the conditions described in the Applicant's January 8th submission and February 10th letter. (Exhibits 44 and 47.)

The Applicant noted that the local team for the Applicant is particularly interested in seeing the Project proceed, as approved by the Order. It continues to seek the investment committee's approval of the financing of the Project.

At its February 11th public meeting, the Board asked the Applicant to provide additional information regarding the state of the market for multi-family residential. The Applicant provided additional information demonstrating that the current state of the market is not favorable for the construction and delivery of the multi-family residential project approved by the Order. In response to the Board's request, the Applicant submitted information showing that there are approximately 1,250 multi-family units either already delivered or to be delivered in the next 20 months in the immediate vicinity of the project – the Mount Vernon Triangle and NoMA areas. Tab E attached to the Applicant's January 8th submission (Exhibit 44) shows the location of such additional supply. The Applicant stated that it believes that increasing the window for delivery of the Project is necessary to allow for the absorption of such extensive supply.

In response to the Board's request for additional information to support its showing of "good cause", the Applicant also submitted the Washington, DC Apartment Market Report from MPF Research for the fourth quarter of 2013 (the "Report", attached as Tab B, Exhibit 48.) and highlighted particularly relevant portions of the Report describing the soft multi-family market that exists in the District, particularly in the vicinity of the

¹ Equity Residential is a national, publicly traded Real Estate Investment Trust ("REIT") and is the parent company of the Applicant.

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Property. The Report concluded that the District is in the midst of a frenzied construction boom that will lead to large supply volumes and challenge absorption. The delivery volume of apartment units was at a 10-year high for the fourth quarter of 2013, and ranked as the nation's largest completion volume during such time. The District's total completions for 2013 reached a two decade high at 10,085 units. The Report also noted that construction levels for multi-family remain elevated, with approximately 23,561 units under construction in metropolitan DC. This is the second largest construction volume in the nation. As a result, the fundamentals of the market have softened and occupancy and rents have dropped along all District market segments, along with rents. The Report noted that new supply volumes are projected to nearly double to 19,300 units over the next four quarters and that "it is very unlikely that the [District] can absorb enough of that new product to prevent a significant occupancy decline over the next year." (See, P. 3 of the Report.) Such figure would be a historical high for the DC area. (See, P. 5 of the Report.) The Report notes that the "Central DC" submarket, where the Property is located, is particularly subject to a surge of supply and construction which will make supply an even bigger factor. (See, P. 6 of the Report.) The Report noted that the supply is likely to become an even bigger risk factor in the Central DC submarket. *Id.* Central DC saw the delivery of the District's largest quarterly supply volume on record. (See, P. 16 of the Report.) Taken as a whole, the Applicant stated that the Report makes clear that an investor or owner such as the Applicant would logically conclude that the DC apartment market will face significant oversupply headwinds and that starting construction in the midst of this heavy supply would not necessarily be a wise financial decision.

The Applicant noted that other companies have reached similar conclusions regarding the oversupply of apartment units in Washington, DC. Also, the Applicant indicated that multiple publications have taken note of the oversupply of multi-family residential projects in DC. (See, Exhibit 48, Tabs C, D, E, F, G, H, and I.)

As described in the Applicant's January 8th submission and February 10th letter, there are several "other conditions, circumstances, or factors beyond the applicant's reasonable control" (under § 3130.6(c)(3)) in addition to the deferred approval of the Applicant's investment committee and the current state of supply in the market that have contributed to the delay of construction of the Project. These § 3130.6(c)(3) "other conditions" good cause elements are summarized as follows:

- "Merger" of Equity Residential and 60% of Archstone – Since the issuance of the Order, Equity Residential purchased 60% of Archstone, Inc. (with AvalonBay, Inc. purchasing the other 40% of such entity). Equity Residential now owns a significantly larger number of residential multi-family units in the Washington, DC area as the number of units jumped from roughly 12,000 to roughly 19,000. This delayed the ability to embark on the project as the company needed to reassess its projects and properties.
- Physical Constraints Due to Adjacent Construction – The property to the north, 450 K Street, N.W., is currently under construction and utilizes the entirety of the

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alley at the north of the Property. The developer of such property has a license agreement with the Applicant, attached as Exhibit 48, Tab J, to rent and utilize the Property for staging and storage of construction equipment and materials due to such tight configuration. It would be difficult for both projects to proceed with construction simultaneously and likely result in a greater use of public space than necessary.

- Request for Proposals at Adjacent 5th and I Site – As explained in the Application and more specifically in the February 10th letter (Exhibit 47), the Applicant hopes that the developer is chosen for the adjacent parcel to bring certainty to the condition along that property line. However, as mentioned in the February 10th letter, the Applicant is prepared to proceed with the Project despite the current state of the District's RFP.

Given the totality of the conditions and circumstances described above and in the Application, the Board found that the Applicant satisfied the "good cause" required under the third prong of § 3130.6. Moreover, despite the challenges the Applicant described in its submissions for the extension, the Applicant demonstrated that it has acted diligently, prudently, and in good faith to proceed towards the implementation of the Order. The Applicant has spent considerable funds on plans and construction drawings necessary to apply for a building permit for the Project. The Applicant has paid approximately \$2.5 million towards implementation of the Project since the issuance of the Order. The Applicant has applied for its building permit for the Project and has pushed it well into the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") review process. In addition, the Applicant has obtained the necessary public space permits for the Project and has applied for a raze permit. The Applicant has also continued to price the construction costs of the Project with general contractors.

The Board found that the Applicant has met the criteria set forth in 11 DCMR § 3130.6. The reasons given by the Applicant were beyond the Applicant's reasonable control within the meaning of § 3130.6(c)(3) and constitute "good cause" required under § 3130.6(c)(1). In addition, as required by § 3130.6(b), the Applicant demonstrated that there is no substantial change in any of the material facts upon which the Board based its original approval in Order No. 18289. There have also been no changes to the Zone District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's order.

The Office of Planning ("OP"), in its supplemental report dated March 6, 2014, reviewed the application for the extension of the Order for "good cause" pursuant to 11 DCMR § 3130.6 and recommended approval of the requested two-year extension. (Exhibit 49.) OP also filed a report dated February 4, 2014 in support of the application. (Exhibit 45.) The Site is within the boundaries of Advisory Neighborhood Commission ("ANC") 6E. According to the OP report of March 6th, the ANC voted to support an extension at its meeting on February 4, 2014; however, the ANC did not file a written report.

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The motion for the time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). No party to the application objected to an extension of the Order. The Board concludes that extension of the relief is appropriate under the current circumstances.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirements of 11 DCMR § 3125.3, which required that the order of the Board be accompanied by findings of fact and conclusions of law. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18289-A for a two-year time extension of Order No. 18289, which Order shall be valid until **January 20, 2016**, within which time the Applicant must file plans for the proposed project with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: **4-0-1** (Lloyd J. Jordan, Anthony J. Hood, S. Kathryn Allen, and Jeffrey L. Hinkle to APPROVE; one Board member, not participating).

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

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

FINAL DATE OF ORDER: April 1, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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

Application No. 18563 of MCSKA, LLC, pursuant to 11 DCMR § 3103.2 for a variance from the off-street parking requirements under § 2101.1, to expand a two-unit building to a six-unit¹ apartment building in the R-5-B District at premises 1469 Harvard Street, N.W. (Square 2670, Lot 818).

HEARING DATE: June 4, 2013

DECISION DATE: June 28, 2013

DECISION AND ORDER

On March 15, 2013, MCSKA, LLC, (the "Applicant") filed an application with the Board of Zoning Adjustment (the "Board") requesting variance relief from the requirement to provide four parking spaces, to allow conversion of a two-unit building to an eight-unit apartment building, with no parking provided. Following the hearing, the Applicant amended its application to propose a six-unit apartment building also with no parking provided. As a result, the number of required parking spaces was reduced from four to three. The Board voted to grant the modified variance relief from the parking requirement subject to certain conditions.

PRELIMINARY MATTERS

The Applicant

The Applicant in this case is MCSKA, LLC, owner of the property located at 1469 Harvard Street, N.W. It was represented by an architect, Carmel Greer of District Design. (Exhibit 3.2.)

The Application

The application was filed by Ms. Greer on March 15, 2013, seeking a parking reduction variance from the requirement under § 2101.1 to provide four parking spaces for an eight-unit building in the R-5-B zone. The application was self-certified. (Exhibit 6.)

Notice of Public Hearing

By memoranda dated March 19, 2013, the Office of Zoning provided notice of the application to the Office of Planning ("OP"); the District Department of Transportation; the Councilmember for Ward 1; Advisory Neighborhood Commission ("ANC") 1A, the ANC in which the subject property is located; and Single Member District/ANC 1A03. Pursuant to 11 DCMR § 3112.14, on March 22, 2013, the Office of Zoning mailed letters providing notice of the hearing to the

¹ The Applicant initially sought to develop an eight-unit apartment building with no parking spaces, but amended its proposal to reduce the number of units to six. The caption reflects the amended relief sought.

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Applicant, ANC 1A, and the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on March 22, 2013 (60 DCR 4196).

The Applicant posted placards at the property regarding the application and public hearing in accordance with 11 DCMR § 3113.14 through § 3113.20. The Applicant also submitted an affidavit to this effect in accordance with 11 DCMR § 3113.19 and § 3113.20. (Exhibit 25.)

ANC 1A

The subject site is located within the jurisdiction of ANC 1A, which is automatically a party to this application. By a report dated May 8, 2013, ANC 1A indicated that, at a properly noticed meeting on that same date, with a quorum present, the ANC voted 5-4-1 to recommend approval of the application. While the ANC report noted various “concerns” expressed by certain neighbors, the ANC explained that the subject property was “landlocked” and “unable to support any parking without trespassing on private property”. (Exhibit 23.)

Requests for Party Status

The Board granted a Request for Party Status from Eric Hoy, an adjacent property owner residing at 1471 Harvard Street, N.W. (Exhibit 26.) Mr. Hoy claimed that parking on the 1400 block of Harvard Street was already at or near capacity, and that the proposal would displace the cars of current residents. Mr. Hoy objected to having more than four units at the building and argued that no variance should be granted from the two parking space required for a four-unit building.

After the public hearing Mr. Hoy withdrew his objection to the Board granting a complete parking variance for a four-unit building. However, as noted, the Applicant’s revision was for a six-unit building. Therefore, Mr. Hoy is still considered a party in opposition.

Persons in Opposition

The Board received letters in opposition from several persons who objected to the parking variance principally because of their view that, absent the required minimum parking, the project would exacerbate an already overcrowded parking situation.

Testimony in Opposition

The Board heard testimony in opposition from Mr. Hoy, and from five other neighbors.

Persons in Support

The Board received a letter in support from Soon Hee Kim, the owner of 1460 Harvard Street, N.W. (Attachment to Exhibit 24.) Mr. Kim stated that the project would result in the renovation of a property that is currently vacant which, in turn, would improve the street and the

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neighborhood.

Office of Planning Report

By a report dated May 24, 2013, OP recommended approval of the zoning relief requested by the Applicant, subject to a condition that the Applicant provides a bicycle rack for eight bicycles. (Exhibit 28.) OP explained that a very narrow 5.8-foot wide portion of an alley abutted the subject property, an opening that is not wide enough to give standard-sized vehicles access to the property. Moreover, because the property is well served by Metrorail and Metrobus routes, OP explained that approval of the variance would not result in a substantial detriment to the public good. Maxine Brown-Roberts, a planner with OP, also testified to this effect at the public hearing.

FINDINGS OF FACT

The Property

1. The subject property is located at 1469 Harvard Street, N.W., in the R-5-B zone.
2. The site is a relatively large rectangular property with a lot area of approximately 3,000 square feet.
3. The property is currently improved with a two-story row dwelling.
4. An apartment house is permitted as a matter of right in the R-5-B zone.

The Surrounding Area

5. To the east and west of the property are two-story row dwellings; to the north is a two-story alley dwelling; and to the south are three five-story row dwellings.
6. The neighborhood is developed with a mixture of row dwellings, flats, garden apartments and high-rise multi-family residential buildings, ranging in height from two to ten stories.

The Proposal and the Zoning Relief

7. The Applicant originally planned to renovate the property and expand the existing two-unit structure to an eight-unit apartment building, with no parking provided.
8. Under § 2101.1 of the Zoning Regulations, four parking spaces would be required with an eight-unit building.
9. After the public hearing, the Applicant amended its application to construct a six-unit building instead of an eight-unit building, with no parking provided. (Exhibit 35.)

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10. Under § 2101.1 of the Zoning Regulations, three parking spaces would be required in a six-unit building.

Exceptional Condition

11. The rear of the site abuts the corner of a 12-foot wide alley. Though the alley touches the site at the northwest corner, the access to the alley from the site is only 5.8 feet wide. (See Survey, Exhibit 3.)

12. The 5.8 feet wide alley access may be sufficient to accommodate sub-compact cars such as the “Smart Car” and the “Fiat 500”, but is not wide enough to accommodate most vehicles.

13. The Applicant unsuccessfully attempted to purchase an access easement from two adjacent neighbors, Mr. Hoy and Mr. Veenstra.

14. Mr. Hoy stated that he does not have enough space to sell an access easement, while Mr. Veenstra testified that he and the Applicant entered into negotiations, but did not arrive at an agreement.

Practical Difficulty

15. While the lot may be of sufficient size to accommodate the required parking spaces, the current alley access does not allow for most vehicles to enter the rear of the property.

The Impact of the Proposal

16. The Columbia Heights metro station is approximately ¼ mile north of the property.

17. The site is well served by a number of bus routes along 14th Street, 16th Street, and Columbia Road, N.W.

18. To help mitigate any negative impacts from the proposal, the Applicant has proffered to restrict the ability of building occupants from obtaining a residential parking permit (“RPP”) from the District of Columbia. (Hearing Transcript of June 4, 2013, p. 187.)

19. If a block is subject to the RPP program, persons who do not have RPP stickers may only park their automobiles for two-hour intervals during the days and times that RPP is in effect. (18 DCMR § 2411.1.)

20. The Applicant has agreed to provide a bicycle rack that will accommodate a minimum of eight bicycles. This condition will also help to mitigate any negative impacts from the proposal.

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CONCLUSIONS OF LAW

The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07 (g)(3), to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, “the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. *See* 11 DCMR § 3103.2.

As noted in § 3103.7:

The standard for granting a variance, as stated in § 3103.2 differs with respect to use and area variances as follows:

- (a) An applicant for an area variance must prove that as a result of the attributes of a specific piece of property described in § 3103.2, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property; and
- (b) An applicant for a use variance must prove that as a result of the attributes of a specific piece of property described in § 3103.2, the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property.

The Applicant is seeking an area variance.

As to whether the property is subject to an exceptional condition, the Board concludes that the subject property is, for the most part, a landlocked property. The property fronts on Harvard Street, and there is a 12-foot alley to the rear of the property. However, only a small corner of the alley – 5.8 feet in width – abuts the property to the rear. As noted, the Applicant sought to purchase an access easement from the adjacent property owners, but the negotiations failed. The Board concludes that this is an exceptional condition.

The Board further concludes that this lack of access to the property results in a practical difficulty to the owner. As stated, the only access to the property is from a corner of the alley that is only 5.8 feet wide. As a result, there is no access to the property for most vehicles. Only the smallest subcompact vehicles can access the property from the alley. Requiring the Applicant to construct parking spaces that cannot be accessed by most vehicles “would be unnecessarily burdensome” and therefore a practical difficulty. *See Palmer v. Board of Zoning Adjustment*, 287 A.2d 535, 542 (D.C. 1972).

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Finally, the Board credits OP's finding that approval of the parking reduction variance will not result in substantial detriment to the public good or the zone plan. As stated in OP's report, the area is well served by Metrorail and Metrobus routes. In addition, the Applicant has offered to mitigate the impacts of this variance in two respects: (1) The Applicant has agreed to restrict the ability of future residents of the building from obtaining RPP permits; and (2) The Applicant has also agreed, as OP recommended, to provide a bicycle rack that accommodates eight bicycles.

The Opposition Party asserts that the proposed RPP restrictions are not effective. He maintains that many parking spaces in the area are not limited to those with RPP permits, and that future occupants will not necessarily be discouraged from parking on the street in those spaces that are available to the public at large. The Board disagrees with the reasoning of the Opposition Party. While the RPP restrictions will not dissuade future residents from parking in spaces where such permits are not required, the Board believes that the restrictions do serve to deter parking where RPP is enforced. And since RPP is intended for blocks where parking congestion exists, 18 DCMR § 2411.4(c)(iii), it is those areas that will most benefit from the restriction proposed. Accordingly, on approving this application, the Board will impose a condition that requires the Applicant to prohibit future occupants of the building from obtaining RPP permits.

ANC

Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10 (d)(3)(B)) requires that the Board's written orders give "great weight" to the issues and concerns raised in the report of the affected ANC. In this instance ANC 1A recommended approval of the variance. As noted previously, the ANC explained that the subject property was "landlocked" and "unable to support any parking without trespassing on private property". The Board agrees with this finding.

The Board is also required under D.C. Official Code § 6-623.04(2001) to give "great weight" to OP recommendations. For the reasons stated in this Decision and Order, the Board finds OP's advice to be persuasive and is imposing the condition OP recommended requiring that the Applicant provide a bicycle rack.

Therefore, for the reasons stated above, it is hereby **ORDERED** that the application is hereby **GRANTED** to allow an area variance from the requirements under § 2101.1 to provide three parking spaces for the six proposed units, **SUBJECT** to the following **CONDITIONS**:

1. The Applicant will provide a bicycle rack to accommodate eight bicycles.
2. The Applicant shall include language in all documents related to the lease or sale of the residential units that residents of the building are prohibited from applying for residential permit parking stickers from the District of Columbia, regardless of the building's ownership, and for the life of the building. Prior to the issuance of a Certificate of Occupancy for the building, the Applicant shall record a covenant,

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satisfactory to the Office of the Attorney General, binding any future owners of the building and any of its residential units to include this restriction in any future leases or sales agreements.

Pursuant to 11 DCMR § 3125.7 “approval of an application shall include approval of the plans submitted with such application for the construction of a building or structure...unless the Board orders otherwise.” The Applicant’s original plans provided for an eight-unit building. However, the Board has approved a parking variance for no more than a six-unit building. Since there is nothing about the building itself that raised any issues for the Board, it is not necessary for the Applicant to submit revised plans, but any plans submitted for a building permit may not depict a building with more than six-units.

VOTE: 3-0-2 (Jeffrey L. Hinkle, Peter G. May, and S. Kathryn Allen to Approve the variance; Lloyd J. Jordan being necessarily absent; one Board seat vacant.)

Vote taken on June 28, 2013

ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER: March 25, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING

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ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Application No. 18707 of Antioch Baptist Church, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the parking lot location requirements under § 214.4, and a special exception to establish an accessory parking and storage lot under § 214, in the R-2 District at premises 5014 Lee Street, N.E. (Square 5174, Lot 12).

HEARING DATES: February 11, 2014 and March 18, 2014
DECISION DATE: March 18, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated November 5, 2013, from the Zoning Administrator, which stated that Board of Zoning Adjustment ("Board" or "BZA") approval is required for a variance from 11 DCMR § 214.4 to allow accessory parking /storage not contiguous to, or separated by an alley from the use to which it is accessory and a special exception from § 214 to establish an accessory parking/storage for a church to be located elsewhere than on the same lot where the church is located. (Exhibit 5.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 7C, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 7C, which is automatically a party to this application. ANC 7C submitted a report dated February 8, 2014, indicating that at a regularly scheduled, properly noticed meeting, with a quorum present, the ANC voted 6-0 to support the application for a variance and special exception. (Exhibit 34.) The Office of Planning ("OP") submitted a timely report indicating that it could not make a recommendation and requested that the Applicant submit a detailed site and landscaping plan prior to or at the public hearing.¹ (Exhibit 30.) The District Department of Transportation ("DDOT") submitted a report raising no objection to the approval of the application. (Exhibit 29.)

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the parking lot location requirements under § 214.4. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

¹ The Applicant submitted a site plan dated January 20, 2014 (Exhibit 24), revised that site plan in a supplemental filing (Exhibit 26), and again submitted a more detailed revised site plan at the hearing. (Exhibit 33.)

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Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking the variance relief that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for a special exception to establish an accessory parking and storage lot under § 214. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring properties in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 33.**

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, and Marnique Y. Heath, to APPROVE; S. Kathryn Allen, not present or voting; no Zoning Commission member present.)

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

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

FINAL DATE OF ORDER: March 26, 2014

BZA APPLICATION NO. 18707**PAGE NO. 3**

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 18719 of Pierre DeLucy and Jodie McLean, pursuant to 11 DCMR § 3104.1, for a special exception for a rear addition to a one-family row dwelling under section 223, not meeting the lot occupancy (section 403), court (section 406) and nonconforming structure (subsection 2001.3) requirements in the R-1-B District at premises 1814 24th Street, N.W. (Square 2506, Lot 38).

HEARING DATE: March 4, 2014, April 1, 2014, April 8, 2014
DECISION DATE: April 8, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 2D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2D, which is automatically a party to this application. ANC 2D submitted a letter in support of the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of the application. The Department of Transportation submitted a report not objecting to the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsection 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 32 – Revised Plans) be **GRANTED**.

BZA APPLICATION NO. 18719

PAGE NO. 2

VOTE: **3-0-2** (Lloyd J. Jordan, Marnique Y. Heath and Jeffrey L. Hinkle to Approve. S. Kathryn Allen and the Zoning Commission Member not present, not voting.

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

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

FINAL DATE OF ORDER: April 8, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 18733 of Viva K. Goettinger, pursuant to 11 DCMR § 3104.1, for a special exception for a two-story side addition to a one-family detached dwelling under section 223, not meeting the rear yard under section 404, side yard requirements under section 405, and nonconforming structure provisions under section 2001.3, in the R-1-B District at premises 5009 Weaver Terrace, N.W. (Square 1437E, Lot 835)

HEARING DATE(S): April 1, 2014, April 8, 2014
DECISION DATE: April 8, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D submitted a letter in support of the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of the application. The Department of Transportation submitted a report not objecting to the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsection 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 9 – Plans) be **GRANTED**.

BZA APPLICATION NO. 18733

PAGE NO. 2

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath and Peter G. May to Approve. S. Kathryn Allen not present, not voting.)

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

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

FINAL DATE OF ORDER: April 8, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 13-15
Z.C. Case No. 13-15
Text Amendment – 11 DCMR)
(Text Amendment to Allow Veterinary Boarding Hospital and Veterinary Hospital
Uses in SEFC/CR District)
March 31, 2014**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-16
Z.C. Case No. 13-16

Forest City SEFC, LLC on behalf of the United States General Services Administration
(Southeast Federal Center Overlay Review @ Square 743, Lot 854 [Parcels A, F, and G])
February 3, 2014

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on February 3, 2014 to consider an application by Forest City, SEFC, LLC (“Applicant”) for property owned by the United States General Services Administration (“GSA”), for review and approval to allow the temporary use for five years of (i) Parcel G as a trapeze school (11 DCMR § 1803.2(m)) and (ii) Parcel F as a parking lot consisting of 208 parking spaces (§ 1803.2(o)) pursuant to the Commission’s review standards and special exception requirements (§§ 1803, 1808, 1809, 3103, and 3104) (“Application”).

The property that is the subject of this Application consists of portions of the Southeast Federal Center (“SEFC”) identified as Parcels A, F, and G (Square 743, Lot 854) (“Property”). The Commission considered the Application pursuant to Chapter 30 of the Zoning Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the Application.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The Property consists of approximately 260,902 square feet of land and is located in the SEFC/CR Zone District.
2. The Property is located on land that is owned by the federal government, but was authorized for private development by an Act of Congress in 2000. (*See*, Southeast Federal Center Public-Private Development Act of 2000, Pub. Law. 106-407 (2000) (“Act”).)
3. On February 14, 2003, GSA filed a petition requesting that the Commission establish zoning for approximately 42 acres of the Southeast Federal Center. This petition also resulted from numerous area planning initiatives affecting the SEFC. The Commission took final action to adopt the map and text amendments on March 8, 2004, and the amendments became effective upon their publication in the *D.C. Register* on July 9, 2004.
4. The SEFC Overlay calls for the development of a mix of residential and commercial uses within the SEFC, including high-density residential development and a variety of retail and service uses, within the context of a transit- and pedestrian-oriented design. The SEFC Overlay also grants the Commission jurisdiction to approve the use of the Property for a school and temporary parking lot (§ 1803.2(m) and 1803.2(o)).
5. On November 27, 2013, the Applicant filed the Application, on behalf of GSA, requesting review and approval to allow the temporary use for five years of (i) Parcel G

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- as a trapeze school (11 DCMR § 1803.2(m) (“Trapeze School”) and (ii) Parcel F as a parking lot (“Parking Lot”) consisting of 208 parking spaces (§ 1803.2(o)) pursuant to the Commission’s review standards and special exception requirements (§§ 1803, 1808, 1809, 3103 and 3104) set forth in the Southwest Federal Center Overlay District at § 1808. (Exhibit [“Ex.”] 7.)
6. A Transportation Analysis, prepared by Gorove/Slade, was submitted into the record. (Ex. 7K.)
 7. After proper notice, the Commission held a hearing on the Application on February 3, 2014. Parties to the case were the Applicant and Advisory Neighborhood Commission (“ANC”) 6D, the ANC within which the Property is located.
 8. At a duly noticed meeting on January 13, 2014, ANC 6D voted 6-0 to support the Application and in its letter, dated January 24, 2014, ANC 6D recommended approval of the Application. (Ex. 21.)
 9. The Office of Planning (“OP”) filed a report, dated January 24, 2014, noting the Applicant had demonstrated compliance for Special Exception approval to permit a temporary Parking Lot on Parcel F and a Trapeze School on Parcel G. (Ex. 24.) OP also testified in support of the Application at the public hearing and asked the Applicant to consider continuing the landscaping proposed on Parcel F (the location of the temporary Parking Lot) north along First Street to M Street (the location of the open space in Parcel A) which the Applicant agreed to as evidenced by the Applicant’s February 12, 2014 post-hearing submission into the record. (Ex. 31.)
 10. The District Department of Transportation (“DDOT”) filed a report, dated January 24, 2014, and concluded that the transportation impacts of the proposed increase in temporary parking spaces were negligible. (Ex. 20.) In its report, DDOT stated its expectation that the Applicant will upgrade the existing pedestrian infrastructure surrounding its site to current standards including sidewalks, tree boxes, crosswalks, and curb ramps, and that DDOT would work with the Applicant during the public space permitting process on the design of the public space. In response to the DDOT report, the Applicant submitted a draft Infrastructure/Hardscape Plan as part of its hearing PowerPoint presentation. (Ex. 26, p. 10.) DDOT testified at the hearing and requested additional information on the public space improvements. The Applicant, in its post-hearing submission, updated the Commission of its ongoing work with DDOT with regard to public space improvements. (Ex. 31.)
 11. Pursuant to 11 DCMR § 3012.1 (a)(1), all Chapter 18 applications are submitted to the National Capital Planning Commission (“NCPC”) for review and comment. Through a letter dated February 7, 2014, the NCPC Executive Director indicated that, pursuant to delegated authority, he found that the proposed development would not be inconsistent

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with the Comprehensive Plan for the National Capital nor would it adversely affect any other identified federal interests. (Ex. 30.)

12. The Commission took final action at the February 3, 2014 public hearing to approve the case with the condition that the order would not be issued until the Applicant provided a response to the record to the issues OP and DDOT brought up at the hearing regarding landscaping and public space improvements. The Applicant submitted a response into the record on February 12, 2014, which the Commission reviewed as a “correspondence” agenda item at the February 24, 2014 Public Meeting. (Ex. 31.)

Description of the Surrounding Area

13. The Property is located within The Yards site and is bounded by the following streets: M Street, S.E. to the north, New Jersey Avenue, S.E. to the east, 1st Street, S.E. to the west and N Street, S.E. to the south. The Property is currently improved with a building formerly used by the National Geospatial Intelligence Agency building (“NGA”), which is slated to be razed in early 2014. The Property currently provides 230 accessory parking spaces which served the NGA building employees when it was in use.
14. The Property is zoned SEFC/CR, which allows temporary parking lots for a maximum period of five years after review and approval by the Commission pursuant to 11 DCMR § 1803.2(o). The SEFC/CR Zone District also allows the use of schools after review and approval by the Commission pursuant to § 1803.2(m).

Project Overview

15. The Applicant is requesting review and approval to allow the temporary use for five years of (i) Parcel G as a Trapeze School (11 DCMR § 1803.2(m)) and (ii) Parcel F as a Parking Lot consisting of 208 parking spaces (§ 1803.2(o)) pursuant to the Commission’s review standards and special exception requirements (§§ 1803, 1808, 1809, 3103, and 3104) (“Project”).
16. “Parcel A” is located on the northern portion of the Property and consists of 136,997 square feet of land. The Applicant proposes that this space will be open to the public (unfenced) as a park and open space.
17. “Parcel F” is located on the southwest corner of the Property at the northeast corner of the intersection of N Street and 1st Street and consists of 74,535 square feet of land. The Applicant proposes a temporary Parking Lot comprised of 61,573 square feet of paved area on Parcel F for a total of 208 parking spaces for a term of five years. The number of parking spaces proposed is a reduction of 22 spaces from the 230 spaces currently provided on the Property for use by NGA employees and visitors. The proposed Parking Lot will be available and open to the public and will serve parking needs in the area.

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18. "Parcel G" is located on the southeast corner of the Property and the northwest corner of the intersection of N Street and New Jersey Avenue and consists of 50,585 square feet. The Applicant requests approval of the Commission for the use of such parcel for temporary Trapeze School use.

Zoning Overview

19. The proposed Project meets the Commission's review standards set forth in 11 DCMR § 1808 of the SEFC Overlay as follows:
- (a) The development of this Property proposed by the Applicant is for its use as a temporary Trapeze School and temporary Parking Lot. These uses will help encourage and support residential and commercial development, including visitor-related uses, such as entertainment and cultural uses within the SEFC in accordance with §§ 1802.2, 1802.3, and 1802.4; and
 - (b) All of the uses for the Property are temporary in nature. When the development of the Property occurs in conjunction with Phase III of the Yards, the temporary uses of the Property as a Trapeze School, Parking Lot and open space will be replaced with residential and non-residential buildings. Furthermore, when these buildings are constructed, they will provide either underground garages or other enclosed parking which will not be visible from the street. In the interim, the surface Parking Lot will be landscaped with grass, trees and shrubs.
20. The proposed Project also furthers the additional criteria for approval set forth in 11 DCMR § 1808.2 of the SEFC Overlay as follows:
- (a) The landscaping for the Parking Lot on Parcel F will include a variety of trees and shrubs that will screen the Parking Lot and provide four-season interest through the use of color, foliage, and textures; and
 - (b) Most of the plant materials proposed are native to the region and should provide a relatively low-maintenance landscape screen and provide a minimum of heat and glare reduction. In addition, stormwater management for the Parking Lot will be provided through the use of Bio-retention areas for water quality control. During construction of the Parking Lot, a sediment and erosion control plan will be developed and implemented.
21. The proposed Project complies with surface parking lots landscaping standards set forth in 11 DCMR § 2111.1.
22. The proposed temporary Parking Lot complies with the size, access, maintenance and operation standards for parking spaces set forth in 11 DCMR §§ 2115, 2117, and 2301.

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23. The proposed Project complies with the green area ratio standards pursuant to 11 DCMR § 3400.
24. The proposed Project also meets the special exception test set forth in 11 DCMR § 3104.1 as follows:
 - (a) The Trapeze School and Parking Lot will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and
 - (b) Neither the Trapeze School nor the Parking Lot will cause objectionable conditions nor will these uses adversely affect neighboring or nearby property. The Trapeze School has operated in Parcel O since 2010 and has had a positive impact on the area and the Ballpark by adding to the variety of recreational uses available to District residents and helping attract people to the waterfront. Initially, the Parking Lot will also have a positive impact on the neighborhood by continuing to serve parking needs driven by construction workers, Navy Yard, USDOT, and other area employees, new area residents and their visitors, Trapeze School instructors and students, and patrons of new restaurant and retail uses within The Yards.

CONCLUSIONS OF LAW

1. As required by 11 DCMR § 1809, the Commission required the Applicant to satisfy the burden of demonstrating conformance to the standards that are necessary to approve the temporary parking lot and school under § 1808.
2. Based upon the record before the Commission, having considered the reports and testimony OP and DDOT provided in this case, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR § 1808, which includes the standards set forth in § 3104 for a special exception and the specific standards relating to achieving the objectives of the SEFC Overlay District as set forth in § 1802. In addition, the Applicant is in compliance with the surface parking lot landscaping standards in § 2111.1; the size, access, maintenance, and operation of parking spaces pursuant to §§ 2115, 2117, and 2301; and compliance with the green area ratio standards of § 3401.2.
3. The Commission provided proper and timely notice of the public hearing on this Application by publication in the *D.C. Register* and by mail to ANC 6D, OP, and to owners of property within 200 feet of the Property.
4. Approval of the proposed development is not inconsistent with the Comprehensive Plan.
5. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code

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- § 1309.10(d)) to give “great weight” to the issues and concerns of the affected ANC expressed in its written report. As reflected in the Findings of Fact, at its duly noticed meeting held on January 13, 2014, ANC 6D voted 6-0 to support the Application and in its letter, dated January 24, 2014, ANC 6D recommended approval of the Application.
6. The Commission is also required to 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). As reflected in the Findings of Fact, OP presented a report and testimony at the public hearing finding the Applicant demonstrated compliance for Special Exception approval and recommended additional landscaping, which the Applicant agreed to as evidenced by the Applicant’s February 12, 2014 post-hearing submission into the record. (Ex. 31.)
 7. The Commission finds these expressions of support to be persuasive and agrees with the recommendations that the Application should be granted. In doing so the Commission has afforded the ANC and OP the great weight required by statute.
 8. Based on the record before the Commission, having given great weight to the views of OP and the ANC, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR § 1808 as well as the burdens of proof for a special exception.
 9. The project that is the subject of this Application will promote the development of the SEFC into a viable mixed-use neighborhood which is in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and the Zoning Map of the District of Columbia.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission **ORDERS APPROVAL** of the Application for SEFC Overlay District review to allow the temporary use of (i) Parcel G as a Trapeze School and (ii) Parcel F as a Parking Lot for a period of five years. This approval is subject to the following conditions:

1. The Project shall be built in accordance with the plans marked as Exhibits 7G, 7H, 7I, and 7J.
2. The Parking Lot on Parcel F will contain a maximum of 208 parking spaces.
3. The approvals granted in this Order shall be valid for a period of five years from the effective date of this Order as that date is indicated below.
4. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance

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with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (“Act”), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On February 3, 2014, upon the motion of Commissioner May, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at the close of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, Robert E. Miller, and Michael G. Turnbull to approve).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on April 11, 2014.

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