



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public oversight hearing on the Metropolitan Police Department's Stop and Contact Policies and Procedures
- D.C. Council schedules a public oversight roundtable on the Chief Financial Officer and his plans for the City
- D.C. Council schedules a public oversight roundtable on the Office of the Inspector General's Report of Special Evaluation on parking and automated traffic enforcement tickets
- D.C. Taxicab Commission schedules a public hearing on the proposed rulemaking for modern taxicab associations, vehicle retirement, and issuance of DCTC vehicle licenses
- Office on African Affairs, Department of Employment Services, District Department of the Environment, and the Department of Health announce funding availability for various grants
- Health Care Finance notifies the public about the proposed amendments to the hospital reimbursement guidelines of the State Plan for Medical Assistance

# 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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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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PERIODICAL POSTAGE PAID AT WASHINGTON, D.C.  
POSTMASTER: Send address changes to D.C. Register, 441 - 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001

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COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

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**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

**ANNOUNCES A PUBLIC HEARING ON**

**Bill 20-321, the “Human Rights Act Notice Requirement Amendment Act of 2013”  
Bill 20-803, the “Human Rights Amendment Act of 2014”  
and  
Bill 20-884, the “Bicycle and Motor Vehicle Collision Recovery Amendment Act of 2014”**

**Monday, September 29, 2014**

**12:30 p.m.**

**John A. Wilson Building, Room 500**

**1350 Pennsylvania Avenue, NW**

**Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, announces a public hearing on September 29, 2014, beginning at 12:30 p.m. in Room 500 of the John A. Wilson Building. The purpose of this public hearing is to receive testimony on Bills 20-321, 20-803, and 20-884.

Bill 20-321 would clarify that the notice requirement for claims against the District does not apply to claims alleging violations of the Human Rights Act. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0321>.

Bill 20-803 would require the Director of the Office of Human Rights (OHR) have a demonstrated background in human rights law; require OHR’s annual report to include information on investigations and public hearings initiated by the Office; and repeal the exemption allowing religiously-affiliated educational institutions to discriminate based on sexual orientation. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0803>.

Bill 20-884 would adopt a comparative negligence standard for damages recovery in bicycle and motor vehicles collisions. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0884>.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Nicole Goines at 724-7808 or [ngoines@dccouncil.us](mailto:ngoines@dccouncil.us), and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Thursday, Sept. 25, 2014. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes. For those unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 p.m. on Thursday, Oct. 9, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at [ngoines@dccouncil.us](mailto:ngoines@dccouncil.us).

**Council of the District of Columbia  
Committee on Health  
Notice of Public Hearing  
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

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**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON  
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC HEARING**

**on**

**Bill 20-646, the “Medical Imaging Assistants Amendment Act of 2014”**

**Thursday, October 9, 2014  
11:00 a.m., Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public hearing on Bill 20-646, the “Medical Imaging Assistants Amendment Act of 2014”. The hearing will take place at 11:00 a.m. on Thursday, October 9, 2014 in Room 500 of the John A. Wilson Building.

The purpose of this bill is to amend the District of Columbia Health Occupations Revision Act of 1985 to make technical corrections, to require licensure for cardiovascular-interventional technologists, magnetic resonance technologists, mammography technologists, nuclear medicine technologists, and ultrasonographers, and to establish an Advisory Committee on Medical Imaging Assistants.

Those who wish to testify should contact Cory Davis, Legislative Assistant to the Committee on Health, at 202-724-8170 or via e-mail at [cdavis@dccouncil.us](mailto:cdavis@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, October 7, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Tuesday, October 7, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to [cdavis@dccouncil.us](mailto:cdavis@dccouncil.us) or to mailed to Cory Davis at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Thursday, October 23, 2014.

**Council of the District of Columbia  
Committee on Health  
Notice of Public Hearing  
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

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**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON  
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC HEARING**

**on**

**Bill 20-676, the “Behavioral Health System of Care Act of 2014”**

**Thursday, October 23, 2014  
11:00 a.m., Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public hearing on Bill 20-676, the “Behavioral Health System of Care Act of 2014”. The hearing will take place at 11:00 a.m. on Thursday, October 23, 2014 in Room 412 of the John A. Wilson Building.

The purpose of this bill is to establish a health access project to improve the mental health of children in the District by promoting the integration of mental health care and primary care by increasing pediatric primary care providers’ understanding and ability to treat children and adolescents with mental health issues which can be approximately managed in primary care.

Those who wish to testify should contact Cory Davis, Legislative Assistant to the Committee on Health, at 202-724-8170 or via e-mail at [cdavis@dccouncil.us](mailto:cdavis@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, October 21, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Tuesday, October 21, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to [cdavis@dccouncil.us](mailto:cdavis@dccouncil.us) or to mailed to Cory Davis at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Thursday, November 6, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

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**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

**ANNOUNCES A PUBLIC HEARING ON**

**Bill 20-762, the “Relationship Privacy Act of 2014” and  
Bill 20-903, the “Criminalization of Non-Consensual Pornography Amendment Act of  
2014”**

**Friday, October 3, 2014**

**10:30 a.m.**

**John A. Wilson Building, Room 412**

**1350 Pennsylvania Avenue, NW**

**Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, announces a public hearing on Friday, October 3, 2014, beginning at 10:30 a.m. in Room 412 of the John A. Wilson Building. The purpose of this public hearing is to receive testimony on Bills 20-762 and 20-903.

Bills 20-762 and 20-903 both concern the disclosure of intimate photos and videos without the subject’s consent. Bill 20-762 would establish the offense of unlawful dissemination or sale of images of another, to prohibit any person who photographs or records by any means the image of the private area of another person with the intent to cause emotional distress. The bill is online at <http://lims.dccouncil.us/Legislation/B20-0762>. Bill 20-903 would amend the Anti-Sexual Abuse Act of 1994 to add definitions clarifying the capture and disclosure of intimate parts and sexual acts, and to designate the disclosure of such images as fourth degree sexual abuse. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0903>.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Nicole Goines at 724-7808 or [ngoines@dccouncil.us](mailto:ngoines@dccouncil.us), and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Wednesday, Oct. 1, 2014. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes. For those unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 p.m. on Friday, Oct. 10, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at [ngoines@dccouncil.us](mailto:ngoines@dccouncil.us).

**Council of the District of Columbia  
Committee on Health  
Notice of Public Hearing  
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

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**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON  
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC HEARING**

**on**

**Bill 20-765, the “Student Certificate of Health Amendment Act of 2014”**

**Friday, October 17, 2014  
11:00 a.m., Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public hearing on Bill 20-765, the “Student Certificate of Health Amendment Act of 2014”. The hearing will take place at 11:00 a.m. on Friday, October 17, 2014 in Room 500 of the John A. Wilson Building.

The purpose of this bill is to amend the Student Health Care Act of 1985 and the Immunization of School Students Act of 1979 to establish a more efficient system for delivery of certificates of immunization, health, lead poisoning, and dental health, by requiring the Mayor to establish a method by which the certificates can be transmitted to the Mayor by the examining professionals.

Those who wish to testify should contact Cory Davis, Legislative Assistant to the Committee on Health, at 202-724-8170 or via e-mail at [cdavis@dccouncil.us](mailto:cdavis@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, October 15, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Tuesday, October 15, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to [cdavis@dccouncil.us](mailto:cdavis@dccouncil.us) or to mailed to Cory Davis at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Friday, October 31, 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, Suite G-6 Washington, DC 20004

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

**ON**

**B20-891, THE “OFFICE OF MOTION PICTURE AND TELEVISION  
DEVELOPMENT DIRECTOR CONFIRMATION ACT OF 2014”**

**And**

**B20-902, THE “OMNIBUS ALCOHOLIC BEVERAGE REGULATION  
AMENDMENT ACT OF 2014”**

**THURSDAY, OCTOBER 16, 2014, 10:00 A.M.  
JOHN A. WILSON BUILDING, ROOM 123  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory Affairs on B20-891, the “Office of Motion Picture and Television Development Director Confirmation Act of 2014” and B20-902, the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2014”. The public hearing is scheduled for Thursday, October 16, 2014 at 10:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B20-844, the “Office of Motion Picture and Television Development Director Confirmation Act of 2014” establishes the Office of Motion Picture and Television Development and requires that the Mayoral nomination of the Director of the Office of Motion Picture and Television Development be subject to the affirmative approval of the Council.

B20-902, the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2014” amends Title 25 of the District of Columbia Official Code to create a new festival license; clarify that the Ward 4 moratorium applies to Class A and Class B off-premises licenses; clarify that Settlement Agreements are not enforceable when a license is transferred to a new location; delete the

requirement that licenses must apply annually for holiday extended hours; and provide authority for the Alcoholic Beverage Regulation Administration investigators to seize a suspended, revoked or cancelled license.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at [fcaldwell@dccouncil.us](mailto:fcaldwell@dccouncil.us) and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Thursday, October 9, 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 public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Thursday, October 30, 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  
Committee on Business, Consumer, and Regulatory Affairs  
Notice of Public Hearing**

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

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

**ON**

**B20-892, THE “SMALL AND CERTIFIED BUSINESS ENTERPRISE  
DEVELOPMENT AND ASSISTANCE WAIVER CERTIFICATION  
AMENDMENT ACT OF 2014”**

**WEDNESDAY, OCTOBER 15, 2014, 10:00 A.M.  
JOHN A. WILSON BUILDING, ROOM 500  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004**

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Councilmember Vincent B. Orange, Sr. announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory Affairs on B20-892, the “Small and Certified Business Enterprise Development and Assistance Waiver Certification Amendment Act of 2014”. The public hearing is scheduled for Wednesday, October 15, 2014 at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B20-892, the “Small and Certified Business Enterprise Development and Assistance Waiver Certification Amendment Act of 2014” amends the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 (“Act”) to require the Director of the Department of Small and Local Business Development (“DSLBD”), prior to granting a waiver under Section 2346 of the Act, to conduct a good faith effort to determine that there are no qualified small or certified business enterprises to perform the contract solicitation. Further, the Director would be required to wait 20 days before granting a proposed waiver and must issue a written waiver certification that all good faith requirements have been met.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at [fcaldwell@dccouncil.us](mailto:fcaldwell@dccouncil.us) and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Wednesday, October 8, 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 public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, October 29, 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  
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT  
COMMITTEE ON FINANCE & REVENUE

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REVISED

NOTICE OF JOINT PUBLIC HEARING ON

**Bill 20-889, the For-Hire Vehicle Accessibility Amendment Act of 2014**

Tuesday, September 30, 2014  
at 11:00 a.m.  
in Room 500 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Tuesday, September 30, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, and Councilmember Jack Evans, Chairperson of the Committee on Finance and Revenue, will hold a joint public hearing on Bill 20-889, the For-Hire Vehicle Accessibility Amendment Act of 2014. This bill would change the name of the Disability Advisory Committee and clarify its organization, clarify wheelchair-accessible fleet requirements, and establish a fee and fund related to increasing the number of wheelchair-accessible vehicles within the District. It would also provide a tax credit for purchasing a wheelchair-accessible vehicle or upgrading a vehicle to make it wheelchair-accessible. The joint hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committees invite the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on October 14, 2014.

**This hearing was originally noticed by the Committee on Transportation and the Environment. It is being revised to include the Committee on Finance and Revenue.**

**Council of the District of Columbia  
Committee on the Judiciary and Public Safety  
Notice of Public Oversight Hearing  
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

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**Councilmember Tommy Wells, Chairperson  
Committee on the Judiciary and Public Safety**

**Announces a Public Oversight Hearing  
on  
“The Metropolitan Police Department:  
Stop and Contact Policies and Procedures”**

**Wednesday, October 8, 2014  
6–9:30 pm  
Howard University School of Business Auditorium  
2400 Sixth St. NW, 2<sup>nd</sup> floor, Washington, DC 20059**

**RECONVENING  
Thursday, October 16, 2014  
11:30 am  
Council Chamber, Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public oversight hearing on Wednesday, October 8, 2014, beginning at 6 pm at the Howard University School of Business Auditorium, located on the second floor of 2400 6<sup>th</sup> St NW, Washington, DC, 20059. The hearing will reconvene Thursday, October 16, 2014 at 11:30 am in the Council Chamber, Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004.

The purpose of this hearing is to discuss the Metropolitan Police Department (MPD) policies and procedures regarding stopping and detaining individuals. Topics will include stop and frisk, jump outs, traffic stops, and use of SWAT-like teams. At the evening hearing, the Committee will receive public testimony on residents’ experiences being stopped and detained. The hearing will reconvene the following week to discuss MPD’s stop and contact policies and procedures on stop and frisk, jump outs, traffic stops, and use of SWAT-like teams; residents’ legal rights regarding such stops; and the MPD pilot of on-body cameras for officers.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Nicole Goines at 724-7808 or [ngoines@dccouncil.us](mailto:ngoines@dccouncil.us), and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 pm on Monday, October 6, 2014 for the evening hearing and by Tuesday, October 14, 2014 for the reconvened hearing. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups. If you are unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 pm on Monday, October 27, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, DC, 20004, or via email at [ngoines@dccouncil.us](mailto:ngoines@dccouncil.us).

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

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

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

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON THE MATTER OF:**

**The Chief Financial Officer and His Plans for the City  
Tuesday, September 30, 2014  
9:00 a.m.  
Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public oversight roundtable to be held on Tuesday, September 30, 2014 at 9:00 a.m., in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

The purpose of this roundtable is to hear from the Chief Financial Officer of the District of Columbia, Mr. Jeff DeWitt, on his plans for the city and to present the Strategic Plan for the Office of the Chief Financial Officer which was released in August, 2014. A copy of the plan is available online at [www.ocfo.dc.gov](http://www.ocfo.dc.gov) under "OCFO Reports".

The Committee invites the public to testify at the oversight roundtable. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or [sloy@dccouncil.us](mailto:sloy@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Monday, September 29, 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](mailto:sloy@dccouncil.us) or mailed to: Committee on Finance and Revenue, Council of the District of Columbia, 1350 Pennsylvania Ave., N.W. Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

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NOTICE OF JOINT PUBLIC OVERSIGHT ROUNDTABLE ON

**The Office of the Inspector General's  
Report of Special Evaluation on Parking and Automated Traffic  
Enforcement Tickets – Part I: Ticket Issuance Practices**

Wednesday, September 24, 2014  
at 11:00 a.m.  
in Room 412 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Wednesday, September 24, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, and Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will hold a joint public oversight roundtable on the Office of the Inspector General's Report of Special Evaluation on Parking and Automated Traffic Enforcement Tickets – Part I: Ticket Issuance Practices. A copy of the report is available online at <http://tinyurl.com/oigparkingreport>. The roundtable will begin at 11:00 a.m.\* in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committees invite the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on October 8, 2014.

*\* The starting time may be adjusted to accommodate a Committee markup that day. Any change to the starting time will be posted online at <http://dccouncil.us/calendar>.*

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

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

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**REVISED**

**Councilmember Vincent B. Orange, Sr., Chairperson  
Committee on Business, Consumer, and Regulatory Affairs  
Announces a Public Oversight Roundtable**

**Review of District Agency Compliance with Fiscal Year 2014  
Small Business Enterprise Expenditure Goals**

**FRIDAY, September 26, 2014, 2:00 P.M.  
JOHN A. WILSON BUILDING, ROOM 500  
1350 PENNSYLVANIA AVENUE, N.W.  
Washington, DC 20004**

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Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable by the Committee on Business, Consumer, and Regulatory Affairs to review the District of Columbia's agency compliance with fiscal year 2014 Small Business Enterprise expenditure goals through the 3<sup>rd</sup> quarter of Fiscal Year 2014. The public oversight roundtable is scheduled for Friday, September 26, 2014, at 2:00 p.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004. ***This Roundtable Notice REVISED to indicate that copies of written statements should be submitted to the Committee on Business, Consumer & Regulatory Affairs.***

The purpose of the public oversight roundtable is to review the level of compliance by District agencies regarding agency spending with District Small and Certified Business Enterprises, required under the "Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005." The Committee will also review the goals and objectives of the various agencies to achieve full compliance pursuant to the law.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell, Special Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at [fcaldwell@dccouncil.us](mailto:fcaldwell@dccouncil.us) and furnish their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business Wednesday, September 24, 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 hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Friday,

October 10, 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

Committee on Human Services

**PUBLIC OVERSIGHT ROUNDTABLE**

1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004

**RECONVENING/REVISED**

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**THE COMMITTEE ON HUMAN SERVICES  
COUNCILMEMBER JIM GRAHAM, CHAIR**

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON**

**“SAFETY PROCEDURES AT DC GENERAL FAMILY SHELTER”**

**TUESDAY, SEPTEMBER 16, 2014 – 11:00 A.M.**

**THE JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
ROOM 500  
WASHINGTON, D.C. 20004**

On Tuesday, September 16, 2014, at 11:00 a.m., in Room 500 of the John A. Wilson Building, Councilmember Jim Graham, Chair of the Committee on Human Services, announces a continuation of the public oversight roundtable on “Safety Procedures at DC General Family Shelter.” The roundtable was previously held on Friday, March 28, 2014 following the disappearance of Relisha Rudd. **This revised notice reflects a correction in the hearing day from Wednesday, September 16, 2014 to Tuesday, September 16, 2014.**

On September 2, 2014, the Office of Deputy Mayor for Education and the Office of the Deputy Mayor for Health and Human Services released a report entitled the “Review of Interactions with RR and Her Immediate Family and District Government Agencies.” The report examines the District government’s involvement with Relisha Rudd and her family prior to her disappearance. It also contains 15 findings related to policies and practices of the District human services and educational agencies and contractors that had contact with Relisha Rudd and her family in the months leading up to her disappearance, and 26 recommendations for improving safety procedures at DC General Shelter. **The purpose of the reconvening is to examine these findings and recommendations.**

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by email at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or by telephone at (202) 724-8191. Email 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 roundtable. Individuals will be permitted 3 minutes for oral presentation -- individuals representing organizations or groups will be permitted 5 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be emailed to Mr. Malcolm Cameron at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or submitted to the Committee on Human Services at 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, by no later than 6:00 p.m., September 26, when the official record will close.

Council of the District of Columbia  
Committee on Human Services  
**PUBLIC OVERSIGHT ROUNDTABLE**  
1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004

**REVISED**

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**THE COMMITTEE ON HUMAN SERVICES  
COUNCILMEMBER JIM GRAHAM, CHAIRPERSON**

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON THE**

**PR20-854, “SENSE OF THE COUNCIL FOR CLOSING DC GENERAL SHELTER  
RESOLUTION OF 2014” (PART II)**

**FRIDAY, SEPTEMBER 19, 2014 AT 11:00 A.M.**

**D.C. GENERAL SHELTER  
1900 MASSACHUSETTS AVENUE, SE  
WASHINGTON, DC 20003**

Councilmember Jim Graham, Chairperson of the Committee on Human Services, announces a public oversight roundtable on PR 20-854, the “Sense of the Council for Closing DC General Shelter Resolution of 2014” (Part II). The roundtable will be held on Friday, September 19, 2014, at 11:00 a.m., in the Activity Room in the Main Building at D.C. General Shelter. **This revised notice reflects a rescheduled hearing date from September 18, 2014 to September 19, 2014.**

PR 20-854 declares the sense of the Council that the District closes and discontinues use of the DC General Shelter for homeless families only when certain benchmarks are met and when there is a sufficient number of appropriate apartment style units and permanent housing options available for existing and newly homeless families. This roundtable will provide an opportunity for the residents of DC General Shelter to comment on the provisions of the resolution.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by e-mail at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or by telephone at (202) 724-8191 by Wednesday, September 17, 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 roundtable. 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 roundtable, 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., Suite 116, Washington, D.C. 20004, no later than 5:30 p.m., Thursday, September 25, 2014, when the official record will close.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT  
MARY M. CHEH, CHAIR

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REVISED

NOTICE OF PUBLIC ROUNDTABLE ON

**PR 20-892, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2014**

**PR 20-893, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Confirmation Resolution of 2014**

Friday, October 10, 2014  
at 2:00 p.m.  
in Room 120 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Friday, October 10, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public roundtable on PR 20-892, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2014, and PR 20-893, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Confirmation Resolution of 2014. This legislation would re-appoint Howard Gibbs and Rachna Butani to Board of Directors of the District of Columbia Water and Sewer Authority (known as DC Water). The roundtable will begin at 2:00 p.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on October 13, 2014.

**This hearing has been revised to reflect that the hearing will now start at 2:00 p.m. instead of the originally noticed time of 11:00 a.m.**

**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

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

**ANNOUNCES A PUBLIC ROUNDTABLE ON:**

**PR 20-935, the “Real Property Tax Appeals commission Mr. Donald L. Issac, Jr.  
Confirmation Resolution of 2014”**

**PR 20-921, the “Commission on the Arts and Humanities Gretchen B. Wharton  
Confirmation Resolution of 2014”**

**PR 20-922, the “Commission on the Arts and Humanities Edmund C. Fleet Confirmation  
Resolution of 2014”**

**PR 20-923, the “Commission on the Arts and Humanities Darrin L. Glymph Confirmation  
Resolution of 2014”**

**PR 20-924, the “Commission on the Arts and Humanities Mary Ann Miller  
Confirmation Resolution of 2014”**

**PR 20-925, the “Commission on the Arts and Humanities Judith F. Terra Confirmation  
Resolution of 2014”**

**PR 20-926, the “Commission on the Arts and Humanities Jose Alberto Ucles Confirmation  
Resolution of 2014”**

**PR 20-988, the “Commission on the Arts and Humanities Lavinia Wohlfarth Confirmation  
Resolution of 2014”**

**Wednesday, September 24, 2014**

**10:00 a.m.**

**Room 500 - 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 Wednesday, September 24, 2014 at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 20-935, the “Real Property Tax Appeals Commission Mr. Donald L. Issac, Jr. Confirmation Resolution of 2014” would confirm the reappointment of Donald L. Issac, Jr., as member of the Real Property Tax Appeals Commission, for a term to end April 30, 2018.

PR 20-921, the “Commission on the Arts and Humanities Gretchen B. Wharton Confirmation Resolution of 2014” would confirm the reappointment of Gretchen B. Wharton as member of the Commission on Arts and Humanities, for a term to end June 30, 2016.

PR 20-922, the “Commission on the Arts and Humanities Edmund C. Fleet Confirmation Resolution of 2014” would confirm the reappointment of Edmund C. Fleet as member of the Commission on Arts and Humanities, for a term to end June 30, 2017.

PR 20-923, the “Commission on the Arts and Humanities Darrin L. Glymph

Confirmation Resolution of 2014” would confirm the reappointment of Darrin L. Glymph as member of the Commission on Arts and Humanities, for a term to end June 30, 2017.

PR 20-924, the “Commission on the Arts and Humanities Mary Ann Miller Confirmation Resolution of 2014” would confirm the reappointment of Mary Ann Miller as member of the Commission on Arts and Humanities, for a term to end June 30, 2017.

PR 20-925, the “Commission on the Arts and Humanities Judith F. Terra Confirmation Resolution of 2014” would confirm the reappointment of Judith F. Terra as member of the Commission on Arts and Humanities, for a term to end June 30, 2017.

PR 20-926, the “Commission on the Arts and Humanities Jose A. Ucles Confirmation Resolution of 2014” would confirm the reappointment of Jose A. Ucles as member of the Commission on Arts and Humanities, for a term to end June 30, 2017.

PR 20-988, the “Commission on the Arts and Humanities Lavinia Wohlfarth Confirmation Resolution of 2014” would confirm the reappointment of Lavinia Wohlfarth., as member of the Commission on Arts and Humanities, for a term to end June 30, 2017.

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](mailto:sloy@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Tuesday, September 23, 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](mailto:sloy@dccouncil.us) or mailed to: Committee on Finance and Revenue, Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-094175

License Class/Type: B Retail - Groce

Applicant: 4Corner Inc

Trade Name: 4Corner

ANC: 4D02

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

**440 KENNEDY ST NW, WASHINGTON, DC 20011**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-001006

License Class/Type: B Retail - Groce

Applicant: A Litteri Inc

Trade Name: A Litteri Inc

ANC: 5D01

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

**517 MORSE ST ST NE, Washington, DC 20002**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>	
<b>Sunday:</b>	<b>8 am - 5 pm</b>	<b>9 am - 5 pm</b>	<b>-</b>
<b>Monday:</b>	<b>8 am - 5 pm</b>	<b>9 am - 5 pm</b>	<b>-</b>
<b>Tuesday:</b>	<b>8 am - 5 pm</b>	<b>9 am - 5 pm</b>	<b>-</b>
<b>Wednesday:</b>	<b>8 am - 5 pm</b>	<b>9 am - 5 pm</b>	<b>-</b>
<b>Thursday:</b>	<b>8 am - 5 pm</b>	<b>9 am - 5 pm</b>	<b>-</b>
<b>Friday:</b>	<b>8 am - 5 pm</b>	<b>9 am - 5 pm</b>	<b>-</b>
<b>Saturday:</b>	<b>8 am - 5 pm</b>	<b>9 am - 5 pm</b>	<b>-</b>

FOR FURTHER INFORMATION CALL (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, SEPTEMBER 17, 2014  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson  
Members: Nick Alberti, Donald Brooks, Herman Jones  
Mike Silverstein, Hector Rodriguez, James Short

- Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00052;** Gypsy Sally's Acoustic Tavern, LLC, t/a Gypsy Sally's  
3401 K Street NW, License #90582, Retailer CT, ANC 2E  
**Substantial Change Application (284 to 452 seats)**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00055;** Cham Restaurant Group, t/a New Town Kitchen and  
Lounge, 1336 U Street NW, License #93095, Retailer CT, ANC 1B  
**Renewal Replacard**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-CMP-00275;** Cheng Restaurant Corp., t/a Tony Cheng's Mongolian  
Barbeque, 619 H Street NW, License #7880, Retailer CR, ANC 2C  
**Failed to File Quarterly Statements (4th Quarter 2013)**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-CMP-00274;** Jumbo Seafood Restaurant, Inc., t/a Tony Cheng's  
Seafood Restaurant, 619 H Street NW, License #11730, Retailer CR , ANC 2C  
**Failed to File Quarterly Statements (4th Quarter 2013)**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-CMP-00079;** Yarp, Incorporated, t/a Kiflu's Wine & Spirit's, 1201  
5th Street NW, License #92419, Retailer A, ANC 6E  
**No ABC Manager on Duty, Failed to Post Window Lettering**



Board's Calendar  
September 17, 2014

- Fact Finding Hearing\*** **9:30 AM**  
**Case # 14-251-00013, #14-251-00093, #14-251-00238 and #14-CMP-00240**  
Howard Theatre Entertainment, LLC, t/a Howard Theatre, 620 T Street NW,  
License #88646, Retailer CX, ANC 1B  
**Assault Inside of the Establishment, No ABC Manager on Duty, Operating After Board Approved Hours, Provided "Back-up Drinks", Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose, Allowed Prohibited Fireworks to be used in the Establishment**
- Show Cause Hearing\*** **10:00 AM**  
**Case # 14-251-00044;** Backdoor, Inc., t/a Bachelor's Mill/Backdoor Pub, 1104  
8th Street SE, License #11277, Retailer CT, ANC 6B  
**Failed to Follow Security Plan, Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose**  
*This Hearing has been continued to November 12, 2014 at 11:00 am.*
- Show Cause Hearing\*** **10:00 AM**  
**Case # 14-CC-00026;** Kimberly, Inc., t/a Mr. Smith's, 3104 M Street NW  
License #864, Retailer CR, ANC 2E  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Interfered with an Investigation**
- Fact Finding Hearing** **11:00 AM**  
**Case # 14-251-00218;** Salma, LLC, t/a Red Lounge Hookah, 2013 14th Street  
NW, License #76011, Retailer CN, ANC 1B  
**Assault With Intent to Kill Inside of the Establishment**
- Fact Finding Hearing\*** **11:30 AM**  
**Case # 14-CMP-00280;** The New Brookland Café, LLC, t/a B Café, 3740 12th  
Street NE, License #86793, Retailer Caterer, ANC 5B  
**Board requested the licensee to submit documentation demonstrating services as a licensed caterer at Signature Lounge**
- Fact Finding Hearing\*** **11:30 AM**  
**Case # 14-CMP-00280;** Aalemu Investments, LLC, t/a Signature Lounge, 1920  
9th Street NW, License #95535, Retailer CT, ANC 1B  
**Operating without a License**
- Show Cause Hearing\***  
**Case # 13-AUD-00073 and 13-AUD-00073(a),** The Johnny Rockets Group,  
LLC, t/a Johnny Rockets, 3131 M Street NW, License #81606, Retailer CR  
ANC 2E **1:30 PM**  
**Failed to File Quarterly Statements (2nd Quarter 2013)**

Board's Calendar  
September 17, 2014

**Protest Hearing\*** **1:30 PM**

**Case # 13-PRO-00122;** Sami Restaurant, LLC, t/a Bistro 18, 2420 18th Street NW, License #86876, Retailer CR, ANC 1C

**Termination of Settlement Agreement**

*This Hearing has been continued to December 3, 2014 at 1:30 pm.*

**Protest Hearing\*** **1:30 PM**

**Case # 13-PRO-00169;** Barcode Corporation, t/a Barcode, 1101 17th Street NW License #82039, Retailer CT, ANC 2B

**Application to Renew the License**

**Show Cause Hearing\*** **2:30 PM**

**Case # 14-AUD-00023;** GR, Inc., t/a Look, 1909 K Street NW, License #77812 Retailer CR, ANC 2B

**Failed to Meet Food Sales Requirements**

**Protest Hearing\*** **4:30 PM**

**Case # 14-PRO-00048;** Kat, LLC, t/a Cloud Restaurant and Lounge, 1919 9th Street NW, License #93572, Retailer CT, ANC 1B

**Substantial Change in Operation (Increase in Occupancy from 50 to 122)**

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

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

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, SEPTEMBER 17, 2014  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On September 17, 2014 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”**

1. Case#14-AUD-00057 El Nuevo Migueleno, 1721 COLUMBIA RD NW Retailer C Restaurant, License#: ABRA-075403

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2. Case#14-AUD-00075 La Cabana Restaurant, 3614 14TH ST NW Retailer C Restaurant, License#: ABRA-074849

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3. Case#14-AUD-00074 Dahlak Restaurant, 1771 U ST NW Retailer C Restaurant, License#: ABRA-074433

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4. Case#14-CC-00163 Kaz Sushi, 1915 I ST NW Retailer C Restaurant, License#: ABRA-071036

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5. Case#14-AUD-00060 Granville Moore's Brickyard, 1238 H ST NE Retailer C Restaurant, License#: ABRA-072792

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6. Case#14-CC-00138 Darlington House: Cantina/Kitchen/Library, 1610 20TH ST NW Retailer C Restaurant, License#: ABRA-078028

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7. Case#14-CC-00145 China House, 1601 BENNING RD NE Retailer B Retail - Grocery, License#: ABRA-025169

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8. Case#14-AUD-00058 Nam-viet Pho 79, 3419 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-025298

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9. Case#14-AUD-00070 Matisse Bar & Grill, 4934 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-025496

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10. Case#14-AUD-00034 Dynasty Ethiopian Restaurant, 2210 14TH ST NW Retailer C Restaurant, License#: ABRA-060697

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11. Case#14-AUD-00061 Lindys Bon Appetit, 2040 I ST NW Retailer C Restaurant, License#: ABRA-023533

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12. Case#14-CC-00099 Il Tesoro, 4400 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-060244

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13. Case#14-CC-00121 Smith & Wollensky, 1112 19TH ST NW Retailer C Restaurant, License#: ABRA-060001

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14. Case#14-CC-00123 Holiday Inn, 2101 WISCONSIN AVE NW Retailer C Hotel, License#: ABRA-001653

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15. Case#14-251-00221 Spaghetti Garden Brass Monkey Peyote Roxanne, 2317 - 2319 18th ST NW Retailer C Restaurant, License#: ABRA-010284

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16. Case#14-CC-00091 Rendezvous Lounge, 2226 18TH ST NW Retailer C Tavern, License#: ABRA-014272

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17. Case#14-AUD-00055 Courtyard by Marriott Washington DC/US Capitol, 1325 2ND ST NE Retailer C Hotel, License#: ABRA-079854

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18. Case#14-AUD-00062 Fuel Pizza & Wings, 1606 K ST NW Retailer C Restaurant, License#: ABRA-088452

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19. Case#14-CMP-00460 Georgia Line Convenience Store, 5125 GEORGIA AVE NW Retailer B Retail - Grocery, License#: ABRA-091196

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20. Case#14-CC-00109 Bravo Lounge, 2917 GEORGIA AVE NW Retailer C Tavern, License#: ABRA-092059

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21. Case#14-CC-00101 RiRa Irish Pub, 3123 - 3125 M ST NW Retailer C Restaurant, License#: ABRA-092168

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22. Case#14-CC-00111 Wagshal's, 3201 NEW MEXICO AVE NW Retailer B Retail - Grocery, License#: ABRA-092730

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23. Case#14-CC-00125 DACHA BEER GARDEN, 1600 7TH ST NW Retailer D Tavern, License#: ABRA-092773

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24. Case#14-CC-00137 Mission, 1606 20TH ST NW Retailer C Restaurant, License#: ABRA-094290

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25. Case#14-PRO-00048 Cloud Restaurant & Lounge, 1919 9TH ST NW Retailer C Tavern, License#: ABRA-093572

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LEGAL AGENDA

WEDNESDAY, SEPTEMBER 17, 2014 AT 1:00 PM  
2000 14<sup>th</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement dated August 19, 2014 between ANC 3F and Bread Furst. *Bread Furst*, 4434 Connecticut Avenue, NW, Retailer CR, License No.: 96024.

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2. Review of Settlement Agreement dated September 2, 2014 between ANC 3D and 7H Pizza. *7 H Pizza*, 4885 MacArthur Boulevard, NW, Retailer C, License No.: 95362.

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3. Review of Request for Offsite Storage of All Records submitted by Ari Gejdenson, Owner, of HGH 1610 LLC. *The Ghibellina*, 1610 14th Street, NW, Retailer C, License No.: 88785.

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4. Review of Request for Offsite Storage of All Records submitted by Gregory Casten, Partner, of Boss Shepherd's LLC. *Boss Shepherd's*, 1299 Pennsylvania Avenue, NW, Retailer C, License No.: 93194.

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**\* In accordance with D.C. Official Code §2-574(b) Open Meetings Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, SEPTEMBER 17, 2014 AT 1:00 PM  
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Cancellation of License Effective Immediately. ANC 6C. SMD 6C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Martins Market*, 538 3<sup>rd</sup> Street NE, Retailer B Grocery, License No. 076880.

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2. Review Application for Safekeeping of License. ANC 8A. SMD 8A07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Dollar Plus Food Store*, 1443 Howard Road SE, Retailer B Grocery, License No. 088380.

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3. Review Application for Safekeeping of License. ANC 2A. SMD 2A04. No outstanding fines/citations. Pending enforcement matter: Case #14-CC-00150, Sale to Minor on 07/21/2014. No Settlement Agreement. *Watergate Wine and Beverage*, 2544 Virginia Avenue NW, Retailer A Liquor Store, License No. 078595.

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4. Review Application for Safekeeping of License. Request Safekeeping Status retroactive to June 1, 2014. ANC 5B. SMD 5B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Little Ricky's*, 3522 12<sup>th</sup> Street NE, Retailer CR, License No. 087727.

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5. Review Request for Extension of Safekeeping Status of License through August 26, 2015. Original Safekeeping Date: August 26, 2014. ANC 2E. SMD 2E05. Citations: Case #14-AUD-00073(a), Case #13-AUD-00073, Failure to file Quarterly Statement. Show Cause Hearing scheduled for 09/17/2014. No Settlement Agreement. *Johnny Rockets*, 3131 17<sup>th</sup> Street NW, Retailer CR, License No. 081606.

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6. Review Application for Class Change from CR to CT. ANC 5B. SMD 5B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Little Ricky's*, 3522 12<sup>th</sup> Street NE, Retailer CR, License No. 087727.
- 
7. Review Application for Class Change from DX to CX. ANC 2F. SMD 2F02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Studio Theater*, 1333 P Street NW, Multipurpose D, License No. 025750.
- 
8. Review Request for Change of Hours. **Approved Hours of Operation:** Monday-Saturday 9am to 12am. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Wednesday-Sunday 10am to 11pm, Monday-Tuesday 10am-6pm. **Proposed Hours of Operation:** Monday-Saturday 9am to 12am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 10am to 12am, Friday-Saturday 10am to 1am. ANC 2F. SMD 2F02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Studio Theater*, 1333 P Street NW, Multipurpose D, License No. 025750.
- 
9. Review Change of Hours Application. **Approved Hours of Operation:** Monday-Saturday 7am to 12am. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Monday-Saturday 9am to 12 am **Proposed Hours of Operation:** Monday-Saturday 7am to 3am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Monday-Saturday 9am to 12am. ANC 2A. SMD 2A07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *FoBoGro*, 2140 F Street NW, Retailer B Grocery, License No. 082431.
- 
10. Review Application for Summer Garden Endorsement. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Ocopa*, 1324 H Street NE, Retailer CR, License No. 088102.
- 
11. Review Application for Entertainment Endorsement. ANC 5B. SMD 5B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Little Ricky's*, 3522 12<sup>th</sup> Street NE, Retailer CR, License No. 087727.
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12. Review Application for Manager's License. *Hilton R. Rodriguez*-ABRA 095206.

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13. Review Application for Solicitor's License. *Kardin M. Wykoff*-ABRA 096592.

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**\*In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

**RE-ADVERTISEMENT**

Posting Date: September 12, 2014  
 Petition Date: October 27, 2014  
 Roll Call Hearing Date: November 10, 2014  
 Protest Hearing Date: January 21, 2015

License No.: ABRA-096150  
 Licensee: 1832 NW LLC  
 Trade Name: Art Soiree House  
 License Class: Retailer’s Class “C” Multi-Purpose Facility  
 Address: 1832 14<sup>th</sup> Street NW  
 Contact: Carlos Saenz, 301-806-7419

WARD 2                      ANC 2B                      SMD 2B09

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 on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., 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 January 21, 2015 at 1:30 PM.

**NATURE OF OPERATION**

Multipurpose arts and cultural gallery space with weekly art exhibitions, live music, jazz and piano, and performance programming, special presentations and events. Serving beverages and light snacks. Seating capacity is approximately 65. Total occupancy load is 150.

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

Sunday 10am-1am, Monday and Tuesday 12pm-1am, Wednesday and Thursday 12pm-2am, Friday and Saturday, 12pm-3am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-001688

License Class/Type: B Retail - Groce

Applicant: Amko International Inc

Trade Name: Capitol Supermarket

ANC: 2F07

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

**1231 11TH ST NW, WASHINGTON, DC 20001**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS: Tasting**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-025169

License Class/Type: B Retail - Groce

Applicant: Wen De Zhang & Yang You

Trade Name: China House

ANC: 6A07

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

**1601 BENNING RD NE, WASHINGTON, DC 20002**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>	
<b>Sunday:</b>	11am - 1 am	11 am -10 pm	-
<b>Monday:</b>	11am - 1 am	11 am - 10 pm	-
<b>Tuesday:</b>	11am - 1 am	11 am - 10 pm	-
<b>Wednesday:</b>	11am - 1 am	11 am - 10 pm	-
<b>Thursday:</b>	11am - 1 am	11 am - 10 pm	-
<b>Friday:</b>	11am - 2 am	11 am - 10 pm	-
<b>Saturday:</b>	11am - 2 am	11 am - 10 pm	-

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-086718

License Class/Type: B Retail - Groce

Applicant: JS2Y Corporation

Trade Name: Flagler Market

ANC: 5E08

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

**2200 FLAGLER PL NW, WASHINGTON, DC 20001**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-092696

License Class/Type: B Retail - Groce

Applicant: Enrique Peralta

Trade Name: Food Town Market

ANC: 3B01

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

**4000 Tunlaw RD NW #129, WASHINGTON, DC 20007**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-081683

License Class/Type: B Retail - Groce

Applicant: 1954 Home Food, Inc.

Trade Name: Home Food Store

ANC: 1C03

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

**2216 18TH ST NW, WASHINGTON, DC 20009**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

Days	Hours of Operation	Hours of Sales/Service	
Sunday:	8:30 am - 12 am	9 am -12 am	-
Monday:	8:30 am - 12 am	9 am - 12am	-
Tuesday:	8:30 am - 12 am	9 am - 12 am	-
Wednesday:	8:30 am - 12 am	9 am - 12 am	-
Thursday:	8:30 am - 12 am	9 am - 12 am	-
Friday:	8:30 am - 12am	9 am - 12 am	-
Saturday:	8:30 am - 12am	9 am - 12 am	-

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-090684

License Class/Type: B Retail - Groce

Applicant: IVZ, LLC

Trade Name: J & K Market

ANC: 6A04

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

**234 15TH ST NE, WASHINGTON, DC 20002**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-078461

License Class/Type: B Retail - Groce

Applicant: M & M Beer & Wine, Inc.

Trade Name: M & M Market

ANC: 7F06

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

**3544 EAST CAPITOL ST NE, Washington, DC 20019**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-077390

License Class/Type: B Retail - Groce

Applicant: M & T Grocer's Beer and W

Trade Name: M & T Grocer's Beer and Wine

ANC: 6A08

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

**201 15TH ST NE, Washington, DC 20002**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-001751

License Class/Type: B Retail - Groce

Applicant: Metro- K Supermarket, Inc.

Trade Name: Metro K Supermarket

ANC: 1C03

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

**1864 COLUMBIA RD NW, WASHINGTON, DC 20009**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 12, 2014
Petition Date: October 27, 2014
Hearing Date: November 10, 2014
Protest Hearing Date: January 21, 2015

License No.: ABRA-096613
Licensee: Mi Cuba Café, Inc.
Trade Name: Mi Cuba Cafe
License Class: Retailer’s Class “C” Restaurant
Address: 1424 Park Road NW
Contact: Ariel E. Valladares 202813-3489

WARD 1 1A ANC 1A05

Notice is hereby given that this applicant has applied for a 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 January 21, 2015 1:30 pm.

NATURE OF OPERATION

This is new Cuban family restaurant, serving traditional Cuban food for breakfast, lunch and dinner. The total occupancy load is 25.

HOURS OF OPERATION

Sunday through Saturday 10 am – 12 midnight

HOURS OF ALCOHOLIC BEVERAGES/ SALES/SERVICE/CONSUMPTION

Sunday through Saturday 12 noon – 12 midnight

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-078255

License Class/Type: B Retail - Groce

Applicant: Berhanu and Nega, LLC

Trade Name: Ogden Market

ANC: 1A02

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

**1500 OGDEN ST NW, Washington, DC 20010**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 12, 2014
Petition Date: October 27, 2014
Hearing Date: November 10, 2014
Protest Date: January 21, 2015

License No.: ABRA-096523
Licensee: Juanita's Inc.
Trade Name: OKAPI
License Class: Retail Class "C" Tavern
Address: 4811 Georgia Avenue, N.W.
Contact: Jeff Jackson 202-251-1566

WARD 4

ANC 4D

SMD 4D05

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 1:30 pm on November 10, 2014.

NATURE OF OPERATION

New Tavern. The nature of operation will be restaurant dining providing El Salvadorian food. Will provide entertainment in the form of a DJ and dancing. Occupancy load is 60.

HOURS OF OPERATON

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

HOURS OF SALES/SERVICE/CONSUMPTION OF SUMMER GARDEN

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

HOURS OF ENTERTAINMENT

Sunday through Thursday 6 pm - 2 am, Friday and Saturday 6 pm - 3 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-079038

License Class/Type: B Retail - Groce

Applicant: T & H Deli, Inc.

Trade Name: Palisades Deli & Market

ANC: 3D09

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

**4554 MACARTHUR BLVD NW, Washington, DC 20007**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

**Notice is hereby given that:**

**License Number: ABRA-086085**

**License Class/Type: B Retail - Class**

**Applicant: JH Topia, Inc.**

**Trade Name: Patron Convenience Store**

**ANC: 7B04**

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

**3235 PENNSYLVANIA AVE SE, WASHINGTON, DC 20020**

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

**10/27/2014**

**HEARING WILL BE HELD ON**

**11/10/2014**

**AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009**

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-090283

License Class/Type: B Retail - Class

Applicant: EMHAN, LLC

Trade Name: Rainbow Market

ANC: 4D01

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

**626 KENNEDY ST NW, WASHINGTON, DC 20011**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>	
<b>Sunday:</b>	<b>8 am - 10:30 pm</b>	<b>9 am -10 pm</b>	<b>-</b>
<b>Monday:</b>	<b>8 am - 10:30 pm</b>	<b>9 am - 10 pm</b>	<b>-</b>
<b>Tuesday:</b>	<b>8 am - 10:30 pm</b>	<b>8 am - 10 pm</b>	<b>-</b>
<b>Wednesday:</b>	<b>8 am - 10:30 am</b>	<b>9 am - 10 pm</b>	<b>-</b>
<b>Thursday:</b>	<b>8 am - 10:30 pm</b>	<b>9 am - 10 pm</b>	<b>-</b>
<b>Friday:</b>	<b>8 am - 10:30 pm</b>	<b>9 am - 10 pm</b>	<b>-</b>
<b>Saturday:</b>	<b>8 am - 10:30 pm</b>	<b>9 am - 10 pm</b>	<b>-</b>

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-091449

License Class/Type: B Retail - Class

Applicant: A & M, Inc.

Trade Name: Rock Creek Market

ANC: 1A08

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

**644 - 646 ROCK CREEK CHURCH RD NW, WASHINGTON, DC**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS: Tasting**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-060306

License Class/Type: B Retail - Groce

Applicant: J. J. Sun Corporation

Trade Name: Sun's Gallery

ANC: 6D01

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

**600 MARYLAND AVE SW A, Washington, DC 20024**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 12, 2014
Petition Date: October 27, 2014
Hearing Date: November 10, 2014
License No.: ABRA-071793

Licensee: Partners At 723 8th Street SeE, LLC
Trade Name: The Ugly Mug Dining Saloon
License Class: Retailer's Class "C" Restaurant
Address: 2436 14th Street NW
Contact Person: Gaynor Jablonski 703 928-3225
gaynorj@districtrg.com

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, NW, Washington, DC, 20009. A petition or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO THE NATURE OF OPERATIONS:

An expansion to the 2nd floor, and the addition of 144 seats, changing the total capacity to 242.

CURRENT HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION/INSIDE PREMISE AND SIDEWALK CAFE

Sunday 12 noon - 1:30 am Monday -Thursday 11:30 am -1:30 am
Friday and Saturday 11:30 - 3 am

HOURS OF LIVE ENTRTAINMENT OCCURING OR CONTINUING AFTER 6:00PM

Sunday through Thursday 6 pm - 1:30 am Friday and Saturday 6 pm - 3 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/12/2014**

Notice is hereby given that:

License Number: ABRA-088835

License Class/Type: B Retail - Groce

Applicant: Aki & Muller Corporation

Trade Name: Wheeler Market

ANC: 8E06

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

**4133 WHEELER RD SE, WASHINGTON, DC 20032**

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

**10/27/2014**

HEARING WILL BE HELD ON

**11/10/2014**

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

**ENDORSEMENTS:**

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

FOR FURTHER INFORMATION CALL (202) 442-4423

**HISTORIC PRESERVATION REVIEW BOARD****NOTICE OF PUBLIC HEARINGS**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

**Case No. 08-13: First Church of Christ, Scientist**  
**1770 Euclid Street NW**  
**Square 2560, Lot 872**  
**Affected Advisory Neighborhood Commission: 1C**

**Case No. 11-02: Real Estate Trust Company**  
**1333-1343 H Street NW**  
**Square 250, Lot 46**  
**Affected Advisory Neighborhood Commission: 2C**

**Case No. 14-18: The Hawthorne School/Southeastern University**  
**501 I Street SW**  
**Square 498, Lot 52**  
**Affected Advisory Neighborhood Commission: 6D**

The hearing will take place at **9:00 a.m. on Thursday, October 2, 2014**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4<sup>th</sup> Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

At the same time and place, the Historic Preservation Review Board will also hold a public hearing to consider an application to designate the following property/properties a historic district in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property/properties to the National Register of Historic Places:

**Case No. 14-12: George Washington/West End Historic District**  
**Affected Advisory Neighborhood Commission: 1A**

Including the following squares and parts of squares: all lots in Squares 78-S, 80, 101, 101-N, 102 and 103; most of Square 58 (Lots 5-8, 11 and 802-805); most of Square 77 (Lots 5, 60, 845 and 846); part of Square 78 (Lots 846 and 850); most of Square 79 (Lots 5, the eastern quarter of 64, and 65, 853, 854 and 861); part of Square 81 (Lots 59, 60, 74, 75, 78, 81, 811, 829 and 841); part of Square 104 (Lots 814 and 837); part of Square 121 (Lots 17 and 819); most of Square 122 (Lots 28, 824 and 825); and Reservations 28 and 29, also presently known by the following addresses: 514 19<sup>th</sup> Street NW; 532, 600, 700, 716, 720, 812, 814 and 820 20<sup>th</sup> Street NW; 600, 601, 602, 603, 604, 605, 606, 607, 609, 610, 619, 620, 701, 710, 714, 725, 730, 800, 805 and 825 21<sup>st</sup> Street NW; 515, 518, 520, 522, 524, 526, 603, 605, 607, 609, 611, 613, 615, 617, 619 and

621 22<sup>nd</sup> Street NW; 1900, 1916, 1918, 1922, 1925, 2000, 2021, 2025, 2031, 2033, 2035, 2037, 2101, 2109, 2111, 2113, 2115, 2121, 2123, 2135, 2140, 2142, 2144, 2145, 2146, 2147, 2148, 2150, 2152, 2154, 2156, 2200, 2206, 2208, 2210, 2212 and 2224 F Street NW; 1914, 1920, 2000, 2002, 2003, 2004, 2008, 2013, 2020, 2023, 2024, 2028, 2029, 2030, 2033, 2034, 2036, 2106, 2108, 2110, 2112, 2114, 2115, 2119, 2125, 2127, 2129, 2130, 2131, 2134, 2136, 2138, 2140 and 2142 G Street NW; 2000, 2003, 2013, 2021, 2029, 2033, 2036, 2100, 2119, 2121 and 2122 H Street NW; 2000 (2000-2042, even numbers; see also Pennsylvania Avenue), 2015, 2017, 2019, 2040, 2100 and 2124 I Street NW; and 2000 (see also I Street), 2019 and 2020 Pennsylvania Avenue NW.

In addition, the D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

**Case No. 14-13: The Ethelhurst**  
**1025 15<sup>th</sup> Street NW**  
**Square 216, Lot 26**  
**Affected Advisory Neighborhood Commission: 2F**

This hearing will take place at **9:00 a.m. on Thursday, October 23, 2014** at the same place and according to the same rules as those above.

Finally, the Board will hold a public hearing to consider applications to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

**Case No. 14-16: Van View**  
**7714 13<sup>th</sup> Street NW**  
**Parcel 91, Lot 142**  
**Affected Advisory Neighborhood Commission: 4A**

This hearing will take place at **9:00 a.m. on Thursday, October 30, 2014** at the same place and according to the same rules as those above.

The Board's hearings are open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic

District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the



property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION  
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**NOTICE OF PUBLIC HEARING**

**Proposed Rulemaking for Modern Taxicab Associations,  
Vehicle Retirement, and Issuance of DCTC Vehicle Licenses**

**SEPTEMBER 17, 2014  
10:00 A.M.**

The DC Taxicab Commission (DCTC) has scheduled a Public Hearing at 10:00 am on Wednesday, September 17, 2014 at 441 4<sup>th</sup> Street, NW in the Old Council Chambers to receive testimony on its notice of proposed rulemaking to amend Chapters 5, 6, and 8 of Title 31 of the D.C. Municipal Regulations: Modern Taxicab Associations, Vehicle Retirement, and Issuance of DCTC Vehicle Licenses. The notice was approved for publication as proposed rulemaking at the Special Commission Meeting on August 6, 2014, and is available on the Commission's website.

DCTC will use a protocol that will divide the hearing into two parts for those who intend to testify:

The first part of the hearing will consist of speakers on behalf of an association or advocacy group that represents vehicle owners and operators; a company or companies; or a company that is planning to begin operating in the District. These speakers may wish to appear together or with their leadership or legal representatives. Participants during this first part will be allowed up to thirty (30) minutes to present and must provide DCTC with ten (10) paper copies of their presentation delivered to DCTC's Executive Office by Tuesday, September 16, 2014 at 4:00pm. It should also be noted that the Commission members may elect to ask questions during this first phase.

Please be advised that if a legal representative, officer, or individual from an association, organization or company testifies during the first part of the hearing, then others from the same association, organization or company will NOT be allowed to testify in the second part of the hearing. The second part of the hearing will be reserved for the general public only. These participants will have five (5) minutes to present. Although it is not required, participants are urged to submit their presentations in writing in advance of the hearing. Please register with Juanda Mixon at 202-645-6018 extension 4 no later than Tuesday, September 16, 2014, by 4:00 pm.

The Commission may create panels for both groups. All participants are reminded that this is an issue of material importance to the public vehicle for hire industry. Therefore, when making suggestions as to what should be added or deleted to the proposed rulemakings, participants should cite the specific section of any current taxicab rate rule that is a concern, and provide a suggestion for alternative language, if appropriate. It is important to be clear and specific with presentations given the importance of taxicab rates to drivers, owners, and the riding public.

The Public Hearing will take place at the following time and location:

**WEDNESDAY, SEPTEMBER 17, 2014**

**10:00 am**

**OLD COUNCIL CHAMBERS**

**441 4<sup>TH</sup> Street, NW, Washington, DC 20001**

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, DECEMBER 2, 2014  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD THREE**

18870            **Application of Jennifer Keller**, pursuant to 11 DCMR § 3104.1, for a  
ANC-3C            special exception to allow an accessory apartment with a one-family  
semi-detached dwelling under subsection 202.10, in the R-1-B District at  
premises 3203 38<sup>th</sup> Street, N.W. (Square 1920, Lot 30).

**WARD THREE**

18868            **Application of Eli and Margaret Joseph**, pursuant to 11 DCMR §  
ANC-3D            3103.2, for a variance to allow additions to a one-family detached  
dwelling not meeting the front yard setback requirements under subsection  
1543.4, in the WH/R-1-B District at premises 4547 Lowell Street, N.W.  
(Square 1605, Lot 50).

**WARD SEVEN**

18864/18403    **Application of Roslyn Taylor**, pursuant to 11 DCMR § 3129.7, for a  
ANC-7D            modification of a previously approved special exception (Order No.  
18403) under section 205 to allow the expansion of a child development  
center (27 Children and 8 to 9 Teachers) in the R-1-B District at premises  
4428 Ord Street, N.E. (Square 5117, Lot 838).

**WARD FIVE**

18865            **Application of Kevin Latner**, pursuant to 11 DCMR § 3103.2, for  
ANC-5E            variances from lot occupancy, nonconforming structure, accessory  
building height and story limitations, alley setback and rear yard coverage  
requirements under sections 403, 2001.3, 2300, 2301, 2500 and 2500.4, to  
allow the construction of a new two car garage serving a flat in the R-4  
District at premises 21 Quincy Place, N.W. (Square 3101, Lot 104).

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**WARD TWO**

18866            **Application of Planned Parenthood Association of DC**, pursuant to 11  
ANC-2B            DCMR §§ 3104.1 and 3103.2, for variances from the court (section 536)  
and parking requirements (sections 2101 and 2120) and a special  
exception for office use (section 508) to allow a new mixed use residential  
and commercial office building in the SP-2 District at premises 1108 16th  
Street, N.W. (Square 183, Lot 111).

**WARD SIX**

18867            **Application of Growth Spurts**, pursuant to 11 DCMR § 3103.2, for a  
ANC-6A            variance from the off-street parking requirements under subsection 2101.1,  
to allow a child development center (30 children and 5 staff) in the C-1  
District at premises 1802 D Street, N.E. (Square 4547, Lot 814).

**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](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> 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 Y. HEATH, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING  
COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN,  
DIRECTOR, OFFICE OF ZONING**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF RESCHEDULED<sup>1</sup> PUBLIC HEARING**

**TIME AND PLACE:** Thursday, January 8, 2015, @ 6:30 p.m.  
Jerrily R. Kress Memorial Hearing Room  
441 4<sup>th</sup> Street, N.W., Suite 220-South  
Washington, D.C. 20001

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

**CASE NO. 03-12Q/03-13Q (Capper Carrollsburg Venture, LLC and D.C. Housing Authority – Modification to 1<sup>st</sup>-Stage PUD @ Squares 739, 767, and 768)**

**THIS CASE IS OF INTEREST TO ANCs 6B and 6D**

On December 31, 2013, the Office of Zoning received an application from Capper Carrollsburg Venture, LLC and the District of Columbia Housing Authority ("DCHA") (collectively, the "Applicant"). The Applicant is requesting a modification to the first-stage planned unit development ("PUD") and related zoning map amendment approved for Squares 739, 767, and 768 (the "Subject Property"), pursuant to Z.C. Order No. 03-12/03-13, as modified by 03-12H/03-13H. The Subject Property is part of a larger PUD, approved pursuant to Z.C. Order No. 03-12/03-13, effective October 8, 2004, that included 707 public housing replacement units.

The Office of Planning provided its set down report on January 31, 2014. At its February 10, 2014 public meeting the Commission set down the modification for a public hearing. The Commission also deferred consideration of a companion time extension request made in Z.C. Case No., 03-12R/03-13R until its consideration of final action under this case. The Applicant provided its prehearing statement on April 29, 2014.

In the Applicant's application materials, dated January 2, 2014, the Applicant sought a modification to the first-stage approval to reallocate the location and distribution of the remaining required Annual Contribution Contract ("ACC") units to provide 99 ACC units in Square 739; 48 ACC units in Square 767; 59 ACC units in Square 768; and 30 ACC units off-site in Lot 77 in Square 737. In the Applicant's subsequent prehearing submission materials, dated April 29, 2014, the Applicant revised its request so that rather than identifying Squares 739, 767, and 768 as the location for the remaining 206 on-site ACC units, the Applicant sought the flexibility to construct these units anywhere on the undeveloped squares within the PUD boundaries without identifying the number of units per square at this time.

The overall PUD site consists of approximately 33 acres of land area and is generally bounded by 2<sup>nd</sup> Street on the west, 7<sup>th</sup> Street on the east, Virginia Avenue on the north, and M Street on the south, all in the southeast quadrant of the District (the "PUD Site"). The PUD Site is within the boundaries of Advisory Neighborhood Commission 6D. The requested modification will maintain the approved total number of 707 public housing units proposed for the PUD Site.

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<sup>1</sup> This case was previously scheduled for hearing on September 22, 2014.

Z.C. NOTICE OF RESCHEDULED PUBLIC HEARING  
Z.C. CASE NO. 03-12Q/03-13Q  
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Instead of providing 695 ACC units on the PUD Site and 12 ACC units off-site, as approved in Z.C. Order No. 03-12/03-13, the modified development will provide 665 ACC units on the PUD Site and 42 ACC units on off-site locations. The requested modification does not change any of the zoning parameters for the approved PUD.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at [dcoz@dc.gov](mailto:dcoz@dc.gov) or at (202) 727-6311.

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 Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>. Any documents filed in this case must be submitted through the Interactive Zoning Information System (IZIS) found on the Office of Zoning website.**

**If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).**



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All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

**Time limits.**

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |    |                                  |                         |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition            | 60 minutes collectively |
| 3. | Organizations                    | 5 minutes each          |
| 4. | Individuals                      | 3 minutes each          |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001.

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

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

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

**TIME AND PLACE:**            **Thursday, December 4, 2014, @ 6:30 p.m.**  
   **Jerrily R. Kress Memorial Hearing Room**  
   **441 4th Street, N.W., Suite 220-S**  
   **Washington, D.C. 20001**

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

**Case No. 08-07A (Four Points, LLC and Curtis Properties, Inc. - 2<sup>nd</sup>-Stage PUD and PUD Modification @ 2255 Martin Luther King, Jr., Avenue, S.E.)**

**THIS CASE IS OF INTEREST TO ANC 8A**

On June 30, 2014, the Office of Zoning received an application from Four Points, LLC and Curtis Properties, Inc. (together, the "Applicant") for approval of a second-stage planned unit development ("PUD") and modifications to a previously approved first stage PUD for the above-referenced property.

The property that is the subject of this application consists of Lot 839 and part of Lot 906 in Square 5785 in southeast Washington, D.C. (Ward 8), which is located at 2255 Martin Luther King, Jr., Avenue, S.E. The property is zoned C-3-A through a PUD-related map amendment.

The Office of Planning provided a report on July 18, 2014. At its public meeting on July 28, 2014, the Zoning Commission voted to set the application down for a public hearing. The Applicant provided its prehearing statement on August 13, 2014.

The property has a total land area of approximately 23,976 square feet (0.55 acre). The Applicant proposes to develop a six-story, residential building on the property, with approximately 71 residential units, 80% of which will be devoted to those earning up to 60% of the area medium income ("AMI"). The first-stage PUD approved by the Commission authorized the filing of a second-stage PUD project that included 65 residential units, 65,000 square feet of space, a 2.57 floor area ratio ("FAR"), a lot occupancy of 43%, and a building height of 60 feet. The first-stage approval authorized 33 vehicle parking spaces and 22 bicycle parking spaces. The proposed project, as modified will have 71 residential units and 68,263 square feet of space, a 2.85 FAR, a lot occupancy of 47%, and a height of 65 feet. The proposed modified project also includes 26 vehicle parking spaces and 37 bicycle parking spaces.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written

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testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at [dcoz@dc.gov](mailto:dcoz@dc.gov) or at (202) 727-6311.

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 Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

**If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).**

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |    |                                  |                         |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition            | 60 minutes collectively |
| 3. | Organizations                    | 5 minutes each          |
| 4. | Individuals                      | 3 minutes each          |

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Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

**TIME AND PLACE:**           **Monday, December 1, 2014, @ 6:30 p.m.**  
                                  **Jerrily R. Kress Memorial Hearing Room**  
                                  **441 4th Street, N.W., Suite 220-S**  
                                  **Washington, D.C. 20001**

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

**Case No. 13-12 (1333 M Street SE, LLC – First-Stage PUD & Related Map Amendment at Square 1025-E, Lot 82, Square 1048-S, Lots 1, 801 and 802, RES 129 and RES 299 and Consolidated PUD Approval for Phase I of Proposed Development)**

**THIS CASE IS OF INTEREST TO ANC 6B**

On October 30, 2013, the Office of Zoning received an application from 1333 M Street SE, LLC ("Applicant"). The Applicant is requesting approval of a first-stage planned unit development ("PUD") and related zoning map amendment from the M Zone District to the C-3-C Zone District for Square 1025-E, Lot 82, Square 1048-S, Lots 1, 801 and 802, RES 129 and RES 299 ("Subject Property"). The Applicant is also requesting approval of a Consolidated PUD for Phase I of the proposed development.

The Office of Planning provided a report on February 28, 2014. At its public meeting on March 10, 2014, the Zoning Commission voted to set the application down for a public hearing. The Applicant provided its prehearing statement on August 14, 2014.

The Subject Property has a total land area of approximately 2.9 acres. It is a triangular shaped parcel located on the south side of M Street, bordered by the unimproved right of way for Virginia Avenue, S.E. and the right of way for Water Street, S.E. The PUD will be developed in four phases on three lots with approximately 673 residential units and approximately 10,370 square feet of retail uses. The overall FAR for the PUD will be 4.14 where an FAR of 8.0 is permitted and the overall lot occupancy for the project will be 45% where 100% is permitted. Phase I of the PUD consists of a ten-story residential tower containing approximately 181,911 square feet, generating approximately 218 dwelling units, an underground parking garage with approximately 67 spaces and approximately 44 surface parking spaces.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most

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important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3106.2.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at [dcoz@dc.gov](mailto:dcoz@dc.gov) or at (202) 727-6311.

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 Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

**If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.**

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |    |                                  |                         |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition            | 60 minutes collectively |
| 3. | Organizations                    | 5 minutes each          |
| 4. | Individuals                      | 3 minutes each          |

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Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

**TIME AND PLACE:** Monday, November 17, 2014, @ 6:30 P.M.  
Jerrily R. Kress Memorial Hearing Room  
441 4th Street, N.W., Suite 220-South  
Washington, D.C. 20001

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

**CASE NO. 14-09 (QC 369, LLC – Consolidated PUD and Related Map Amendment @ 9<sup>th</sup> and L Street, N.W., Square 369, Lots 40, 62, 65, 66, 67, 801, 802, 803, 804, 805, 838, 839, 842, 848, 859, and 878)**

**THIS CASE IS OF INTEREST TO ANC 2F**

On June 17, 2014, the Office of Zoning received an application from QC 369 LLC ("Applicant"), the contract purchaser of Lots 40, 62, 65, 66, 67, 801, 802, 803, 804, 805, 838, 839, 842, 848, 859, and 878 in Square 369 (the "Property"), requesting approval of a planned unit development ("PUD") and related map amendment to rezone a majority of the Property from the DD/C-2-A and DD/C-2-C Zone Districts to the DD/C-3-C Zone District. A portion of the Property fronting on 9<sup>th</sup> Street will remain in the DD/C-2-A Zone District. The Office of Planning provided its report on July 18, 2014, and the case was set down for a public hearing on July 28, 2014. The Applicant provided its prehearing statement on August 7, 2014.

The Property consists of approximately 70,787 square feet of land area. The Property is currently improved with a surface parking lot and nine vacant historic buildings, seven of which will be incorporated into the new redevelopment project. The Applicant proposes to construct a mixed-use building on the Property comprised of residential uses and two hotels, a Courtyard by Marriott and a Residence Inn by Marriott. The new building will be constructed to an overall maximum height of 110 feet and will contain approximately 568,921 square feet of gross floor area. Proposed uses will include approximately 222,027 square feet of gross floor area devoted to residential uses and approximately 346,894 square feet of gross floor area devoted to the hotel uses. The overall floor area ratio for the site will be 8.04.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.



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**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

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 Commission, not less than 14 days prior to the hearing, a Form 140 – Party Status Application.** 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](http://www.dcoz.dc.gov). **Any documents filed in this case must be submitted through the Interactive Zoning Information System (IZIS) found on the Office of Zoning website.**

To the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1, the Applicant shall also provide this information not less than 14 days prior to the date set for the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).

**Time limits.**

For each segment of the hearing conducted on the dates listed above, the following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |                                     |                         |
|-------------------------------------|-------------------------|
| 1. Applicant and parties in support | 60 minutes collectively |
| 2. Parties in opposition            | 60 minutes collectively |
| 3. Organizations                    | 5 minutes each          |
| 4. Individuals                      | 3 minutes each          |

Pursuant to section 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001.

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

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



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400.2 HEIGHT OF BUILDINGS OR STRUCTURES (R)	Adds a reference to proposed new § 400.23 to the list of provisions that allow the height limits to be exceeded. In this instance, proposed new § 400.23 through 400.25 would allow a height of 40 feet by special exception.
400.23 through 400.25 HEIGHT OF BUILDINGS OR STRUCTURES (R)	New subsections to authorize special exception relief to permit an additional five feet in height in the R-4 zone and establish the criteria to be met by an applicant.
400.7 HEIGHT OF BUILDINGS OR STRUCTURES (R)	Limit the height of a roof structure on a one-family dwelling or flat in all residence zones to ten feet above the roof.
330.5 (e) R-4 DISTRICTS: GENERAL PROVISIONS	The provision would be repealed thereby eliminating the matter of right use of an apartment house converted from a building or structure existing prior to May 12, 1958.
336 CONVERSIONS OF NON-RESIDENTIAL BUILDINGS OR STRUCTURES TO APARTMENT HOUSES (R-4)	A new section authorizing a special exception to permit the conversion of a non-residential building or structure existing prior to May 12, 1958 to an apartment house and establishing the criteria to be met by the applicant. Because the conversion of a residential building to an apartment house would not be a permitted use nor allowed by special exception, such conversion could only be permitted by variance. A further option would be to expand the special exception to encompass the conversion of all buildings, whether residential or non-residential. The proposed section includes a provision providing that existing apartment houses converted from residential uses would be deemed conforming, but not permitted to expand without the approval of the BZA. Existing apartment houses converted from residential uses would still be deemed conforming by virtue of the definition of “Nonconforming Use” at 11 DCMR 199.1.

At the meeting, OP amended its recommendation to include two alternative amendments that the Zoning Commission set down, and are advertised in concept:

<u>Alternative 1 (OP):</u> CHAPTER 26, INCLUSIONARY ZONING	If the Commission decides to continue to permit the conversion of a residential structure to an apartment house, either by right or by special exception <sup>1</sup> , OP proposes such conversions be subject to Inclusionary Zoning requirements as follows: <ol style="list-style-type: none"> <li>1) If the conversion complies with the requirement of § 401.3 that there be at least 900 square feet of lot area per dwelling unit (“900 SF Requirement”), the fourth unit and all units beyond four would be subject to IZ at 60% Area Median Income (AMI); or</li> <li>2) If the conversion is enabled by zoning relief to the 900 SF Requirement, all units beyond the permitted two, would be subject to IZ at 60% AMI.</li> </ol>
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<sup>1</sup> Although OP’s proposal would disallow the conversion of residential structures to apartment houses and only permit the conversion of non-residential structures by special exception, testimony favoring the expansion of this special exception to permit the conversion of residential structures would be within the permitted scope of this hearing.

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<p><u>Alternative 2 (OP):</u> 401.12 MINIMUM LOT DIMENSIONS (R)</p>	<p>Permit the conversions of non-residential properties only by special exception and allow for relief from the 900 SF of land per unit requirement as part of that special exception, with no limit on the number of units that could be permitted.</p>
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After consideration of the OP proposals, the Commission took action to also setdown other alternatives for public comment:

<p><u>Alternative 3 (ZC):</u> 401.13 MINIMUM LOT DIMENSIONS (R)</p>	<p>Continue to permit the matter of right conversions of all structures to apartment houses subject to the 900 SF of land per unit requirement, but permit special exception relief from the 900 SF requirement for an apartment house conversion of no more than four units.</p>
<p><u>Alternative 4 (ZC):</u> 401.13 MINIMUM LOT DIMENSIONS (R)</p>	<p>Continue to permit the matter of right conversions of all structures to apartment houses subject to the 900 SF of land per unit requirement, but permit special exception relief from the 900 SF requirement with no limit on the number of units that could be permitted.</p>

Public comment is requested on the following amendments to the Zoning Regulations and the alternatives. New text is shown in **bold** type and text to be deleted is shown in ~~strikethrough~~.

*1. Amendment pertaining to mezzanines.*

Amend § **199, DEFINITIONS** as follows:

**Mezzanine** - a floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below. A mezzanine shall ~~not~~ be considered a story in determining the maximum number of permitted stories in a ~~Residential zone~~ **Residence district**.<sup>2</sup>

*2. Amendments pertaining to the maximum height of buildings and structures in the R-4 District.*

Amend § **400.1, HEIGHT OF BUILDINGS OR STRUCTURES (R)**, as follows:

Amend § 400.1 AND 400.2 as follows:

400.1 Except as specified in this chapter and in chapters 20 through 25 of this title, the height of buildings or structures in a Residence District shall not exceed that given in the following table:

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<sup>2</sup> This is a technical change requested by the Office of the Attorney General to make the reference consistent with the terminology used in Chapter 4.

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ZONE DISTRICT	MAXIMUM HEIGHT (Stories)	MAXIMUM HEIGHT (Stories)
R-4	3540	3
R-1-A,R-1-B,R-2 R-3, <del>R-4</del> .R-5-A	40	3
R-5-B	50	no limit
R-5-C	60	no limit
R-5-D	90	no limit
R-5-E	90	no limit

400.2 Except as provided in § 2510, the height of buildings or structures specified in § 400.1 may be exceeded as provided in §§ 400.3 through 400.13 and § 400.23 through 400.25.

By adding new § 400.23 through 400.25 as follows:

**400.23** In an R-4 District, a building or other structure may be erected to a height not exceeding forty feet (40 ft.) by special exception if approved by the Board of Zoning Adjustment, provided that the Applicant demonstrates compliance with the general special exception standard of § 3104.1 and the specific criteria of § 400.24 and 400.25.

**400.24** The Applicant shall demonstrate that the overall building or structure height or upper addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
- (c) The resulting building or structure height, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

**400.24** The Applicant shall demonstrate that overall building or structure height or upper addition resulting from the additional five feet (5 ft.) will not have a substantially adverse effect on the defining architectural features of the building or result in the removal of such features.

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**400.25** In demonstrating compliance with § 400.24 and 400.25, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the new or extended building or structure to adjacent buildings and views from public ways.

3. *Amendments pertaining to pertaining to roof structures in residence zones.*

Amend § 400.7 and 400.8 as follows:

400.7 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

- (a) It shall meet the requirements of § 411;
- (b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;
- (c) ~~It shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.~~ **For one- family detached, semi-detached and row dwellings, and flats, it shall not exceed ten feet (10 ft.) in height above the roof upon which it is located;**
- (d) **For all other buildings and structures it shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located; and**
- (e) **For all buildings and structures mechanical equipment shall not extend above the permitted maximum height of the housing, as specified in paragraphs (c) and (d) above.**

400.8 Housing for mechanical equipment, a stairway, or elevator penthouse **that comply with § 400.7** may be erected to a height in excess of that authorized in the district in which it is located.

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4. *Amendments pertaining to the conversion of buildings or structures in the R-4 District to apartment houses*

Amend § 330, **R-4 DISTRICTS: GENERAL PROVISIONS**, by repealing § 330.5 (e) as follows:

330.5.1 The following uses shall be permitted as a matter of right in an R-4 District: ...

~~(e) The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited by §§ 401.3 and 403.2~~

If this use permission is retained, Alternative 1 (OP) would add a requirement for the conversion of residential structures that either: 1) the fourth unit and all units beyond four would be subject to IZ at 60% Area Median Income (AMI) if the conversion complies with the 900 SF Requirement; or 2) all units beyond the permitted two, would be subject to IZ at 60% AMI if the conversion is enabled by zoning relief from the 900 SF Requirement. It would also necessitate the amendment of Chapter 26, Inclusionary Zoning to implement the requirement.

Add a new § 336 as follows:

**336 CONVERSIONS OF NON-RESIDENTIAL BUILDINGS OR STRUCTURES TO APARTMENT HOUSES (R-4)**

**336.1 Subject to the lot area requirement of § 401.3, a non-residential building or other structure in an R-4 District existing before May 12, 1958 may be converted to an apartment house by special exception if approved by the Board of Zoning Adjustment, provided that the Applicant demonstrate compliance with the general special exception standards of § 3104.1 and with the specific criteria of §§ 336.2 through 336.9.**

**336.2 The building was not built to be part of a residential row of homes.**

**336.3 If the conversion involves an addition, on a parking lot or yard abutting a street right of way, the addition shall maintain or create a streetwall consistent with the immediate neighborhood.**

**336.4 Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:**

**(a) The light and air available to neighboring properties shall not be unduly affected;**

**(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and**



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(c) The conversion and any associated addition, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

**336.5** In demonstrating compliance with § 336.4, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

**336.6** The lot occupancy of all new and existing structures on the lot shall not exceed seventy percent (70%).

**336.7** The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

**336.8** This section may not be used to permit the introduction or expansion of a nonconforming use.

**336.9** An apartment house in an R-4 District, converted from a residential building prior to [THE EFFECTIVE DATE OF THIS AMENDMENT] shall be considered a conforming use and structure, but shall not be permitted to expand unless approved by the Board of Zoning Adjustment pursuant to § 3104.1 and 3104.3.

If this section is adopted, Alternative 1 (OP) would add a requirement that either: 1) the fourth unit and all units beyond four would be subject to IZ at 60% Area Median Income (AMI) if the conversion complies with the 900 SF Requirement; or 2) all units beyond the permitted two, would be subject to IZ at 60% AMI if the conversion is enabled by a variance or special exception (as proposed in Alternative 2 (OP)) from the 900 SF Requirement. It would also necessitate the amendment of Chapter 26, Inclusionary Zoning to implement the requirement.

Amend § 401, MINIMUM LOT DIMENSIONS (R), as follows:

Amend the table appended to § 401.3 to modify the R-4 provisions pertaining to the conversion of a building or structure to an apartment house as follows:

**401.3** Except as prescribed in the other provisions of this chapter, the minimum dimensions of a lot in a Residence District shall be as set forth in the following table:

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ZONE DISTRICT AND STRUCTURE	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
R-4 Conversion of a <b>non-residential</b> building or structure <b>pursuant</b> <b>§401.12</b> to an apartment house	900/apartment or bachelor apartment	n/a

Amend § 401.11 to note the proposed repeal of §330.5 (e) and the proposed adoption of new § 336 as follows:

401.11 An apartment house in an R-4 District, whether converted from a building or structure pursuant to **former** § 330.5 (e) **or existing § 336** or existing before May 12, 1958, may not be renovated or expanded so as to increase the number of dwelling units unless there are 900 square feet of lot area for each dwelling unit, both existing and new.

Both Alternative 2 (OP) and Alternative 3 (ZC) propose permitting special exception relief from the requirement that there be a minimum lot area of 900 square feet for each dwelling unit in a proposed conversion. The Commission would make this special exception relief available even if no change is made to existing § 330.5 (e), which permits the matter of right conversion of any type of building or structure to an apartment house, subject to the lot area per dwelling unit minimum. OP proposes to repeal that provision, and to only permit the conversion of non-residential buildings and only by special exception. Thus, its alternative to allow special exception relief from the 900 SF Requirement would only be available to non-residential properties seeking the separate special exception relief to convert to an apartment house.

Both Alternatives could be codified by adding a new § 401.12 as follows:

401.12 The Board of Zoning Adjustment is authorized to grant special exception relief from the lot dimension requirement of § 401.3 applicable to the conversion of a [non-residential] building or structure to an apartment house in the R-4 District.

The bracketed text would be included if the Alternative 2 (OP) was accepted and removed if Alternative 3 (ZC) was approved instead.

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

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All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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## DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles (Director), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2012 Repl.)); Sections 6, 7, and 13 of the District of Columbia Traffic Act of 1925 (the Act), approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03, 50-1401.01, and 50-1403.01 (2012 Repl.)); Section 10a(a) of the Act, as amended by the Driving Under the Influence Repeat Offenders Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-238; D.C. Official Code § 50-2201.05a(a)) (2012 Repl.); and Mayor's Order 2002-72, dated April 3, 2002, hereby gives notice of the adoption of the following rules that amends Chapter 3 (Cancellation, Suspension, or Revocation of Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking modifies the terms of participation in the ignition interlock program.

No comments were received and no changes were made to the Notice of Proposed Rulemaking as published in the *D.C. Register* on August 1, 2014 at 61 DCR 7888. The final rules were adopted on September 2, 2014 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 3, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:**

**Section 311, IGNITION INTERLOCK PROGRAM, is amended as follows:**

**Subsection 311.1 is amended to read as follows:**

311.1

- (a) The ignition interlock program allows for reduction of the revocation periods imposed by §§ 306.4, 306.6 and 306.7 of this title by permitting an offender of driving under the influence laws to obtain a restricted driver license.
- (b) A person shall remain in the ignition interlock program throughout the revocation period imposed, and for any additional time imposed by the Director pursuant to § 311.15(b).

**Subsection 311.3 is amended to read as follows:**

311.3

Upon having his or her driver license revoked pursuant to §§ 306.4, 306.6 or 306.7 of this title, a person may apply for participation in the ignition interlock program on a form provided by the Director.

**Subsection 311.4 is amended as follows:**

- 311.4 No person may be accepted into the ignition interlock program if he or she has:
- (a) A prior conviction for causing injury or death while operating a motor vehicle in any jurisdiction; or
  - (b) Failed to successfully complete the District of Columbia ignition interlock program or the ignition interlock program of another jurisdiction within five (5) years prior to the date of the application, except as allowed in the discretion of the Director pursuant to § 311.24. For purposes of this section, “failed to successfully complete” means the person was either terminated from or voluntarily withdrew from an ignition interlock program prior to completion.

**Subsection 311.7 is amended by striking the phrase “, unless extended pursuant to § 311.18” and inserting the phrase “in accordance with this section” in its place.**

**Subsection 311.13 is amended to read as follows:**

- 311.13 A participant shall be deemed to be in violation of the ignition interlock program requirements if the individual:
- (a) Receives a suspension, revocation, or cancellation of his or her restricted driver license or driving privilege;
  - (b) Has the ignition interlock device installed in a vehicle with an expired or invalid registration;
  - (c) Removes the ignition interlock device without prior approval from the Director;
  - (d) Operates a vehicle that was not listed in the application filed under § 311.5 and approved by the Director;
  - (d) Operates a vehicle with knowledge that the ignition interlock device is not functioning properly and accurately;
  - (e) Tamper with, bypasses, damages, removes, or renders the ignition interlock device inoperable or allows another individual to tamper with, bypass, damage, remove, or render the ignition interlock device inoperable;
  - (f) Attempts to start or operate a vehicle with a breath alcohol concentration greater than 0.025 percent, as measured by the ignition interlock device,

unless there is a subsequent breath alcohol concentration reading below 0.026 percent within five (5) minutes thereafter;

- (g) Fails to submit to a breath alcohol concentration retest after starting the vehicle;
- (h) Fails to take each vehicle identified in the application to a servicing appointment as required by § 311.8;
- (i) Fails to abide by the terms and conditions of the participant's agreement with the approved certified service provider;
- (j) Allows another individual to blow into the ignition interlock device before the participant operates the vehicle or while the participant is operating the vehicle;
- (k) Fails to maintain proof of financial responsibility;
- (l) Fails to comply with 18 DCMR § 306.11 in the time period set forth by the Director; or
- (m) Participates in any other act or use of the ignition interlock device that poses a threat to public safety.

**Subsection 311.15 is amended to read as follows:**

311.15

- (a) The Director may terminate a participant from the ignition interlock program for any violation listed in § 311.13.
- (b) Instead of terminating a participant from the ignition interlock program for a violation listed in § 311.13, the Director may require the participant to serve an additional sixty (60) days in the program for the participant's first violation, ninety (90) days for the participant's second violation, and one hundred and twenty (120) days for each subsequent violation.
- (c) The additional period set forth in subparagraph (b) shall extend the time the participant is required to remain in the ignition interlock program beyond the revocation period.

**Subsection 311.18 is amended to read as follows:**

311.18 [REPEALED.]

**Subsection 311.19 is amended to read as follows:**

311.19 [REPEALED.]

**Subsection 311.20 is amended to read as follows:**

311.20 Prior to termination from the ignition interlock program or the imposition of any penalties pursuant to § 311.15, the participant shall be given ten (10) days written notice and an opportunity to request a hearing by the Director or the Director's designee. The request for a hearing shall be in writing. Failure to timely request a hearing shall waive any rights to such hearing. The hearing shall be informal, and may be conducted in person, by telephone, by mail, or through the internet, and shall be limited to the issue of whether or not the offense was committed. Documentation from the ignition interlock device, an approved certified service provider, a court, an administrative agency, or a law enforcement official shall be prima facie evidence that the offense was committed.

**Subsection 311.21 is amended to read as follows:**

311.21 The Director shall revoke the driver license of a person who unsuccessfully participates in the ignition interlock program. The license revocation period shall be for the full period of time provided by §§ 306.4, 306.6 or 306.7, whichever is applicable, without credit for any time served, as well as any extension period imposed by the Director pursuant to § 311.15(b).

**Subsection 311.22 is amended to read as follows:**

311.22 The Director shall revoke the registration of all vehicles identified in the application of a participant who unsuccessfully participates in the ignition interlock program. The period of revocation shall be concurrent with the period of time during which the participant's driver license is revoked.

**Subsection 311.23 is added to read as follows:**

311.23

- (a) If a participant fails to successfully complete the ignition interlock program, the person may request that the Director allow re-enrollment and re-entry into the program no earlier than thirty (30) days from the date the participant was terminated or withdrew from the program.
- (b) If a participant failed to successfully complete an ignition interlock program in another jurisdiction, the person may request that the Director allow him or her to enroll in and enter the District of Columbia ignition interlock program no earlier than thirty (30) days from the date the participant was terminated or withdrew from the program.

- (c) The decision to allow a participant to enter or re-enter the program pursuant to this subsection is within the discretion of the Director, and is not subject to review.

**Subsection 311.24 is added to read as follows:**

- 311.24 A participant who re-enters the ignition interlock program pursuant to § 311.23(a) shall not be credited for time served, and shall be required to participate in the ignition interlock program for the full period of time that was originally imposed, as well as any additional time imposed by the Director pursuant to § 311.15.

**Subsection 311.25 is added to read as follows:**

- 311.25 An applicant entering the ignition interlock program pursuant to § 311.23(b) shall not be credited for time served, and shall be required to participate in the ignition interlock program for either the full period of time that would have been imposed if the offense had occurred in the District, or the period of time remaining to be served in the former jurisdiction, whichever is greater.

**Subsection 311.26 is added to read as follows:**

- 311.26 If the applicant’s driver license was revoked pursuant to §§ 306.6 or 306.7, and the applicant seeks admittance into the ignition interlock program more than six (6) months after revocation, he or she will be required to pass the written knowledge test and the road test.



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

The Director of the D.C. Department of Human Resources (DCHR), pursuant to Mayor's Order 2008-92, dated June 26, 2008, and with the concurrence of the City Administrator; Mayor's Order 2007-95, dated April 18, 2007; Mayor's Order 2012-19, dated June 18, 2012; and in accordance with the provisions of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01); and Sections 422(2)(3)(11) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; D.C. Official Code § 1-204.22(2)(3)(11) (2012 Repl.)), hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, the following amendments to Chapter 4 (Organization for Personnel Management), of Title 6, Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR).

The main purpose of these rules is to amend Chapter 4, "Organization for Personnel Management," of Subtitle B of Title 6 of the DCMR, in its entirety. Upon adoption, these rules will amend Chapter 4, Organization for Personnel Management, of Title 6B of the DCMR, published at 32 DCR 75 (January 4, 1985) and amended at 33 DCR 4447 (July 25, 1986), 51 DCR 928 (January 23, 2004), 51 DCR 11591 (December 24, 2004), 52 DCR 6646 (July 15, 2005), 55 DCR 724 (January 25, 2008), 55 DCR 8870 (August 15, 2008), 56 DCR 004346 (June 5, 2009), and 58 DCR 00036 (January 21, 2011).

**Chapter 4, "Organization for Personnel Management," of Subtitle B of Title 6, "Government Personnel", of the District of Columbia Municipal Regulations is repealed and replaced as follows:**

**The title of Chapter 4 of the D.C. Personnel Regulations is renamed to "Suitability" and is amended as follows:**

**400 EMPLOYEE SUITABILITY POLICY**

400.1 The District government maintains a highly qualified and diverse workforce comprised of suitable individuals of moral character and dedication who carry out government business in a manner that honors the public trust. These employees are committed to promoting the safety and security of District personnel, residents, visitors, and government property.

400.2 It is the policy of the District government to assess the suitability of each applicant, volunteer, and employee through uniform background checks and drug and alcohol testing, as deemed necessary, which meet the District's need for flexible personnel administration, government accountability, individual privacy, and other constitutionally protected rights.

400.3 General background checks, criminal background checks, and mandatory drug and alcohol testing shall be utilized to ensure that each applicant, volunteer, and

employee possesses the character and background necessary to enhance the integrity and efficiency of the District government.

400.4 Unless otherwise specified in this chapter, an employee deemed unsuitable pursuant to this chapter, shall be subject to immediate removal unless the employee may be reasonably reassigned to a non-covered position, for which he or she is qualified and otherwise suitable.

**401 APPLICABILITY**

401.1 Unless otherwise specified, the provisions of this chapter shall apply to all applicants, volunteers, and employees for positions within the District government agencies under the personnel authority of the Mayor, except for candidates for uniformed positions in the Fire and Emergency Medical Services Department and Metropolitan Police Department, who shall be covered by suitability provisions in Chapter 8 of these regulations.

401.2 Applicants, volunteers, and employees for positions within the District government under the personnel authority of independent agencies are subject to the provisions of this chapter, unless otherwise specified by law, rules, or regulations.

401.3 Negotiated labor agreements shall be read to give effect to this chapter to the fullest extent possible.

**402 GENERAL SUITABILITY SCREENING**

402.1 All individuals selected for employment, and prior to the issuance of an offer of employment, shall undergo a general suitability screening. The personnel authority shall conduct a general suitability screening that includes verification of the following:

- (a) Past employment, including dates, compensation, titles held, duties, performance, and reason for separation;
- (b) Educational background, including all relevant diplomas and degrees;
- (c) Licenses, certifications, and training, as required for the position; and
- (d) At least three (3) reference checks to ascertain character, reputation, relevant traits, and other relevant qualities, and whether the individual providing the reference would recommend the applicant for the position for which he or she is being considered. The reference checks shall be made with the individual's former employer; except, that personal references may be utilized instead of, or in addition to, checks with former employers as deemed necessary by the personnel authority.

402.2 Unless otherwise provided by law, regulation, or Sections 406 through 438, in filling a position subject to a general suitability screening, a screening need not be conducted if the appointee is already employed with the District government in a position subject to a general suitability screening, and the nature of the personnel action for the new appointment is one (1) of the following:

- (a) Promotion;
- (b) Demotion;
- (c) Reassignment; or
- (d) An appointment or conversion of an employee who has been serving continuously with a District government agency for at least one (1) year in a position(s) under an appointment subject to a general background check.

**403 CONDUCTING GENERAL SUITABILITY SCREENING**

403.1 The personnel authority for each agency shall verify the following information, and shall record the date, time, means, and results of such verification:

- (a) Past employment;
- (b) Residency (if a preference is claimed);
- (c) Military service (if a preference is claimed);
- (d) Education, if required by the position or if used to substitute for experience in qualifying the individual for the position;
- (e) License, certification, or training, if required by the position or if used in qualifying the individual for the position; and
- (f) References.

403.2 Upon completing a general suitability screening in accordance with this Subsection 403.1, the personnel authority shall inform the agency of the results, and may make a determination that an appointee is not suitable for employment, and may thereby:

- (a) Deny him or her examination for or appointment to the position for which the individual had been considered; or
- (b) Require that the employing agency terminate the appointee from District government service.

403.3 A subordinate agency that has been delegated personnel authority to conduct general suitability screenings in accordance with this section shall promptly make an appropriate determination under Subsection 403.2 upon completing the general suitability screening, and immediately inform the program administrator of the determination, in writing.

403.4 If any discrepancies, consistent with Section 408, are identified, a subordinate agency that has been delegated personnel authority to conduct general suitability screenings shall investigate to the fullest extent of their ability until the discrepancies are resolved. Individuals under consideration for the positions shall fully cooperate in any such investigation as a prerequisite to employment.

403.5 When a discrepancy cannot be resolved, the discrepancy shall be presented in writing to the personnel authority, who will determine within ten (10) days of receipt of the request, whether the individual is disqualified.

403.6 A general suitability screening shall be deemed valid for a period of one (1) year and need not be repeated by a program administrator for subsequent applications by the same individual for that period of time.

**404 RESERVED**

**405 RESERVED**

**406 ENHANCED SUITABILITY SCREENING – GENERAL PROVISIONS**

406.1 In addition to a general suitability screening, applicants, volunteers, and employees shall be subject to one (1) or more of the following enhanced suitability background checks and mandatory drug and alcohol testing, as dictated by the applicable position:

- (a) Criminal background check;
- (b) Traffic record check;
- (c) Consumer credit check; and
- (d) Pre-employment drug and alcohol test;
- (e) Reasonable suspicion drug and alcohol test;

- (f) Random drug and alcohol test;
- (g) Post-accident or post-incident drug and alcohol test; or
- (h) Return-to-duty and follow-up drug and alcohol test.

406.2 Agencies under the personnel authority of the Mayor shall conform to the standards and procedures established in this chapter for screenings.

406.3 No individual may be appointed to a safety or security sensitive position until the completion of a negative drug test.

406.4 Each current employee in a covered position shall be subject to an enhanced suitability screening beginning within forty-five (45) days of the publication in the *D.C. Register* of the Notice of Final Rulemaking implementing the criminal background check requirements of this chapter. The personnel authority shall notify each current employee in a covered position that he or she shall be subject to an initial enhanced suitability screening under the chapter prior to conducting any such screening. Employees who occupy protection sensitive positions at the time these rules become final shall not be subject to an initial drug or alcohol test.

406.5 The Director of the DCHR (or his or her designee) shall publish in the Electronic-District Personnel Manual (or any other electronic procedural manual or manuals developed) positions in subordinate agencies subject to enhanced suitability screening pursuant to this chapter.

406.6 Subsequent to criminal background checks being conducted under Subsection 406.1, a criminal background check shall be conducted for each employee and volunteer in a covered position on a bi-annual basis or whenever there is reasonable suspicion that the employee or volunteer has been arrested or charged with a criminal offense listed in Subsection 416.2(c) of this chapter.

406.7 The position description for each position designated as safety, protection, or security sensitive shall include a statement of such designation and a statement indicating that incumbents of the position shall be subject to enhanced suitability screening.

406.8 Agencies subordinate to the Mayor and independent agencies that are subject to these regulations shall cover the full administrative costs of the enhanced suitability screenings listed in Subsection 406.1 of this chapter.

**407 ENHANCED SUITABILITY SCREENING – RECRUITMENT REQUIREMENTS**

407.1 In the case of competitive recruitment for a position requiring an enhanced suitability screening, the vacancy announcement and subsequent offer letter to the appointee shall include statements with the following information that:

- (a) The position for which he or she is applying has been identified and designated as requiring enhanced suitability screening;
- (b) If tentatively selected for the position, a criminal background check, traffic record check, consumer credit check, and mandatory drug and alcohol testing, as appropriate, will be conducted; and
- (c) The appointee to the position may be offered employment contingent upon receipt of a satisfactory enhanced suitability screening.

407.2 In the case of non-competitive recruitment for a position requiring enhanced suitability screening, the offer letter to the individual being considered for employment shall be provided and contain the information outlined in Subsection 407.1 of this section.

407.3 Subject to the approval of the program administrator, an appointee to a covered position may be offered employment contingent upon receipt of a satisfactory enhanced suitability screening. No appointees shall work in an unsupervised setting, prior to receiving the results of the screening, and prior to the employing agency making a determination that the appointee meets the requirements of the chapter.

**408 ASSESSING GENERAL SUITABILITY SCREENINGS**

408.1 The appropriate authority shall evaluate any derogatory information received during a general suitability screening and determine whether an individual is suitable for the specific position for which he or she has applied. If an individual is found unsuitable, he or she shall be disqualified for appointment to that position.

408.2 The reasons which may be used in making a determination of disqualification of an appointee due to unsuitability may include, but shall not be limited to the following:

- (a) Delinquency or misconduct in prior employment;
- (b) Dishonest or other conduct of a nature that could undermine the public’s confidence in the District government’s integrity;
- (c) Any false statement, or the engagement in deception or fraud in connection with the examination or appointment process;
- (d) Evidence of ongoing abuse of a drug or alcohol; or

- (e) Any lawful and articulable reason that is neither arbitrary nor capricious.

408.3

Prior to disqualifying an appointee based on derogatory information, the personnel authority shall determine whether disqualification is warranted. The personnel authority shall make this determination by considering the conduct or event(s) related to the derogatory information in the context of:

- (a) The specific duties and responsibilities of the position;
- (b) The bearing, if any, the derogatory information has on those duties and responsibilities;
- (c) The length of time that has passed since the conduct or event(s);
- (d) The frequency and seriousness of the conduct or event(s);
- (e) Any mitigating information provided by an individual in response to the derogatory information; and
- (f) Whether, based on the totality of information available, the appointee possesses the necessary moral character and dedication to successfully serve the public.

408.4

The personnel authority or program administrator shall initiate suitability action(s) against District government employees pursuant to this section and chapter when:

- (a) The personnel authority or program administrator makes a determination that the employee provided a materially false statement, engaged in deception or fraud in his or her examination or appointment with the District government, or engaged in the falsification of official personnel records;
- (b) Derogatory information about the employee, of a nature that constitutes an immediate hazard to the agency, the employee concerned, to other employees, or to the detriment of the public health, safety, or welfare, is disclosed by a credible source or independently discovered by the program administrator or the employing agency;
- (c) Derogatory information about an employee, of a nature that will impact the employee's suitability to continue performing the duties of his or her position, is disclosed by a credible source or independently discovered by the program administrator or employing agency; or

(d) A determination is made to terminate the employment of an employee subject to the provisions on enhanced suitability screening of this chapter because:

- (1) The employee has failed a criminal background check; or
- (2) Consistent with Subsection 417.4, the employee has been convicted of, has pleaded *nolo contendere*, is on probation before judgment, was placed upon a stet docket, or has been found not guilty by reason of insanity for a sexual offense involving a minor.

408.5 Unless otherwise provided pursuant to law or regulation, when an appointee is disqualified for any of the reasons listed in Subsection 408.2, or for other reasons not listed, the program administrator, at its discretion, may continue to rely on that determination with regard to subsequent applications for employment to a position in one of the categories listed in Section 409, for a period of not more than one (1) year from the date of determination of disqualification, after which a new suitability screening shall be required.

408.6 Upon expiration of the one (1) year period under Subsection 408.5, a new suitability screening shall be conducted and a re-determination made before the individual may be appointed to any position in one of the categories listed in Section 409 of this chapter.

408.7 Employees separated under Subsection 429.1 and applicants denied employment under Subsection 429.2 shall not be eligible for employment in a safety sensitive or protection sensitive position for a period of one (1) year from the date of his or her removal or disqualification. All appeals of decisions shall be in accordance with Section 425 of this chapter.

#### **409 POSITIONS SUBJECT TO ENHANCED SUITABILITY SCREENING**

409.1 Each agency head (or his or her designee), with the concurrence of the program administrator, shall identify and determine which positions in the agency shall be subject to an enhanced suitability screening. In identifying the covered positions, the program administrator shall ensure that the duties and responsibilities of each position fall into one of the categories described in Subsection 409.2 of this section. The identification of these positions shall be consistent with the spirit of Subsection 400.2 of this chapter.

409.2 The types of positions that are subject to enhanced suitability screenings, as defined in Subsection 406.1 for applicants, volunteers, and employees are positions with duties and responsibilities that shall be categorized as follows:

- (a) Safety sensitive, which are positions with duties or responsibilities which if performed while under the influence of drugs or alcohol, could lead to a



lapse of attention that could cause actual, immediate and permanent physical injury or loss of life to self or others;

- (b) Protection sensitive, which are positions with duties or responsibilities caring for or ensuring the well-being of children or youth, patients, the elderly, or other vulnerable persons; and
- (c) Security sensitive, which are positions of special trust that may reasonably be expected to affect the access to or control of activities, systems, or resources that are subject to misappropriation, malicious mischief, damage, loss, impairment, or control of communications.

409.3 An employee who is detailed, temporarily promoted, or temporarily reassigned from a non-covered position to a covered position shall affirmatively agree to an enhanced suitability screening to the position upon the effective date of the personnel action, and to biannual criminal background and traffic record checks, as appropriate, while detailed, temporarily promoted, or temporarily reassigned to the covered position.

#### **410 SAFETY SENSITIVE POSITIONS – GENERAL PROVISIONS**

410.1 In addition to the general suitability screening, individuals applying for or occupying safety sensitive positions are subject to the following checks and tests:

- (a) Criminal background check;
- (b) Traffic record check (as applicable);
- (c) Pre-employment drug and alcohol test;
- (d) Reasonable suspicion drug and alcohol test;
- (e) Post-accident or incident drug and alcohol test;
- (f) Random drug and alcohol test; and
- (g) Return-to-duty or follow-up drug and alcohol test.

410.2 Examples of safety sensitive duties and responsibilities include, but are not limited to:

- (a) Operating large trucks, heavy or power machinery, or mass transit vehicles;
- (b) Handling hazardous quantities of chemical, biological or nuclear materials;

- (c) Maintaining the safety of patrons in and around a pool or aquatic area;
- (d) Engaging in duties directly related to the public safety, including, but not limited to, responding or coordinating responses to emergency events; or
- (e) Carrying a firearm.

#### **411 PROTECTION SENSITIVE POSITIONS – GENERAL PROVISIONS**

411.1 In addition to the general suitability screening, individuals applying for or occupying protection sensitive positions are subject to the following checks and tests:

- (a) Criminal background check;
- (b) Traffic record check (as applicable);
- (c) Pre-employment drug and alcohol test;
- (d) Reasonable suspicion drug and alcohol test;
- (e) Post-accident or incident drug and alcohol test; and
- (f) Return-to-duty and follow-up drug and alcohol test.

411.2 Examples of protection sensitive duties and responsibilities include, but are not limited to, positions that:

- (a) Coordinate, develop, or support recreational activities;
- (b) Manage, plan, direct, or coordinate educational activities;
- (c) Perform tasks involving individual or group counseling; or
- (d) Assess, monitor, or support childcare activities.

#### **412 SECURITY SENSITIVE POSITIONS – GENERAL PROVISIONS**

412.1 In addition to the general suitability screening, individuals applying for or occupying positions deemed security sensitive are subject to the following checks and tests:

- (a) Criminal background check;
- (b) Traffic record check (as applicable);

- (c) Consumer credit check;
- (d) Reasonable suspicion drug and alcohol test; and
- (e) Post-accident or incident drug and alcohol test.

412.2 Examples of security sensitive duties and responsibilities include, but are not limited to, positions that:

- (a) Handle currency;
- (b) Have the ability to create, delete, or alter the financial, personnel, payroll, or related transactions of another person;
- (c) Have routine access to the personal identifying information of others;
- (d) Have routine access to master building keys or controls;
- (e) Have the ability to create, delete, or alter any form of credentials, including, but not limited to, computer network credentials and any form of government identification;
- (f) Have involvement in or access to homeland security and emergency management plans, after action reports, analytical products, hazard analyses, and/or risk assessments that relate to preparedness, response, mitigation, protection of critical infrastructure and key assets, or the protection of data related to persons and/or property before, during, and after an act of terrorism, manmade or natural disaster, or emergency event;
- (g) Have access to networks, files, or drives that include classified, law enforcement sensitive, or for official use only information related to Federal or District Government terrorism investigations or other man-made disasters in either electronic or hard copy;
- (h) Executive Service employees; and
- (i) Excepted Service employees.

412.3 Positions located in secure facilities may be deemed security sensitive, at the discretion of the personnel authority.

**413 RESERVED**

**414 VOLUNTEERS**

- 414.1 Individuals providing voluntary services to the District government shall be subject to general and enhanced suitability screening, specified in Sections 402 and 406, as applicable.
- 414.2 Individuals providing voluntary services performing duties and responsibilities in a covered position shall be subject to enhanced suitability screening.
- 414.3 Before a volunteer signs an agreement to perform in a covered position, he or she shall be notified in writing of the enhanced suitability screening before beginning volunteer activities and shall be subject to ongoing enhanced suitability screening while performing the duties and responsibilities of the covered position.
- 414.4 As a condition of agreement for voluntary service, each individual subject to an enhanced suitability screening shall execute an acknowledgement and consent to the screening required by this chapter.

#### **415 CRIMINAL BACKGROUND CHECKS – GENERAL PROVISIONS**

- 415.1 The program administrator shall conduct any required criminal background checks.
- 415.2 Applicants, employees, or volunteers subject to criminal background checks shall submit to a criminal background check by means including, but not limited to, fingerprint and a National Criminal Information Center check.
- 415.3 Criminal background checks shall be conducted in accordance with the Metropolitan Police Department (MPD) and Federal Bureau of Investigations (FBI) policies and procedures and in an FBI-approved environment.
- 415.4 An individual with proof of an active federal security clearance shall not be subject to a criminal background check.

#### **416 CRIMINAL BACKGROUND CHECK – AUTHORIZATION PROCESS**

- 416.1 As a condition of employment, each individual subject to criminal background check shall execute an acknowledgement and consent to the checks required by this chapter.
- 416.2 Prior to each criminal background check, the program administrator shall inform each individual subject to the check of the location of the office where the check will be conducted, when to report for the check, and provide each individual with all forms necessary to:
- (a) Authorize the MPD or another entity, as appropriate, to conduct the criminal background check and confirm that the appointee, employee, or

unsupervised volunteer has been informed that the employing agency is authorized to conduct a criminal background check;

- (b) Complete a signed affirmation stating whether the individual:
  - (1) For the offenses listed in subparagraphs (c)(1) through (c)(9), has been convicted, pleaded *nolo contendere*, placed on probation before judgment, or placed on a stet docket; or
  - (2) Has been found not guilty by reason of insanity for any sexual offenses or intra-family offenses in the District of Columbia.
- (c) Disclose any court actions for an individual for whom a criminal background check is required, excluding acquittals or dismissals resulting from inadequate evidence, involving, but not limited to, the following criminal conduct:
  - (1) Murder, attempted murder, manslaughter, or arson;
  - (2) Assault, assault with a dangerous weapon, mayhem, malicious disfigurement, threats to do bodily harm, including domestic violence;
  - (3) Burglary;
  - (4) Robbery;
  - (5) Kidnapping;
  - (6) Illegal use or possession of a firearm;
  - (7) Sex offenses, including, but not limited to, indecent exposure, promoting, procuring, compelling, soliciting, or engaging in prostitution, corrupting minors (sexual relations with children), molesting, voyeurism, committing sexual acts in public, incest, rape, sexual assault, sexual battery, or sexual abuse, but excluding sodomy between consenting adults;
  - (8) Child abuse or cruelty to children;
  - (9) Unlawful distribution or possession of or with intent to distribute an illegal drug;
  - (10) Fraud;
  - (11) Identity theft;

- (12) Embezzlement; or
- (13) Computer/cybercrime.

- (d) To acknowledge, in writing, that the individual has been notified of his or her right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report;
- (e) To acknowledge that the individual may be denied employment, or terminated, based on the outcome of the criminal background check;
- (f) To provide any additional identification that is required, such as name, social security number, date of birth, and gender; and
- (g) To inform the individual that a false statement on the form(s) may subject him or her to criminal penalties.

416.3 Upon receiving and completing the form(s) specified in this section, an individual shall report to the designated location to be fingerprinted.

416.4 Volunteers or employees in a covered position shall notify their supervisor and the personnel authority whenever they are arrested or charged with any criminal offense. Failure to comply with this subsection shall constitute cause for disciplinary action under Chapter 16 of these regulations.

**417 ASSESSING CRIMINAL HISTORIES**

417.1 The program administrator shall evaluate any derogatory information obtained from a criminal background check and determine whether the individual is suitable for the position he or she occupies or for which he or she has applied.

417.2 Upon receipt, the program administrator shall review the criminal history of the individual.

417.3 All criminal convictions shall be considered when assessing suitability based on a criminal history. However, a significant and articulable pattern within the criminal history, whether or not resulting in a conviction, may serve as a basis for concluding an individual is not suitable for the position they occupy or for which they have applied.

417.4 The program administrator must evaluate an individual’s criminal history to determine whether he or she is suitable for District service. To make this determination, the program administrator shall consider each criminal offense in the context of:

- (a) The specific duties and responsibilities of the position;

- (b) The bearing, if any, the derogatory information has to those duties and responsibilities;
- (c) The length of time that has passed since the criminal offense(s);
- (d) The age of the individual at the time of the criminal offense(s);
- (e) The frequency and seriousness of the criminal offense(s);
- (f) Any mitigating information provided by the individual in response to the derogatory information;
- (g) The contributing social or environmental conditions; and
- (h) The District’s policy favoring re-entry of ex-offenders into its work force.

417.5 Notwithstanding any other provision of the chapter, no individual may occupy a safety or protection sensitive position if he or she has been charged with any felony sexual offense(s) or any sexual offense(s) involving minors, and for such offense(s):

- (a) Was convicted, pleaded guilty, pleaded *nolo contendere*, placed on probation before judgment, or otherwise placed on a stet docket;
- (b) Was found not guilty by reason of insanity; or
- (c) Is currently listed on a sexual offender registry.

**418 CLARIFYING DEROGATORY INFORMATION**

418.1 Whenever an enhanced suitability screening reveals derogatory information the program administrator shall:

- (a) Notify the individual as to the source, nature and potential impact of the derogatory information; and
- (b) Allow the individual no less than two (2) days and no more than fifteen (15) days to provide a written response to the derogatory information.

**419 RESERVED**

**420 TRAFFIC RECORD CHECKS – GENERAL PROVISIONS**

420.1 As a condition of employment, each individual subject to a traffic record check shall execute an acknowledgement and consent to the checks required by this chapter.

420.2 The program administrator shall be responsible for conducting traffic record checks pursuant to the provisions in this chapter, and for developing internal operating procedures for conducting the checks.

420.3 For the purposes of this chapter, traffic record checks shall be obtained from the traffic records maintained by the individual’s local motor vehicle administration.

**421 TRAFFIC RECORD CHECKS – ASSESSING HISTORIES**

421.1 The program administrator shall evaluate any derogatory information obtained from a traffic record check and determine whether the individual is suitable for the position he or she occupies or for which he or she has applied.

421.2 The assessment and determination of traffic record checks conducted in accordance with Section 417 shall be based on the duties and responsibilities of positions identified as safety, protection, or security sensitive in accordance with Section 409 of this chapter.

421.3 The review of the traffic records shall include, but is not limited to:

- (a) Checking the validity of an individual’s driver’s license;
- (b) Checking for a pattern(s) of disregard for existing traffic regulations; and
- (c) Checking whether there have been any conviction(s) for driving under the influence or while impaired.

**422 RESERVED**

**423 CONSUMER CREDIT CHECKS – GENERAL PROVISIONS**

423.1 Consumer credit checks shall be conducted for appointees or employees to security sensitive positions as defined in Subsection 409.1(c), once the appointee has been selected for the position, but prior to providing an offer of employment.

423.2 Prior to conducting a consumer credit check, and as a condition of employment, an appointee or employee subject to the check shall execute an authorization to obtain a consumer credit report which shall set forth the appointee’s or employee’s rights under the Fair Credit Reporting Act.

423.3 If any discrepancies are identified, the personnel authority shall fully investigate until the discrepancies are resolved. An appointee or employee shall fully cooperate in any such investigation as a prerequisite to employment.

**424 CONSUMER CREDIT CHECKS – ASSESSING HISTORIES**



424.1 The program administrator shall evaluate any derogatory information obtained from a credit report and determine whether the individual is suitable for the position he or she occupies or for which he or she has applied.

424.2 When warranted, an appointee or employee may be disqualified based on one (1) or more of the following:

- (a) Debts owed to the District government;
- (b) Active liens;
- (c) Current or repeated exhaustion of credit;
- (d) Bankruptcies and foreclosures; or
- (e) A pattern of late fees or financial activity establishing significant financial stress.

424.3 Prior to disqualifying an appointee or employee based on derogatory credit information, the program administrator shall determine whether disqualification is warranted. To the extent practicable, the program administrator shall make this determination by considering the financial history in the context of:

- (a) The specific duties and responsibilities related to the position;
- (b) The bearing, if any, the derogatory information has to those duties and responsibilities;
- (c) The length of time that has passed since the reporting of the derogatory information;
- (d) The frequency and seriousness of the derogatory information;
- (e) Any mitigating information provided by the individual in response to the derogatory information; and
- (f) Whether, based on the totality of information available, the individual can reasonably be entrusted with the safety and security of government property and operations and possesses the necessary moral character and dedication to successfully serve the public.

**425 RESERVED**

**426 MANDATORY DRUG AND ALCOHOL TESTING – GENERAL PROVISIONS**

- 426.1 Each program administrator with safety or protection sensitive positions shall contract with a professional testing vendor(s) to conduct required drug and alcohol testing. The vendor(s) shall ensure quality control, chain-of-custody for samples, reliable collection and testing procedures, and any other safeguards needed to guarantee accurate and fair testing, in accordance with the procedures in 49 Code of Federal Regulations (C.F.R.) Part 40, and District government procedures, as applicable.
- 426.2 The vendor(s) selected to conduct the testing shall ensure that any laboratory used is certified by the United States Department of Health and Human Services (HHS) to perform job-related drug and alcohol forensic testing.
- 426.3 The Director of the DCHR shall develop operating policies and procedures for implementing the drug and alcohol program (Program) under this chapter for agencies subordinate to the Mayor that have safety, protection, or security sensitive positions.
- 426.4 For safety or protection sensitive positions, drug and alcohol testing shall be conducted after a tentative offer of employment is made, but before the appointee's effective date of appointment; or before the effective date of appointment in the case of a current employee in a non-covered position who is being reassigned, transferred, or promoted into a covered position.

**427 MANDATORY DRUG AND ALCOHOL TESTING – NOTIFICATION REQUIREMENTS**

- 427.1 Each appointee or employee in a covered position shall be provided a copy of the District's drug and alcohol policy, and any additional requirements imposed by his or her respective agency. The policy shall state at a minimum the following:
- (a) The circumstances under which an appointee or employee will be tested;
  - (b) The basic methodology to be used for testing; and
  - (c) The consequences of a positive test result.
- 427.2 Each appointee or employee in a covered position shall sign an acknowledgement that he or she received the written policy as specified in Subsection 427.1 of this section. A legal guardian's signature is needed if the appointee or employee is under eighteen (18) years of age.
- 427.3 As a condition of employment, each appointee or employee in a safety sensitive position subject to random drug and alcohol testing shall execute consent to the testing required by this chapter, or face immediate separation from the District government.

- 427.4 Whenever an employee occupies a position that becomes designated as safety or protection sensitive he or she may self-report any existing drug or alcohol usage to his or her agency within thirty (30) days of the change in designation. The employee shall:
- (a) Be permitted to engage in any needed counseling or rehabilitation program(s), without being subject to adverse or other administrative actions;
  - (b) Be detailed to a position that is not safety or protection sensitive while undergoing the treatment; and
  - (c) Be returned to a safety or protection sensitive position upon successful completion of treatment, and a negative test result.

**428 MANDATORY DRUG AND ALCOHOL TESTING – TESTING METHODOLOGY**

- 428.1 The vendor(s) selected to conduct the testing shall conduct the alcohol and drug testing at a location designated by the program administrator for such purposes.
- 428.2 In general, testing for drugs shall be conducted by urine sample from the individual being tested.
- 428.3 Testing for alcohol use shall be conducted utilizing an evidentiary breath-testing device or EBT, commonly referred to as a “breathalyzer.”
- 428.4 In the case of drug testing, the vendor(s) shall split each sample and ensure that the laboratory performs enzyme-multiplied-immunoassay technique (EMIT) test on one (1) sample and store the split of that sample. A positive EMIT test shall be confirmed by the vendor(s) using the gas chromatography/mass spectrometry (GCMS) methodology.
- 428.5 The personnel authority shall notify, in writing, any appointee or employee found to have a confirmed positive drug test result. The appointee or employee may then authorize that the stored sample be sent to another HHS-certified laboratory of his or her choice, at his or her expense, for a confirmation, using the GCMS testing methodology.
- 428.6 All drug and alcohol testing shall follow the same procedures set forth in this section. In the case of a reasonable suspicion referral or a post-accident and incident test, the agency shall escort the employee to the designated test site for specimen collection as needed.
- 428.7 In the event that an individual requires medical care following an accident or incident, medical care shall not be delayed for the purpose of testing. In such cases, drug and alcohol testing may be conducted by a blood test.

428.8 A blood, breath, or urine test conducted in accordance with this section shall be deemed positive if the test yields a result that the appointee’s or employee’s alcohol content was either .04 grams or more per 210 liters of breath, .04 grams or more per 100 milliliters of blood, or .05 grams or more per 100 milliliters of urine.

428.9 Blood tests will not be administered for random drug and alcohol tests.

**429 MANDATORY DRUG AND ALCOHOL TESTING – POSITIVE DRUG OR ALCOHOL TESTS RESULTS**

429.1 An employee shall be deemed unsuitable and immediately separated from District service as described in Sections 439.3 and 439.4 for:

- (a) A positive drug or alcohol test result;
- (b) A refusal to submit to a drug or alcohol test; or
- (c) In the case of an employee who acknowledged a drug or alcohol problem as specified in Subsection 427.4, failure to complete a counseling or rehabilitation program(s), or a positive return-to-duty test.

429.2 The program administrator shall rescind a conditional offer or decline to make a final offer of employment to an appointee subject to pre-employment testing if he or she:

- (a) Refuses to submit to a required drug or alcohol test; or
- (b) Has a positive drug or alcohol test result.

**430 MANDATORY DRUG AND ALCOHOL TESTING – REASONABLE SUSPICION**

430.1 All District employees, including employees in independent agencies, are subject to, and shall be referred by a trained supervisor or manager for, drug and alcohol testing when there is a reasonable suspicion that the employee, while on duty, is impaired or otherwise under the influence of a drug or alcohol.

430.2 Prior to contacting the appropriate personnel authority to make a referral under this section, the trained supervisor or manager shall:

- (a) Have reasonable suspicion that the employee is under the influence of an illegal drug or alcohol to the extent that the employee’s ability to perform his or her job is impaired; and
- (b) Gather all information and facts to support this reasonable suspicion.

430.3 A second opinion may be obtained by a trained supervisor or manager for reasonable suspicion referrals.

430.4 A reasonable suspicion referral may be based on direct observation of drug use or possession, physical symptoms of being under the influence of drugs, symptoms suggesting alcohol intoxication, a pattern of erratic behavior, or any other reliable indicators. A reasonable suspicion may occur under the following conditions:

- (a) Reasonable suspicion may be established if:
  - (1) The employee is witnessed using a drug or alcohol while on duty;
  - (2) The employee displays physical symptoms consistent with drug or alcohol usage;
  - (3) The employee engages in erratic or atypical behavior of a type that is consistent with drug or alcohol usage; or
  - (4) Other articulable circumstances which would lead a reasonable person to believe that the employee is under the influence of a drug or alcohol.
- (b) Only a trained supervisor or manager shall refer the employee for drug or alcohol testing, in accordance with the provisions of this section.
- (c) Prior to making a referral, the trained supervisor or manager shall gather all information and facts that support the reasonable suspicion determination.
- (d) Reasonable suspicion referral testing shall be conducted in accordance with Sections 426 and 428 of this chapter.

430.5 Testing resulting from a reasonable suspicion referral shall be conducted as specified in Sections 428 and 429 of this chapter.

#### **431 MANDATORY DRUG AND ALCOHOL TESTING – POST-ACCIDENT OR INCIDENT**

431.1 All District employees shall be subject to post-accident or incident testing when they are involved in accidents or incidents under the following conditions:

- (a) The employee is involved in an on-the-job accident or incident that result in injury or loss of human life;

- (b) One (1) or more motor vehicle(s) (either District government or private) incurs disabling damage, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle;
- (c) Anyone receives bodily injury which requires immediate medical attention away from the scene;
- (d) The employee operating a government vehicle or equipment receives a citation under District of Columbia or another law for a moving traffic violation arising from the incident;
- (e) There are reasonable grounds to believe the employee has been operating or in physical control of a motor vehicle within the District of Columbia while that employee’s breath contains .04 percent or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or combination thereof;
- (f) The actions of the employee cannot be completely discounted as a contributing factor, using the best information available at the time of the decision; or
- (g) The employee is involved in an on-the-job accident or incident that seriously damages machinery, equipment, or other property.

431.2 A post-accident or incident drug or alcohol test shall be conducted as set forth in operating policies and procedures for the Program for agencies subordinate to the Mayor. Post-accident and incident drug and alcohol testing may be conducted by blood sample.

**432 MANDATORY DRUG AND ALCOHOL TESTING – RETURNED-TO-DUTY AND FOLLOW-UP**

432.1 Employees in safety or protection sensitive positions, who acknowledge a drug or alcohol problem and complete a counseling and rehabilitation program, as provided in Subsection 427.4, shall be subject to a returned-to-duty and follow-up test.

432.2 The returned-to-duty and follow-up test shall be conducted as set forth in Sections 426 through 433 of this chapter.

**433 MANDATORY DRUG AND ALCOHOL TESTING – REQUIRED TRAINING**

433.1 Agencies with positions subject to mandatory drug and alcohol testing shall be responsible for providing training in drug abuse detection and recognition, documentation, intervention, and any other appropriate topics, for supervisors and managers in agencies with covered employees.

**434 SUITABILITY DETERMINATIONS**

- 434.1 The information contained in this section shall only apply to enhanced suitability screening.
- 434.2 The program administrator shall establish and maintain written suitability assessment determinations for enhanced suitability screenings.
- 434.3 The program administrator shall make a suitability determination within fifteen (15) days after receiving all enhanced suitability screening information necessary to make the determination.
- 434.4 The final suitability determination shall establish whether:
- (a) For applicants or appointees, if a final offer of employment should be made or denied;
  - (b) For volunteers, if the individual is suitable to provide voluntary services; and
  - (c) For employees, if the individual may be retained in their position of record.
- 434.5 For applicants or appointees to safety sensitive positions in a covered child or youth service agency, as defined by D.C. Official Code § 4-1501.02(3) (2012 Repl.), the final suitability determination shall establish whether the applicant or appointee presents a present danger to children or youth.
- 434.6 In accordance with Section 429, a positive drug or alcohol test shall render an individual unsuitable for District employment and constitute cause for purposes of Chapter 16 of these regulations.
- 434.7 The program administrator shall notify the employing agency of the final suitability determination.
- 434.8 If an applicant is deemed unsuitable based on an enhanced suitability screening, the application process shall be terminated and he or she shall be notified of the final suitability determination.
- 434.9 If an employee is deemed unsuitable, the employing agency shall terminate his or her employment or move the employee to a non-covered position by immediately initiating the appropriate adverse action procedure as specified in this subtitle or any applicable collective bargaining agreement. Notwithstanding any other provision of this subtitle, whenever an employee is deemed unsuitable under this

chapter, the facts supporting that determination shall be cause for adverse action under Chapter 16 of these regulations.

434.10 If a volunteer is deemed unsuitable for voluntary service, the voluntary service process shall be terminated and he or she shall be notified of the suitability determination.

434.11 Post-accident and incident drug or alcohol testing results shall be provided to the Chief Risk Officer, Office of Risk Management, for purposes of the Public Sector's Workers Compensation Program, upon request.

**435 RESERVED**

**436 APPLICANT, VOLUNTEER, AND EMPLOYEE RIGHTS**

436.1 In the interest of transparency, applicants, volunteers, and employees have a right to understand and challenge the sources of derogatory information that results in employment disqualification. The purpose of this section is to outline the means by which applicants, volunteers, and employees may review, and in some cases appeal, unfavorable suitability determinations based on such information.

436.2 Individuals subject to the provisions of this chapter have the right to the following information:

- (a) Each applicant, volunteer, or employee in a covered position has a right to receive the following information:
  - (1) Copies of public criminal records received from any law enforcement agency pursuant to Section 415 of this chapter;
  - (2) Any traffic records obtained from the individual's local motor vehicle administration pursuant to Section 420 of this chapter; and
  - (3) A consumer credit report obtained pursuant to Section 423 of this chapter.
- (b) The information outlined in Subsection 436.2(a), shall be provided as follows:
  - (1) An applicant, volunteer, or employee must file a written request with the DCHR;
  - (2) The written request must be submitted no more than fifteen (15) days after receipt of a notification that the applicant, volunteer, or employee has been disqualified; and



(3) The DCHR shall provide the requested records no more than fifteen (15) days after receipt of the request.

(c) Employees subject to the provisions of this chapter have a right to review records according to the procedures established in Chapters 4 and 31A of the District Personnel Manual.

436.3 Applicants, volunteers, and employees subject to enhanced suitability screening as outlined in Section 406, may file an appeal based on the provisions of this chapter as follows:

(a) If an applicant or volunteer is found unsuitable because he or she presents a present danger to children or youth, he or she may appeal that determination to the Commission on Human Rights (Commission). Any such appeal must be submitted to the Commission no more than thirty (30) days following the date of the suitability determination; or

(b) If an employee is deemed unsuitable and separated from employment, he or she may appeal that determination with the Office of Employee Appeals (OEA) or, if applicable, initiate a grievance pursuant to a collective bargaining agreement or Chapter 16 of these regulations. An appeal to the OEA must be filed with that office no more than thirty (30) days following the date of a final agency decision terminating employment. Employees may not appeal to the Commission.

436.4 An applicant or volunteer that is deemed unsuitable and cannot appeal to the Commission may, if applicable, file a grievance with the personnel authority regarding his or her application for employment pursuant to Chapter 16 of these regulations.

**437 RESERVED**

**438 APPEALS BEFORE THE COMMISSION ON HUMAN RIGHTS**

438.1 The purpose of this section is to promulgate rules and procedures for the efficient and uniform administration of suitability determination appeals before the Commission.

438.2 If an applicant or volunteer applying for a safety sensitive position is found to pose a present danger to a child or youth, as provided by D.C. Official Code § 4-1501.05a (2012 Repl.), and deemed unsuitable for a District government position, he or she may seek review of that determination with the Commission in accordance with this section.

438.3 For purposes of this section:

(a) The term “petitioner” means the applicant or volunteer seeking review of a suitability determination made under this chapter, but excludes District government employees;

- (b) The term “agency” means the agency to which the applicant applied; and
- (c) The term “parties” means the petitioner and agency, collectively.

438.4 Any document filed with the Commission pursuant to this section shall be served on the opposing party and accompanied by a signed certificate of service showing compliance with this subsection.

438.5 Documents served on the agency shall be delivered by hand or certified mail to the General Counsel for the DCHR or to the General Counsel of the independent personnel authority.

438.6 To initiate the review process, the petitioner shall file a Notice of Appeal, along with a copy of the suitability determination being appealed, with the District of Columbia Office of Human Rights within thirty (30) days of the issuance of the agency decision being appealed.

438.7 Each Notice of Appeal shall contain, at a minimum, the following information:

- (a) The petitioner’s name, address, and phone number;
- (b) The name of the agency, address, and phone number;
- (c) The specific objection(s) to the suitability determination;
- (d) The argument(s) in support of the petitioner’s appeal; and
- (e) The relief being sought.

438.8 The following procedures shall be followed after a Notice of Appeal is filed:

- (a) No more than thirty (30) days from the filing of the Notice of Appeal, the agency shall file an answer along with a certified copy of the record, which includes all documents relating to the applicable suitability determination;
- (b) The agency record shall be indexed, with each page being sequentially numbered;
- (c) The Commission shall review the respective arguments of the parties along with the agency record;
- (d) No more than thirty (30) days following the filing of the agency’s answer and record, the Commission shall issue a decision affirming or reversing the suitability determination;

- (e) The Commission shall base its decision exclusively on the Notice of Appeal, and the agency's answer and record, and shall not set aside the suitability determination if supported by substantial evidence in the record as a whole and not clearly erroneous as a matter of law;
- (f) When the Commission disagrees with a suitability determination it may make recommendations to the personnel authority. Upon review of the Commission's decision, the personnel authority shall consider the recommendations and issue a final decision without further appeal to the Commission or any court. This final decision by the DCHR or the independent personnel authority shall be in writing, and a copy of this final decision shall be served on petitioner; and
- (g) The Commission may not assess fees against the District of Columbia in conjunction with an appeal under this section.

438.9 At the discretion of the Commission, the time limits set forth in this section may be reduced or expanded.

438.10 A decision issued by the Commission shall be final and cannot be appealed to any administrative body or court.

438.11 To the extent practicable, the parties may rely on the District of Columbia Superior Court Rules of Civil Procedure for additional procedural guidance.

#### **439 PROGRAM MANAGEMENT**

439.1 This section shall apply to the enhanced suitability screening provisions contained in Sections 406 through 438 of this chapter.

439.2 The Mayor's authority to make suitability determinations under this chapter is delegated to the Director of the DCHR who shall also serve as the program administrator for agencies under the personnel authority of the Mayor.

439.3 If the program administrator determines that an existing employee is unsuitable to continue serving in a covered position, and that he or she should be separated from employment, the removal action shall be carried out by the employing agency in accordance with the employee's type of appointment (*i.e.*, probationary, term or permanent, etc.) and service (*i.e.*, Career, Legal, Excepted, Management Supervisory Service, etc.), and the applicable legal and regulatory provisions governing adverse actions, including but not limited to Chapter 16 of the District Personnel Manual and applicable collective bargaining agreement provisions.

439.4 If an employing agency fails or refuses to remove an employee based on a finding that its employee is unsuitable to continue his or her employment, the program

administrator may carry out the adverse action in accordance with the procedures applicable to the employee.

#### **440 REPORTING**

440.1 Each program administrator for agencies covered by this chapter shall prepare and submit compliance reports to the Mayor every six (6) months following the effective date of this chapter.

440.2 Each report shall be submitted to the Mayor and include statistical information showing:

- (a) Total number of positions within the agency;
- (b) Total number of new hires;
- (c) Total number of positions identified agency-wide as safety, protection and security sensitive;
- (d) Any changes in the numbers reported in Subsection 440.2(c) since the last report;
- (e) Total number of general suitability screening checks conducted and compliance with Section 403 of this chapter;
- (f) Total number of consumer credit checks conducted, including the number of derogatory results received, and types of actions taken, (if any);
- (g) Total number of criminal background checks conducted, the number of derogatory results, and types of actions taken, (if any);
- (h) Total number and type of drug tests conducted, types of drugs detected, and types of actions taken, (if any);
- (i) Total number and type of alcohol tests conducted, positive results, and types of actions taken, (if any); and
- (j) Total number of traffic record checks conducted, types of derogatory results, and types of actions taken, (if any).

#### **441 CONFIDENTIALITY**

441.1 Unless publicly available, all records received pursuant to this chapter shall be confidential and are for the exclusive use of making a suitability determination. The records shall not be released or otherwise disclosed to any person except when:

- (a) Required to carry out the application process, including any appeals to the Commission;
- (b) Requested by the Mayor, or his or her designee, for the purpose of an official inspection or investigation, including investigations related to litigation initiated against the District of Columbia;
- (c) Ordered by a court;
- (d) Authorized by the written consent of the individual being investigated; or
- (e) Utilized for a corrective, adverse, or administrative action in a personnel proceeding including but not limited to, disciplinary actions under Chapter 16 of these regulations.

441.2 Reports of screenings conducted by a program administrator shall not be disclosed to the individual investigated, nor may the information be discussed with him or her in a manner that would reveal or permit him or her to deduce the source of the information.

441.3 Any individual who discloses confidential records that were received in accordance with the Child and Youth, Health and Safety Omnibus Amendment Act of 2004, is subject to criminal penalties including a fine of no more than \$1,000, imprisonment for not more than 180 days, or both.

## **442 SUITABILITY RECORDS**

442.1 Records created and maintained pursuant to this chapter shall be subject to the following:

- (a) Information related to suitability screening and suitability determinations shall be kept in strict confidence in accordance with this section and with Chapter 31 of these regulations;
- (b) Sources of information shall not be disclosed except as specifically authorized in this chapter and in Chapter 31 of these regulations;
- (c) Reports of screenings conducted by a program administrator shall not be disclosed to the individual screened, nor may the information be discussed with him or her in a manner that would reveal or permit him or her to deduce the source of the information.
- (d) The restrictions contained in Subsection 442.1(c) shall not apply to the following:
  - (1) Information of public record;

- (2) Information from District government personnel records which could be obtained on request by the subject employee under the provisions of Chapter 31 of these regulations; and
- (3) Other sources of information in reports of investigation may be disclosed to the subject of the investigation only if the personnel authority obtains the information independently, such as by interviewing the subject, or by obtaining permission, in writing, from the sources named to use the information and to identify the source.

442.2 A subordinate agency head (or his or her designee) who has delegated personnel authority pursuant to Sections 403 or 406, shall provide the Director of the DCHR information to document the results of each suitability investigation conducted by the subordinate agency. Unless otherwise specified, the information shall be provided prior to the effective date of appointment of an individual.

## 499 DEFINITIONS

499.1 When used in this chapter, the following meanings apply:

**Administrative action** – official reprimands, suspensions, reductions in grade, or removals under the corrective and adverse action provisions for the Career Service contained in Chapter 16 of Subtitle B, Title 6 of these regulations; and other similar penalties, up to and including removal, for employees in services other than the Career Service.

**Agency** – any unit of the District of Columbia government, excluding the courts, 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 regulation adopted under authority of law. The term agency shall also include any unit of the District of Columbia government created by the reorganization of one (1) or more units of an agency and any unit of the District of Columbia government created or organized by the Council of the District of Columbia as an agency.

**Alcohol** – for the purposes of Sections 426 through 433, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol, regardless of its packaging form, storage, or utilization.

**Applicant** – an individual who has filed a résumé or electronic (web-based) application for employment in the District government.

**Appointee** – a person who has been made a tentative job offer to a position, compensated or voluntary, subject to the satisfactory completion of a general or enhanced suitability screening.

**Child** – an individual twelve (12) years of age and under.

**Covered position** – for the purposes of Sections 406 through 440, a position, compensated or voluntary, that is designated as safety, protection, or security sensitive position.

**Days** – calendar days, unless otherwise indicated.

**Derogatory information** - any information that detracts from the character or standing of the individual for the position for which he or she has occupies or applied.

**Drug** – for the purposes of Sections 426 through 433, an illegal drug for which tests are required under 49 C.F.R. part 40, such as marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates; but not authorized prescription medications.

**Elderly** – individuals 65 years of age or older.

**Employee** – an individual who performs a service for the District government and receives compensation for the performance of such service.

**Follow up test** – a series of unannounced drug and/or alcohol tests conducted periodically after an employee returns to the workplace upon satisfactorily completing treatment requirements. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

**Independent agency** – any board or commission of the District of Columbia government not subject to the administrative control of the Mayor.

**Personnel authority** – an individual or entity with the authority to administer all or part of a personnel management program as provided in Title IV of the Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.01, *et seq.*).

**Post-accident or incident test** – for the purposes of Sections 426 through 433, an examination that is administered to a District government employee who, while on duty, is involved in a vehicular or other type of accident resulting in personal injury, property damage, or both, in which the cause of the accident could reasonably be believed to have been the result, in whole or in part, from the use of a drug or alcohol on part of the employee.

**Program administrator** – the Director of the D.C. Department of Human Resources for agencies subordinate to the Mayor, or his or her designee; or the agency head for independent agencies, or his or her designee (if applicable).

**Protection sensitive position** – a position with duties or responsibilities caring for or ensuring the well-being of children or youth, patients, elders, or other vulnerable persons, including but not limited to the positions listed in Subsection 411.2 of this chapter.

**Random drug or alcohol test** – for the purposes of Sections 426 through 433, an examination that is administered to a District government employee in a safety sensitive position, at an unspecified time, for the purpose of determining whether the employee has used drugs or alcohol and, as a result, is unable to satisfactorily perform his or her employment duties.

**Reasonable suspicion test** – for the purposes of Sections 426 through 433, an examination that is administered to a District government employee based on the reasonable belief by a supervisor that an employee is under the influence of a drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.

**Reasonable suspicion referral** – for the purposes of Sections 426 through 433, referral of an employee for testing by the District government to determine drug or alcohol usage.

**Returned to duty test** – a one-time, announced drug and/or alcohol test required as a condition of an employee's return to the workplace upon satisfactorily completing required treatment for substance abuse.

**Safety sensitive position** – a position with duties or responsibilities which if performed while under the influence of drugs or alcohol, could lead to a lapse of attention that could cause actual, immediate and permanent physical injury or loss of life to self or others, including but not limited to the positions listed in Subsection 410.3 of this chapter.

**Security sensitive position** – a position of special trust that may be reasonably expected to affect the access to or control of activities, systems, or resources that are subject to misappropriation, malicious mischief, damage, loss, impairment, or control of communication, including but not limited to the positions listed in Subsection 412.3 of this chapter.

**Subordinate agency** – any agency under the direct administrative control of the Mayor, including but not limited to, the agencies listed in Section 301(q) of the CMPA (D.C. Official Code § 1-603.01(17)).



**Substantial evidence** – the degree of relevant evidence that a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion of an administrative board or agency, even though other reasonable persons might disagree. Under the substantial evidence rule, the reviewing tribunal will defer to an agency determination so long as, upon an examination of the whole record, there is substantial evidence upon which the agency could reasonably base its decision.

**Suitability** – the quality or state of being acceptable for District government employment with respect to the character, reputation, and fitness of the person under consideration.

**Volunteer** – an individual who works with the District government without monetary or other financial compensation.

**Vulnerable adult** – an individual eighteen (18) years of age or older who has a physical or mental condition which impairs his or her ability to provide for their own care or protection.

**Youth** – an individual between thirteen (13) and seventeen (17) years of age.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Mr. Justin Zimmerman, Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4<sup>th</sup> Street, N.W., Suite 330S, Washington, D.C. 20001, or via email at [justin.zimmerman@dc.gov](mailto:justin.zimmerman@dc.gov). Additional copies of these proposed regulations are available at the above address.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**FORMAL CASE NO. 945 IN THE MATTER OF THE INVESTIGATION INTO ELECTRIC SERVICE MARKET COMPETITION AND REGULATORY PRACTICES**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Sections 2-505(a) and 34-1518 of the District of Columbia Official Code,<sup>1</sup> of its intent to adopt the following amendments to Chapter 9 (Net Energy Metering) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”), in not less than thirty (30) days after publication of this notice in the *D.C. Register*. The proposed rules amend Chapter 9 to comport with the “Community Renewable Energy Amendment Act of 2013.”<sup>2</sup> The proposed rules amend the following sections and subsections of Chapter 9 of Title 15 of the DCMR: 900, 906, and 999 and adds new Sections 907, 908, 909, and 910. The addition of the new sections resulted in the renumbering of Chapter 9 from Section 907 through 910.

**Chapter 9, NET ENERGY METERING, of Title 15, PUBLIC UTILITIES AND CABLE TELEVISION, of the DCMR is amended as follows:****900 GENERAL PROVISIONS****Subsection 900.1 is amended to read as follows:**

900.1 The purpose of this chapter is to set forth the policies and procedures for implementation of the net energy metering and community net metering provisions of the “Retail Electric Competition and Consumer Protection Act of 1999,”<sup>3</sup> as amended, the “Clean and Affordable Energy Act of 2008”<sup>4</sup> (“CAEA”), and the “Community Renewable Energy Amendment Act of 2013” (“CREA”).

**Subsection 900.2 is amended to read as follows:**

900.2 This chapter establishes the Public Service Commission of the District of Columbia’s Rules and Regulations governing Net Energy Metering and

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<sup>1</sup> D.C. Official Code §§ 2-505(a) and 34-1518 (2012 Repl. & 2014 Supp.).

<sup>2</sup> The Community Renewable Energy Amendment Act of 2013 (“CREA”) was enacted October 17, 2013. *See D.C. Act 20-0186*. The CREA became effective December 13, 2013. *See D.C. Law 20-0047*.

<sup>3</sup> The Retail Electric Competition and Consumer Protection Act of 1999 was enacted January 18, 2000. *See D.C. Act 13-0256*. Retail Electric Competition and Consumer Protection Act of 1999 became effective May 9, 2000. *See D.C. Law 13-107*.

<sup>4</sup> The Clean and Affordable Energy Emergency Act of 2008 (“CAEA”) was enacted September 25, 2008. *See D.C. Act 17-508*. The permanent version of the CAEA became law on October 22, 2008. *See D.C. Law 17-250*.

Community Net Metering, including eligibility for participating in Net Energy Metering and Community Net Metering, a bill crediting mechanism, Net Energy Metering and Community Net Metering billing requirements for participants, net metering-related equipment requirements, requirements for reporting and contractual arrangements, and safety and performance standards. This chapter shall be cited as the “District of Columbia Net Energy Metering and Community Net Metering Rules.”

**Subsection 900.3 is amended to read as follows:**

900.3 The provisions of this chapter are promulgated pursuant to the authority set forth in Section 34-1518 of the D.C. Official Code and the CREA.

**Section 906, WAIVER, is renamed and amended to read as follows:**

**906 COMMUNITY RENEWABLE ENERGY FACILITIES**

906.1 A Community Renewable Energy Facility (“CREF”) shall meet all applicable safety and performance standards established by the National Electrical Code (“NEC”), National Electrical Safety Code (“NESC”), the Institute of Electrical and Electronics Engineers (“IEEE”), Underwriters Laboratories (“UL”) as required by the Electric Company for execution of an Interconnection Agreement.

906.2 A CREF: (a) must be directly interconnected with the Electric Company’s distribution system and must execute an Interconnection Agreement and CREF Rider with the Electric Company; (b) may be built, owned or operated by a third party under contract with a Subscriber Organization; (c) may add capacity and Subscribers to its facility if the added capacity and Subscribers do not reduce the electrical production benefit to existing Subscribers; and (d) may update its Subscribers no more frequently than once per quarter, by providing the following information about its Subscribers to the Electric Company: (i) name, address and account number of each Subscriber; and (ii) the percentage interest of each Subscriber in the capacity of the CREF. Under no circumstances may a CREF sell subscriptions totaling more than one hundred percent (100%) of its energy generation.

906.3 The owners of any Subscriber Organization controlling a CREF: (a) shall not be considered public utilities or electricity suppliers solely as a result of their interest or participation in the CREF; (b) shall own any Renewable Energy Credits associated with the electricity generated by the CREF, unless the credits were explicitly contracted for through a separate transaction independent of any interconnection agreement or contract; (c) shall follow all procedures for interconnection set forth in Chapter 40 of Title 15 of the District of Columbia Municipal Regulations; and (d) shall be subject to the distribution level generation requirements set forth in Chapter 41 of Title 15 of the District of Columbia Municipal Regulations, Section 4109.

- 906.4 Prices paid for subscriptions and contractual matters between the CREF owner, Subscriber Organization, and Subscribers shall not be subject to the jurisdiction of the Commission.
- 906.5 All electricity exported to the grid by a CREF shall become the property of the SOS Administrator, pursuant to Section 118a(h) of the CREA, but shall not be counted toward the Electric Company's total retail sales pursuant to the Renewable Energy Portfolio Act of 2004, effective April 12, 2005, D.C. Law 15-340; D.C. Official Code §§ 34-1431 *et. seq.* If the electrical capacity of a CREF is not fully subscribed, the Electric Company designated as the SOS Administrator shall purchase the unsubscribed energy produced by the CREF, up to the 5 megawatt maximum, at the PJM Locational Marginal Price for energy in the Pepco zone, adjusted for ancillary service charges. CREF owners shall provide the level of voltage and VAR support required by the Electric Company if they opt to have their price adjusted upward to include payment for ancillary services or shall allow the Electric Company to procure all necessary ancillary services to maintain voltage and VAR support and have the CREF price adjusted downward to remove the payment for ancillary services. The SOS Administrator shall use unsubscribed energy to offset purchases from wholesale suppliers for standard offer service, and shall recover the cost of unsubscribed energy from SOS customers, in accordance with Chapter 41 of Title 15 of the District of Columbia Municipal Regulations, Subsection 4109.3.
- 906.6 A CREF shall have no less than two (2) Subscribers. In the event that a CREF has begun operation with more than two (2) Subscribers and subsequently falls below two (2) Subscribers, the CREF shall notify the Electric Company within twenty-four (24) hours of having less than two (2) Subscribers. Upon request from the Commission, the Electric Company shall provide notice of any CREFs which fall below two (2) Subscribers. A CREF with fewer than two (2) Subscribers is subject to disconnection and shall not provide energy for CREF credit pursuant to Subsection 907.4 or sell any energy supply to the SOS Administrator pursuant to Subsection 907.8.
- 906.7 The Electric Company shall be responsible for ensuring that public safety and system reliability is maintained, including during the interconnection and disconnection of a CREF.
- 906.8 A CREF applicant shall apply for an Interconnection Agreement as a generating facility that is authorized to export power pursuant to Chapter 40 of Title 15 of the District of Columbia Municipal Regulations.
- 906.9 The Electric Company shall create and submit to the Commission for approval a separate CREF Rider to the Interconnection Agreement, which shall be executed between the Electric Company and a CREF when its interconnection application

is granted, in accordance with Chapter 40 of Title 15 of the District of Columbia Municipal Regulations.

- 906.10 A CREF applicant shall notify the Commission if it is interconnected to the bulk power system in addition to an interconnection to the local distribution system. A CREF shall notify the Commission within five (5) days of submitting an application to be interconnected to the bulk power system. The Commission has the right to review, and if necessary terminate, the operation of a CREF with an interconnection to the bulk power system if the sale of its electric supply raises federal jurisdictional issues.

**Add a new Section 907, BILLING AND CREDITING FOR COMMUNITY NET METERING CUSTOMERS, to read as follows:**

**907 BILLING AND CREDITING FOR COMMUNITY NET METERING CUSTOMERS**

- 907.1 Each subscription to a CREF shall represent a percentage of the CREF's generating capacity, provided that the subscription is intended primarily to offset part or all of the Subscriber's own electrical requirements. In no event may a Subscriber offset more than one hundred and twenty percent (120%) of the Subscriber's billing meter electricity consumption over the previous twelve (12) months. The Electric Company shall use the twelve (12) months immediately prior to the first billing cycle upon which a Subscriber is eligible to receive a credit for CREF generation to determine the Subscriber's previous twelve (12) months of electricity consumption. If the Subscriber does not have a twelve (12) month billing history as of that first billing cycle, the Electric Company shall use the then current average annual consumption of a customer in the Subscriber's distribution service rate class as a proxy for the Subscriber's previous twelve (12) months consumption. The Electric Company shall update the Subscriber's previous twelve (12) months of consumption once each year; upon reaching the anniversary date of the first billing cycle that the Subscriber was eligible to receive a credit for CREF generation.
- 907.2 All individual billing meters for subscriptions to community renewable energy facilities shall be within the District of Columbia.
- 907.3 If a Subscriber designates a set of individual meters that are combined for billing purposes for its Community Net Metering ("CNM") Credit, the CNM Credit shall be applied to the single billing account and shall not be more than one hundred and twenty percent (120%) of the combined total of electricity consumption of all of the individual billing meters over the previous twelve (12) months.
- 907.4 The amount of electricity generated by a CREF each month and available for allocation as subscribed or unsubscribed energy shall be determined by a revenue quality production meter installed and paid for by the owner(s) of the CREF. It

shall be the Electric Company's responsibility to read the production meter. In no event shall the electricity generated by a CREF be eligible for net energy billing.

- 907.5 The determination of the monetary value of credits allocated to each Subscriber of a particular CREF shall be based on each Subscriber's percentage interest of the total production of the CREF.
- 907.6 Each billing month, the Electric Company shall calculate the value of the CNM Credit for subscribed energy allocated to each Subscriber by multiplying the quantity of kilowatt hours allocated to each Subscriber by the CREF Credit Rate. If the value of the CNM credits generated by the CREF allocated to the Subscriber for subscribed energy exceeds the amount owed by the Subscriber as shown on Subscriber's bill at the end of the applicable billing period, the remaining value of the CNM credit shall carry over from month to month until the value of any remaining CNM credits are used. If the value of the CNM credits generated by the CREF allocated to the Subscriber for subscribed energy is less than the amount owed by the Subscriber as shown on Subscriber's bill at the end of the applicable billing period, the Subscriber shall be billed for the difference between the amount shown on the bill and the value of the available credits. The Electric Company shall calculate CNM credit by multiplying quantity of kWh by the applicable CREF Credit Rate for the Subscriber. If the Subscriber is served by a Competitive Electricity Supplier, the Subscriber shall be billed by the Competitive Electricity Supplier for the full kilowatt-hours consumed by the Subscriber during the applicable billing period. Each billing period, the SOS Administrator shall transfer SOS funds equal to the value of the Subscriber's applicable CNM Credit to the Electric Company for purposes of settling the total charges that appear on the Subscriber's bill. The bill of a Subscriber that obtains electric supply from a Competitive Electricity Supplier shall be prepared using the Electric Company's consolidated bill and shall not be prepared using separate billing (i.e., billing by both the Electric Company and the Competitive Electric Supplier ("CES")).
- 907.7 The CNM credit shall be a line item on a Subscriber's Electric Company bill. In addition to the value of the Subscriber's CNM credit, the line item shall also include the Subscriber's percentage ownership of the CREF, the price used to calculate the CNM credit and the applicable monthly output of the CREF.
- 907.8 Any unsubscribed energy purchased by the SOS Administrator will be distributed to CREF Subscribers as CNM credits in proportion to their ownership share in the CREF up to the CREF Subscriber's one hundred and twenty percent (120%) cap for subscribed energy. CNM credits for unsubscribed energy that are not credited to CREF Subscribers must be used within twenty-four (24) months otherwise the CNM credits will expire.
- 907.9 If the Electric Company determines that a Subscriber's share of CREF generation has offset one hundred and twenty percent (120%) of the Subscriber's electricity

consumption over the previous twelve (12) months, the Subscriber shall not be eligible for any additional CNM credit for any billing periods between (i) the date the Subscriber reached the maximum allowable consumption offset and (ii) the next anniversary date of the first billing cycle that the Subscriber was eligible to receive a CNM credit for CREF generation. Beginning with the Subscriber’s next anniversary date, the Subscriber shall once again be eligible to receive a CNM credit. Any CREF generation allocable to a Subscriber in excess of the Subscriber’s maximum allowable consumption offset shall be deemed unsubscribed energy by the SOS Administrator.

907.10 The Electric Company may require that a CREF and its Subscribers have their meters read on the same billing cycle. Subscribers shall be eligible to receive CNM credits so long as the CREF continues to generate and provide electric supply to the Electric Company’s distribution grid, regardless of the bankruptcy or contractual default of any Subscriber or of the Subscriber Organization, unless otherwise directed by a judicial order.

**Add a new Section 908, REPORTING AND CONTRACTUAL REQUIREMENTS FOR COMMUNITY RENEWABLE ENERGY FACILITIES, to read as follows:**

**908 REPORTING AND CONTRACTUAL REQUIREMENTS FOR COMMUNITY RENEWABLE ENERGY FACILITIES**

908.1 Each CREF shall register with the Electric Company. The Electric Company shall develop a Registration Form within thirty (30) days of these rules becoming final. The Registration Form shall include:

- (1) Name of CREF Organization;
- (2) Address of CREF;
- (3) City Ward where the CREF is located;
- (4) Generating technology used by the CREF;
- (5) Name Plate summer AC generating capacity of the CREF;
- (6) Copy of Interconnection Agreement and CREF Rider between the CREF and the Electric Company;
- (7) Type of Organization that owns the CREF (if a for-profit making entity, a copy of the current DC Business License); and
- (8) List of CREF Subscribers including:

- (a) Name and address of Subscriber;
- (b) Address of the individual billing meter in the District of Columbia to which the CNM credit will be applied;
- (c) Electric Company Account number; and
- (d) Percentage ownership in the CREF.

908.2 Each CREF shall provide an affidavit affirming that the facility meets all applicable safety and performance standards established by the NEC, NESC, the IEEE, and UL.

908.3 The CREF owner or operator may change the list of Subscribers in a CREF on a quarterly basis. When there are changes to the list of CREF Subscribers, the CREF owner or operator shall provide an updated list of its CREF Subscribers to the Electric Company quarterly by a date certain established by the Electric Company.

908.4 Within thirty (30) days of this rulemaking, the Electric Company shall submit to the Commission, for the Commission's approval, a procedural manual, including related sample documents where appropriate, for the implementation of CREA and the Electric Company's relationship with the CREF that shall include, but not be limited to:

- (1) The arrangement between the Electric Company as the SOS Administrator and the CREF related to the Electric Company as SOS Administrator taking title to CREF output at the point of common connection between the CREF and the Electric Company's distribution grid;
- (2) The arrangement between the Electric Company as the SOS Administrator and the CREF relating to the Electric Company's purchase of, and payment for, unsubscribed energy from the CREF at the price specified in these rules;
- (3) The arrangement between Electric Company and the CREF for the Electric Company to create the CNM credit based on CREF output and the price specified in the rules; and
- (4) Arrangement between the Electric Company and the CREF to credit individual CREF Subscribers with the CNM credit based on each Subscriber's ownership share in the CREF and to modify the list of Subscribers and the amount of each Subscriber's subscription.

908.5 Within thirty (30) days of this rulemaking, the Electric Company shall submit to



the Commission for its approval the form of the line item on the Electric Company's bill for a Subscriber's CNM credit.

908.6 Within ten (10) days of the end of each quarter the Electric Company shall submit to the Commission a report that provides:

- (1) An overview of the CREFs operating in the District including summary statistics as to the number of CREFs, the number of Subscribers, and the amount of electric supply being generated;
- (2) A listing of each CREF including:
  - (a) Name of CREF,
  - (b) Name of CREF Organization,
  - (c) Type of CREF Organization,
  - (d) Type of generating technology used by the CREF,
  - (e) Nameplate summer AC generating capacity of the CREF,
  - (f) Monthly CREF output as measure by production meter,
  - (g) Number of CREF Subscribers,
  - (h) Median percentage of CREF Subscribers,
  - (i) Mean percentage of CREF Subscribers,
  - (j) Percentage of CREF ownership of largest percentage CREF owner,
  - (k) Percentage of CREF ownership of smallest CREF owner,
  - (l) Any problems created by CREFs to the distribution system that are of concern to the Electric Company, and
  - (m) Any benefits to the distribution system from CREFs including use of CREFs to supply ancillary services including, but not limited to, voltage support, VAR support, and frequency regulation; and
- (3) The identification of any feeder which approaches a net energy export within a ten percent (10%) margin (*i.e.* a feeder where the total production from CREF and other net metering facilities is ten percent (10%) or less than the total energy consumption for the feeder) or any feeder where

there exists a net energy export for the reporting quarter. The report for the feeder must also include the distribution circuit capacity and power transformer limits and an identification of the CREF(s) and other net metering facilities which are presently interconnected on these feeder(s).

908.7 Any net costs for the implementation of Community Net Metering incurred by the Electric Company that are approved by the Commission shall be recovered solely through a rate assessment on Subscribers, pursuant to Section 122 of the CREA.

**Add a new Section 909, DISPUTE RESOLUTION, to read as follows:**

**909 DISPUTE RESOLUTION**

909.1 Any dispute related to the CREF Subscriber’s bill regarding the accuracy or calculation of the bill is subject to the Commission’s Complaint Procedures under Chapter 3 of Title 15 of the DCMR (rules for residential customer complaints), or Chapter 18 of Title 15 of the DCMR (rules for non-residential customer complaints).

909.2 The owner of a CREF may file a complaint with the Commission to object to or appeal the cessation of payments to the CREF for unsubscribed energy supply or for the CREF’s disconnection from the grid. As a Non-Residential entity, the CREF is subject to Chapter 18 of Title 15 of the DCMR (rules for non-residential customer complaints).

909.3 Any dispute regarding the contract between the CREF and its Subscribers is not within the jurisdiction of the Commission.

**Add a new Section 910, WAIVER, to read as follows:**

**910 WAIVER**

910.1 Upon request of any person subject to this chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this chapter that is not required by statute or inconsistent with the purposes of this chapter.

**Section 999, DEFINITIONS, is amended by amending and adding the following terms and definitions:**

When used in this chapter; the following terms and phrases shall have the following meaning:

**“Community Net Metering”** means a billing arrangement under which the monetary value of electric energy generated by a community renewable energy facility and delivered to the electric company’s local distribution facilities is used to create a billing credit for CREF Subscribers. The

billing credit will be part of the Subscribers' bills from the Electric Company.

**“Community Renewable Energy Facility” or “CREF”** means an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as tier one renewable sources in accordance with Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005, (D.C. Law 15-340; D.C. Official Code § 34-1431(15)); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and CREF Rider with the Electric Company.

**“CREF Credit Rate”** means a credit rate applied to Subscribers of community renewable energy facilities which shall be equal to the standard offer service rate for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon Section 118 of the CREA.

**“Electric Company”** every corporation, company, association, joint-stock company or association, partnership, or person and doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers as provided by the fifteenth unnumbered paragraph in paragraph one (1) of Section 8 of An Act Making Appropriations to Provide for the Expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913 (37 Stat. 976), as amended by Section 201(b)(5) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-207).

**“Individual Billing Meter”** means an individual meter within the District of Columbia or a set of individual meters within the District of Columbia when meters are combined for billing purposes.

**“Renewable Energy Credit”** shall have the same meaning as that provided in Section 3(10) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(10)).

**“SOS Administrator”** means the provider of standard offer service mandated by Section 109 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1509).

**“Standard Offer Service”** means that electric service mandated by Section 109 of the Retail Electric Competition and Consumer Protection Act of 1999,

effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1509).

**“Subscriber”** means a retail customer of a competitive electricity supplier or a SOS customer of the Electric Company in the District of Columbia who owns a subscription in a CREF and who has identified an individual billing meter within the District of Columbia to which the subscription shall be attributed.

**“Subscriber Organization”** means any for-profit or nonprofit entity permitted by District of Columbia law that owns or operates one or more CREFs for the benefit of the Subscribers.

**“Subscription”** means a percentage interest in a CREF’s electrical production.

**“Tier One Renewable Source”** shall have the same meaning as that provided in Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(15)), as amended by the Distributed Generation Amendment Act of 2011, effective October 20, 2011 (D.C. Law 19-0036; D.C. Official Code § 34-1431(15)).

2. Comments and reply comments on the subject matter of this proposed rulemaking action must be made in writing to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington D.C., 20005. All comments and reply comments must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this Notice in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on the proposed amendments to Chapter 9 of Title 15 of the District of Columbia Municipal Regulations.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF PROPOSED RULEMAKING****FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code §§ 2-505, 34-1504 and 34-1509 (2012 Repl.), hereby gives notice of its intent to adopt the following amendments to Chapter 41 (The District of Columbia Standard Offer Service Rules) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”). Chapter 41 contains The District of Columbia Standard Offer Service (“SOS”) Rules, which were established pursuant to the Retail Electric Competition and Consumer Protection Act of 1999 (“1999 Act”) as codified in Sections 34-1501 through 1520 of the D.C. Code. This rulemaking proposes to amend the Commission’s rules regarding SOS to account for changes to the 1999 Act made by the Community Renewable Energy Amendment Act of 2013 (“CREA”), as well as make clarifying non-substantive changes to these rules. This rulemaking amends the following sections to incorporate CREA related changes: §§ 4100.3, 4101.2, 4102.1, 4102.4, 4103.1, 4103.4, 4104.3, 4107.1, 4108.2, 4108.3, and 4199.1, and adds a new Subsections 4107.14, and 4109, while non-substantive changes are made in the following sections: §§ 4100.5, 4102.3, 4103.2, 4103.3, 4105.1, 4105.5, 4105.6, 4105.7, 4105.9, 4107.5, and 4107.11. The addition of a new Section 4109 resulted in the renumbering of Sections 4110 to 4111.

**Chapter 41 (The District of Columbia Standard Offer Service Rules) of Title 15 (Public Utilities and Cable Television) of the DCMR is amended as follows:****4100 GENERAL PROVISIONS; SCOPE, APPLICABILITY AND AVAILABILITY OF STANDARD OFFER SERVICE; ELIGIBILITY FOR STANDARD OFFER SERVICE****Subsection 4100.3 is amended to read as follows:**

4100.3 This chapter shall be applicable to the Electric Company designated by the Commission as the SOS Administrator to retail customers in the Electric Company’s distribution service territory. This chapter also establishes the rules by which the Electric Company shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and will apply to wholesale bidders who compete for the provision of wholesale full requirements services to the Electric Company. This chapter also establishes the rules by which the Electric Company in its role as the SOS Administrator shall obtain electric supply from Community Renewable Energy Facilities (“CREFs”) as defined in Subsection 4199.1 and as described in Subsections 4109.1 through 4109.3 pursuant to the Community Renewable Energy Amendment Act of 2013. The provisions of this

chapter are promulgated pursuant to authority set forth in Sections 34-1509(c), 34-1518.01(b), 34-1518.01(c), and 34-1504(c)(7) of the D.C. Code.

**Subsection 4100.5 is amended to read as follows:**

4100.5 SOS shall be available to: (1) customers who contract for electricity with a competitive electricity supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a competitive electricity supplier; and (3) customers who do not choose a competitive electricity supplier.

**4101 SELECTION OF WHOLESALE SOS PROVIDERS**

**Subsection 4101.2 is amended to read as follows:**

4101.2 The Electric Company shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and pursuant to the Community Renewable Energy Amendment Act of 2013. The procurement process shall solicit all of the electric supply for SOS customers except for the electric supply that is provided by CREFs.

**4102 COMPETITIVE WHOLESALE BID STRUCTURE**

**Subsection 4102.1 is amended to read as follows:**

4102.1 The Electric Company shall procure full requirements service to meet its SOS obligations using a competitive wholesale procurement process described in this chapter, as amended from time to time and as adjusted for offsetting electric supply procured from CREFs, for each SOS Customer Group (as those SOS Customer Groups are defined in Subsection 4102.3), until the Commission orders, following the major policy review outlined in Subsection 4102.2 below, that an alternative SOS procurement process shall be implemented.

**Subsection 4102.3 is amended to read as follows:**

4102.3 The Electric Company shall establish three (3) groups of customers ("SOS Customer Groups"):

- (a) Residential Customers shall include customers served under Electric Company Rate Schedules: R, AE, R-TM, R-TM-EX, RAD, and Master Metered Apartment customers, subject to any revisions made to those tariff sheets made by the Commission;
- (b) Small Commercial Customers shall include the customers served under Electric Company Rate Schedules: GS-LV non-demand, GS-3A non-

demand, T, SL, TS, TN and SL-TN, subject to any revisions made to those tariff sheets made by the Commission; and

- (c) Large Commercial Customers shall include all commercial customers except those defined as Small Commercial Customers.

**Subsection 4102.4 is amended to read as follows:**

4102.4 The Electric Company shall issue Requests For Proposals (“RFPs”) to competitive wholesale bidders for contracts for the supply of SOS in order to maintain the following contract term balances for the various customer portfolios:

- (a) Residential Customers: The Electric Company shall solicit fixed-price offers for terms of one year, two years, or three or more years. The Electric Company’s portfolio shall contain contracts such that three or more year offers comprise at least forty percent (40%) of each year’s portfolio, unless the Commission has directed the Electric Company to solicit fixed-price offers based on a different mix of terms. The Electric Company and other parties may propose alternative portfolios of supply options for consideration by the Commission. The Electric Company shall compile a portfolio of conforming offers consistent with the mix of terms determined by the Commission. The Electric Company shall select conforming offers to meet the Commission’s percentage target(s) in accordance with the evaluation provision included in the RFP. Unless the Commission has directed otherwise, the final contract mix should include contracts of at least three years for no less than forty percent (40%) of the total load.
- (b) Small Commercial Customers: The Electric Company shall solicit fixed price offers for Wholesale Full Requirements Service for some combination of one, two, and three or more year terms. The Electric Company shall compile a portfolio of one, two, and three or more year terms conforming offers such that at least forty percent (40%) of the load will be served under contracts of three or more year terms. The Electric Company shall select one, two, and three or more year conforming offers to meet this percentage target in accordance with the evaluation provision included in the RFP. The Electric Company and other parties may propose an alternative portfolio of supply options for consideration by the Commission; and
- (c) Large Commercial Customers: The Electric Company shall solicit fixed price offers for Wholesale Full Requirements Service for one and/or two year terms.

The RFP shall alert the competitive wholesale bidders to the fact that final service requirements may be adjusted to accommodate offsetting electric supply obtained by the Electric Company from CREFs.

#### **4103 STANDARD OFFER SERVICE RETAIL RATES**

##### **Subsection 4103.1 is amended to read as follows:**

- 4103.1 The retail rates to SOS customers of the Electric Company will consist of the sum of the following components:
- (a) The seasonally-differentiated and, if applicable, time-of-use differentiated load weighted average price of all awarded contracts for Wholesale Full Requirements Service for each SOS Customer Group;
  - (b) Retail charges designed to recover, on an aggregate basis, FERC-approved Network Integrated Transmission Service charges (“NITS”) and related charges and any other PJM charges and costs incurred by the Electric Company directly related to the Electric Company’s SOS load obligation for each SOS Customer Group;
  - (c) PJM Locational Marginal Price for energy in the Pepco Zone adjusted for ancillary service charges as specified in Section 906.5 for all unsubscribed electric supply purchased from CREFs;
  - (d) An administrative charge; and
  - (e) Applicable taxes.

##### **Subsection 4103.2 is amended to read as follows:**

- 4103.2 When the winning wholesale bidder(s) are selected, the Electric Company shall submit to the Commission: (1) the names of the winning bidders, which shall remain confidential subject to Subsection 4111.5 of this chapter, and (2) the retail rates for all the customer classes according to the Commission pre-approved time schedule. Such rates shall consist of all the components included in Subsection 4103.1. The filing required herein shall also include: (1) a detailed calculation and explanation of an administrative charge and (2) administrative charge true-up provisions.

##### **Subsection 4103.3 is amended to read as follows:**

- 4103.3 Parties to the proceedings can file comments within seven (7) days calendar days and reply comments within twelve (12) calendar days of the Electric Company’s submission of the retail rates and administrative charge pursuant to Subsection 4103.2. The Commission shall thereafter issue an Order approving or rejecting



the retail rates and/or administrative charge. The Electric Company shall file a revised tariff setting forth the new retail rates and/or administrative charges within seven (7) calendar days of the Commission's Order approving those rates and charge.

**Subsection 4103.4 is amended to read as follows:**

4103.4 The Administrative Charge will be designed to recover the Electric Company's incremental costs for procuring and providing the service. Actual incremental costs shall include, but not be limited to, a proportionate share of SOS customer uncollectibles for each SOS Customer Group, Commission Consultant expenses (as described in Subsection 4110.1), wholesale bidding expenses, working capital expenses related to SOS for each SOS Customer Group, wholesale supply transaction costs related to wholesale supplier administration and transmission service administration, wholesale payment and invoice processing, incremental billing process expenses, customer education costs, incremental system costs, costs related to the purchases of electric supply from CREFs and legal and regulatory filing expenses related to SOS requirements.

**4104 COMPETITIVE WHOLESALE BIDDING AND CONTRACTING PROCESS**

**Subsection 4104.3 is amended to read as follows:**

4104.3 The total load associated with each SOS Customer Group shall be divided into bid blocks of approximately 50 MW to promote diversity of supply and reliable supply contract performance. Each bid block shall represent a percentage of the total SOS load that each supplier will be obligated to supply for the term of the contract regardless of changes in the magnitude of the total load for that SOS Customer Group. The size of the total load may vary from the 50 MW guideline for a particular group if the total load associated with a specific SOS Customer Group indicates that such variation is warranted. One reason for a variation may be to accommodate electric supply acquired from CREFs as described in Section 4109.1. The Electric Company may alter the target size of the bid blocks by requesting permission to do so at the same time as it informs the Commission of its procurement plan, but only if it has reason to believe that the change would lead to more competitive offers.

**4105 ESTABLISHMENT AND RE-ESTABLISHMENT OF STANDARD OFFER SERVICE; CUSTOMER SWITCHING RESTRICTIONS**

**Subsection 4105.1 is amended to read as follows:**

4105.1 SOS shall be provided to any customer who purchases a new service within the District of Columbia and who does not obtain electric generation service from a

competitive electricity supplier at that time. There shall be no fee for a customer to establish SOS in this manner.

**Subsection 4105.5 is amended to read as follows:**

4105.5 All residential customers shall be eligible to switch from SOS to competitive electricity suppliers and return to SOS without restrictions.

**Subsection 4105.6 is amended to read as follows:**

4105.6 If a non-residential customer who has elected to purchase generation services from a competitive electricity supplier subsequently returns to SOS, such non-residential customer shall be obligated to remain on SOS for a minimum term of 12 months, provided, that in the case of a non-residential customer who returns to SOS as a result of a default by that non-residential customer's competitive electricity supplier, such non-residential customer may within a grace period of three full billing cycles thereafter elect to purchase or contract for generation services from another competitive electricity supplier or elect to receive service from the Electric Company at Market Price Service rates in which event the minimum term of twelve (12) months does not apply. A competitive electricity supplier default occurs when the PJM Interconnection L.L.C. notifies the PJM members that the competitive electricity supplier is in default.

**Subsection 4105.7 is amended to read as follows:**

4105.7 A non-residential customer who ceases to receive generation services from a competitive electricity supplier may elect to receive service from the Electric Company at Market Price Service rates rather than Standard Offer Service rates. The minimum stay provisions stated in Subsection 4105.6 shall not apply to customers receiving service under Market Price Service rates. The Market Price Service rates shall be set in accordance with a tariff previously filed and approved by the Commission. The tariff shall contain a formula that reflects only the following components, or their functional equivalents in the future: the PJM locational marginal price for energy for the Electric Company zone, the PJM posted and verifiable market capacity price, transmission, ancillary services, line losses, appropriate taxes and a fixed retail adder of x mills per kWh. (The amount of the retail adder will be determined in the administrative cost proceeding.) The Market Price Service rates may vary by customer class and reflect actual costs. The floor price for Market Price Service rates will be the applicable Standard Offer Service rates.

**Subsection 4105.9 is amended to read as follows:**

4105.9 Notice of Transfers; Transfer of Service; Bill Calculation:

- (a) Notice of Transfer into SOS: A customer who intends to transfer into SOS shall do so by notifying the Electric Company or by canceling service with its competitive electricity supplier.
- (b) Transfer into SOS: If the customer notifies the Electric Company no less than seventeen (17) days before the customer's next normally scheduled meter read date, the Electric Company shall transfer the customer on the customer's next meter read date. Otherwise, transfer will occur on the following meter read date. The Electric Company shall accommodate the request to the greatest extent practicable.
- (c) Notice of Transfer out of SOS: Notice that a SOS customer will terminate SOS and obtain service from a competitive electricity supplier shall be provided to the Electric Company by the customer's competitive electricity supplier pursuant to Chapter 3 of Title 15 of the District of Columbia Municipal Regulations; and
- (d) Transfer out of SOS: If the competitive electricity supplier notifies the Electric Company no less than seventeen (17) days before the customer's next meter read date, the Electric Company shall transfer the customer on the customer's next meter read date. Otherwise, transfer will occur on the subsequent meter read date.

#### **4107 REPORTING REQUIREMENTS AND TRUE UP PROVISIONS**

##### **Subsection 4107.1 is amended to read as follows:**

4107.1 Within ninety (90) days of the conclusion of each year of SOS bidding, the Electric Company shall submit a report to the Commission on its wholesale electric supply procurement process and results, SOS retail prices produced, on the aggregated SOS enrollment activity for each service class (including the number of customers, megawatt peak load, megawatt hour energy and switching to and from the service), a report on the amount of electric supply acquired from CREFs during the previous year, and a report of all true-ups conducted for that year. This requirement is not intended to replace or supersede any other reporting requirements imposed by the Commission on the Electric Company.

##### **Subsection 4107.5 is amended to read as follows:**

4107.5 The Electric Company shall true-up its billings to retail customers for services provided pursuant to Subsection 4103.1(a) against its payments to wholesale suppliers. The Electric Company shall also true-up its billings to retail customers to reflect any net damages recovered by the Electric Company from a defaulting supplier in accordance with Subsection 4111.3. The Commission will audit true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial),

the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Subsection 4107.13.

**Subsection 4107.11 is amended to read as follows:**

4107.11 To the extent not already recovered through the PJM Network Integration Transmission Service charges, any future surcharges assessed to network transmission customers for PJM-required transmission enhancements pursuant to the PJM Regional Transmission Expansion Plan, or for transition costs related to elimination of through-and-out transmission charges will be included in the charges under Subsection 4103.1(b). Pursuant to the WFRSA, the wholesale suppliers bear the risk of any other changes in PJM products and pricing during the term of their WFRSAs. However, if there are any other new FERC-approved PJM transmission charges or other new PJM charges and costs charged to network transmission customers, the Electric Company may recover them through retail rates:

- (a) The Electric Company will file with the Commission, and provide notice to all parties to the proceeding, a request for approval to recover such new charges through the Electric Company's retail rates under Subsection 4103.1(b); and
- (b) The wholesale supplier will charge the Electric Company only for those new costs that the Commission determines may be recovered in rates by the Electric Company. In no event will the Electric Company bear the risk of any changes in regulation or PJM rules related to such costs or charges. Also, in no event shall any PJM charges to other than network transmission customers be recovered through the Electric Company's retail transmission rates for SOS service, except to the extent (if any) provided in Subsection 4103.1.

**A new Subsection 4107.14 is added to read as follows:**

4107.14 On or before January 15<sup>th</sup> of each year, the Electric Company shall submit a report to the Commission that details the value of the credits made to each CREF Owner or Operator for unsubscribed energy showing the price and the amount of unsubscribed energy underlying the credits for unsubscribed energy on a monthly basis.

**4108 BID DOCUMENTS AND INFORMATION PROVIDED BY THE ELECTRIC COMPANY TO POTENTIAL BIDDERS**

**Subsection 4108.2 is amended to read as follows:**

4108.2 The Electric Company shall provide to potential SOS bidders the following actual and historical information for the thirty-six (36) months preceding the month in

which the data is to be submitted to the Commission. The Electric Company shall provide such data on its RFP website on a date to be specified by the Commission.

- (a) Monthly and hourly demand, energy consumption and load profile data, as defined by the Commission, aggregated for each SOS customer class. For Large Commercial customers, if an individual customer's load data will be disclosed, customer written consent is required;
- (b) Number of customers in each SOS customer class and the number of customers taking SOS within each customer class;
- (c) Representative load shapes for each of the Electric Company's profile group and sub-groups by month, provided that if an individual customer's load shape will be disclosed, written customer consent is required;
- (d) Hourly delivery data;
- (e) Billing determinants on electronic spreadsheets;
- (f) System losses;
- (g) The amount of electric supply acquired from CREFs and the total capacity of all authorized CREFs; and
- (h) Other information as determined by the Commission to be necessary or useful to wholesale bidders.

**Subsection 4108.3 is amended to read as follows:**

4108.3 The general requirements and conditions for information submitted by the Electric Company to potential SOS bidders are as follows:

- (a) **Aggregate data:** All information required to be provided by Subsection 4108.2 shall be provided on an aggregate class basis. Individual customer information shall not be provided without the customer's written consent.
- (b) **Historic Data Period:** All information provided will reflect usage during the most recent thirty-six (36) month period, where available. Information describing factors that would cause the information to be unrepresentative of electricity usage during the SOS period shall also be provided.
- (c) **Due Care; Corrections:** The Electric Company shall use due care in compiling the required information with the understanding that bidders will be relying on the data to formulate SOS bids. The Electric Company shall have the duty to correct any inaccuracies promptly upon discovery.

- (d) **Affiliated Interests:** The Electric Company shall not provide any information to an affiliated competitive provider that is not provided to all potential SOS bidders. The Electric Company must comply with the code(s) of conduct adopted by the Commission.
- (e) **Electronic Form; Standard Software:** The Electric Company shall provide all information in electronic form usable by standard personal computer software packages; and
- (f) **Scope and Format:** The Commission will determine the scope and detail of the information required by Subsections 4108.2, 4108.3(a), 4108.3(b), and 4108.3(e).

**Add a new Section 4109, DISTRIBUTION LEVEL GENERATION, to read as follows:**

**4109            DISTRIBUTION LEVEL GENERATION**

- 4109.1            Community Renewable Energy Facilities (“CREFs”) may provide electric supply to the Electric Company that shall be used to offset SOS purchases from wholesale suppliers. All electric supply provided by CREFs shall become the property of the Electric Company, but shall not be counted toward the Electric Company’s total retail sales for purposes of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code §§ 34-1431 *et seq.*).
- 4109.2            If the electric supply of a CREF is fully subscribed, the Electric Company as SOS Administrator shall pay the CREF through a CREF Community Net Metering (“CNM”) credit on the accounts of all of the CREF’s Subscribers. The Electric Company, as SOS Administrator, shall make no additional payment to the CREF.
- 4109.3            If the electric supply of a CREF is not fully subscribed, the Electric Company as the SOS Administrator shall purchase the unsubscribed supply produced up to the 5 megawatt maximum capacity at the PJM Locational Marginal Price for energy for the PEPCO zone, adjusted for ancillary service charges as specified in Subsection 906.5 according to the procedures set out pursuant to section. Any unsubscribed energy purchased by the SOS Administrator will be distributed to CREF subscribers as credits pursuant to Subsection 907.8.
- 4109.4            Transactions identified in Subsections 4109.1 through 4109.3 are outside of the WFRSA and not part of Wholesale Full Requirement Service.

The previous Section 4109 is renumbered 4110, MARKET MONITOR CONSULTANT and is amended to read as follows:

**4110 MARKET MONITOR CONSULTANT**

4110.1 The Consultant RFP is the document to be issued to hire the Commission's Market Monitoring Consultant ("Consultant"). The Electric Company shall procure and pay for an independent consultant hired pursuant to the Consultant RFP. The Consultant shall be responsible for monitoring all aspects of the procurement of the SOS services. Specifically:

- (a) The Consultant shall be selected by, shall take its direction from, and shall provide its consultation and work products to the Commission.
- (b) The costs incurred by the Electric Company in hiring the Consultant may be included in the Electric Company's incremental costs and may be recovered through the Administrative Charge, subject to Commission review and approval.
- (c) The Consultant shall provide the Commission and the Office of People's Counsel with a final report as to each supply procurement and award.
- (d) The Commission will determine the qualifications of and evaluate all bidders. The Commission will further direct the Electric Company, in writing, as to which bidder to award a contract for consulting service and the terms and conditions of that contract with the exception of the terms and conditions specifically described in this section. The Electric Company will execute the contract with the Consultant no later than four (4) weeks prior to the date of the initial pre-bid conference. The Electric Company will be required to pay only for work that the Consultant does in reviewing the Electric Company's compliance with Section 4105 and any other work that the Commission asks the Consultant to perform.
- (e) The contract term for the contract between the Electric Company and the consultant shall be for one-year, with an option to extend the contract for two (2) additional one-year terms. The option(s) shall be exercised by the Commission in its sole discretion; and
- (f) Prior to the expiration of the initial contract awarded under this section, the second and subsequent consultant services contracts shall be awarded and administered consistent with Subsections 4110.1(a)-(e) herein.

The previous Section 4110 is renumbered 4111, MISCELLANEOUS PROVISIONS and is amended to read as follows:

**4111 MISCELLANEOUS PROVISIONS**

4111.1 The Electric Company may at any time request Commission approval to make changes in its tariffs. However, to the extent that those tariff changes would require conforming changes to either the RFP, the WFRSA generally, or any WFRSA that may be in effect from time to time:

- (a) No such tariff changes may alter the rights and obligations of any wholesale supplier with respect to any WFRSA for which an RFP has already been issued, unless the supplier consents to have its rights or obligations changed;
- (b) The Electric Company shall serve notice of the tariff changes and copies of the proposed conforming changes to the RFP and/or WFRSA on all parties; and
- (c) Any such tariff changes must be consistent with the regulations, orders or other obligations to which the Electric Company is subject.

4111.2 If, after conducting the bid procedures in accordance with the RFP, the Electric Company still has SOS load that has not been awarded to a supplier, then:

- (a) The Electric Company shall initially supply the unserved load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such unserved load, and shall include all the costs of such purchases in the retail rates charged for the service for which the purchases are made.
- (b) Within five (5) business days of it being determined by the Electric Company that the load is unserved, the Electric Company shall convene a meeting of all parties to the proceeding and Commission staff to discuss alternative ways to fill the unserved load, including but not limited to a rebid or a bilateral contract. The meeting process will conclude within ten (10) business days of the load being determined to be unserved, and within twenty (20) calendar days of it being determined that the load is unserved, the Electric Company shall file with the Commission, and serve upon the all parties to the proceeding, any proposal it has for serving the load in lieu of the procedure set forth in Subsection 4111.2(a); and
- (c) The Commission will resolve the Electric Company's filing on an expedited basis. Any alternative means that the Commission approves



will expressly provide that the Electric Company's costs for filling the load will be recovered in retail rates in the same manner as all other charges pursuant to Subsection 4104.1. Until the Commission approves an alternate means of filling the load, Subsection 4111.2(a) will apply.

- 4111.3 If any load is left unserved after a wholesale supplier defaults:
- (a) The Electric Company shall initially supply the defaulted load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such defaulted load, and shall include all the costs of such purchases, net of any offsetting recovery from the defaulting wholesale supplier, in the retail rates charged for the service for which the purchases are made; and
  - (b) As soon as practicable after it is determined by the Electric Company that the load is unserved, the electric company shall file with the Commission a plan to fill the remaining term of the defaulted WFRSA. Such a plan shall be submitted to the Commission within ten (10) business days after a supplier default. Until the Commission approves a plan to fill the remaining term of the defaulted WFRSA, Subsection 4111.3(a) will apply.
- 4111.4 Access to confidential information relating to the Electric Company's procurement of SOS power supply will be governed by the OPC Confidentiality Agreement, the Consultant's Confidentiality Agreement contained in the Bidder RFP, and the Confidentiality Agreement contained in the RFP and the confidentiality provisions of the WFRSA (collectively the "Confidentiality Agreements").
- 4111.5 Ninety (90) days following the Commission's approval of the selection of winning bidders for the final tranche, the Commission will disclose upon request (a) the total number of bidders, and (b) the names of the winning bidders.

## 4199 DEFINITIONS

**Subsection 4199.1 DEFINITIONS is amended by adding or modifying the following terms and definitions to read as follows:**

**"Availability of Standard Offer Service"** means the Standard Offer Service available on and after the initial implementation date to: (1) customers who contract for electricity with a competitive electricity supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a competitive electricity supplier; and (3) customers who do not choose a competitive electricity supplier.

**“Community Renewable Energy Facility” or “CREF”** means an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as tier one renewable sources in accordance with Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(15)); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and CREF Rider with the Electric Company.

**“CREF Credit Rate”** means a rate equal to the standard offer service rate for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, that is applied as a credit to the account of a CREF subscriber for its percentage of the CREF electrical production.

**“SOS Administrator”** means the provider of standard offer service mandated by Section 109 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1509).

**“Subscriber”** means a retail customer of a competitive electricity supplier or a SOS customer of the Electric Company in the District of Columbia who owns a subscription in a CREF and who has identified an individual billing meter within the District of Columbia to which the subscription shall be attributed.

**“Subscription”** means a percentage interest in a CREF’s electrical production.

2. All persons interested in commenting on the subject matter of this NOPR may submit written comments and reply comments no later than thirty (30) and forty-five (45) days, respectively, after the publication of this Notice in the *D.C. Register*. Comments may be filed with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2<sup>nd</sup> Floor, West Tower, Washington, DC 20005 or at the Commission’s website at [www.dcpsc.org](http://www.dcpsc.org). Persons with questions concerning this Notice should call 202-626-5150.

## DEPARTMENT ON DISABILITY SERVICES

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department on Disability Services, pursuant to the authority set forth in Section 109 of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264, D.C. Official Code § 7-761.09 (2012 Repl.)), and Mayor's Order 2007-68, dated March 20, 2007, hereby gives notice of its adoption, on an emergency basis, of amendments to Chapter 1 (Vocational Rehabilitation Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), which is administered by the Department on Disability Services, Rehabilitation Services Administration (DDS/RSA).

This rulemaking amends the financial sponsorship provisions of DDS/RSA's post-secondary and education training regulations. This emergency action is necessary for the following reasons: 1) to maximize the public funding available to DDS/RSA; 2) to facilitate and ensure that DDS/RSA uses its limited financial resources to serve the maximum number of eligible individuals, including those at out-of-state educational placements, who need post-secondary education or training to achieve sustainable, competitive employment; 3) to clarify DDS/RSA's preference for in-state educational services; 4) by encouraging in state-educational services, to improve outcomes for people receiving these service by providing for continuity of the local support network; 5) to clarify the amount DDS/RSA will fund for both in-state and out-of-state educational services; and 6) to broaden the definition of Washington D.C. Metropolitan Area. The amendments are specifically in Sections 122.6, 122.7, 122.9, and 199.

Emergency action is necessary for the immediate preservation of the welfare of District residents who are or will be attending post-secondary education or training in the Spring 2015 semester, because it will better enable them to work with DDS/RSA vocational rehabilitation counselors in planning for financial sponsorship and whether to seek in-state or out-of-state services to meet their individualized needs. It will also permit DDS/RSA to provide such services to more District residents. The emergency rulemaking was adopted and became effective on August 29, 2014. The emergency rules will remain in effect for 120 days from the adoption date or until December 27, 2014, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever comes first.

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

**Section 122, POST-SECONDARY EDUCATION AND TRAINING, of Chapter 1, VOCATIONAL REHABILITATION SERVICES, of Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:**

**Subsection 122.6 is amended to read as follows:**

122.6

- (a) If either a public or private institution located in the Area offers an academic program necessary to achieve the consumer's vocational goal, but the consumer chooses to attend a post-secondary institution (whether public or private) that is located outside of the Area, the Rehabilitation Services Administration's support for tuition shall be based on:
  - (1) The tuition rate published by the University of the District of Columbia for the applicable number of credit hours and academic term; or
  - (2) The published tuition rate for the necessary training program that is available within the Area if the training program is not based on credit hours.
- (b) If there is no public or private institution located in the Area that offers an academic program necessary to achieve the consumer's vocational goal, the Rehabilitation Services Administration will pay the full tuition and fees, room and board, and related transportation costs for the out of state institution necessary to achieve the consumer's vocational goal, subject to all relevant provisions of this chapter.

**Subsection 122.7 is amended to read as follows:**

122.7

- (a) The individual shall be responsible for educational/training costs in excess of the payment rates and restrictions established in this chapter.
- (b) Daily transportation associated with educational/training costs shall be paid in accordance with the Rehabilitation Services Administration written policy, procedures and protocols.
- (c) Non-daily transportation associated with educational/training costs shall be paid by the Rehabilitation Services Administration if such costs are not covered through the financial needs test under § 124, or when an exceptional circumstance is established under § 122.9. Non-daily transportation will be paid using the most cost-effective means of travel subject to the following conditions:
  - (1) When an individual resides in on-campus housing, the Rehabilitation Services Administration will pay for non-daily transportation at the beginning and end of each academic term/semester, and otherwise when on-campus college/university housing is closed during the academic calendar year in which the individual is actively enrolled and engaged in a program of study; or

- (2) When an individual resides in off-campus housing, the Rehabilitation Services Administration will pay for non-daily transportation at the beginning and end of each academic term/semester in which the individual is actively enrolled and engaged in a program of study.

**Subsection 122.9 is amended to read as follows:**

- 122.9 The Rehabilitation Services Administration shall not fund on or off-campus room and board, except in exceptional circumstances. Exceptional circumstances shall be documented annually, comply with § 122.11, and be limited to the following:
- (a) Room and board are necessary to accommodate a client's disabilities, as documented annually by a medical professional with expertise in the area of the individual's disability, and the individual is actively engaged in an educational or training program; or
  - (b) Room and board are necessary for the individual receiving services outside of the Washington, D.C. Metropolitan Area, as follows:
    - (1) If an individual is enrolled and actively engaged in a college/university (two year community college or vocational certificate programs, four-year college or university) program of study and that same or similar degree program is not available at any post-secondary institution (whether public or private) within the Washington, D.C. metropolitan area; or,
    - (2) If an individual is enrolled and actively engaged in a training program of one year or less in duration, and the same or similar training program is not available within the Washington, D.C. metropolitan area.

**Section 199 is amended to include the definition for "Washington D.C. Metropolitan Area" to read as follows:**

**Washington D.C. Metropolitan Area** – for purposes of receiving services under this Chapter, the Washington D.C. Metropolitan Area is defined as areas in the District of Columbia, Maryland and Virginia accessible by public transportation, including cities accessible by the Washington Metropolitan Area Transit Authority (Metro), Maryland Area Regional Commuter (MARC), and the Virginia Railway Express (VRE).

Comments on the proposed rules shall be submitted in writing to Andrew Reese, Deputy Director, Department on Disability Services/Rehabilitation Services Administration, 1125 15<sup>th</sup> Street NW, 9th Floor, Washington, D.C. 20005, within thirty (30) days from the date of

publication of this notice in the *D.C. Register*. Emailed comments should be submitted at [ddsrsa-regcomments@dc.gov](mailto:ddsrsa-regcomments@dc.gov). Copies of the emergency and proposed rules may be obtained from the Martin Luther King, Jr. Memorial Library, 902 G Street NW, or via online access on the agency's website at [www.dds.dc.gov](http://www.dds.dc.gov).

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-211  
September 2, 2014


**SUBJECT:** Amendment – Mayor's Order 2014-193, Appointment – Healthy Youth and Schools Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Repl.), and pursuant to section 702 of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Law 18-209, D.C. Official Code § 38-827.02 (2012 Repl.), it is hereby **ORDERED** that:

1. Section 1 of Mayor's Order 2014-193, dated August 7, 2014, is amended to read as follows:
  - "1. **SHANNON FOSTER** is appointed to the Healthy Youth and Schools Commission, replacing Jean L. Gutierrez, as a general member, to complete the remainder of an unexpired three year term that ends May 1, 2016."
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
 \_\_\_\_\_  
 VINCENT C. GRAY  
 MAYOR

ATTEST:   
 \_\_\_\_\_  
 CYNTHIA BROCK-SMITH  
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-212  
September 3, 2014

**SUBJECT:** Appointment – Workforce Investment Council

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 2011-114, dated July 1, 2011, it is hereby **ORDERED** that:

1. **CHARLES THORNTON**, Director of the Office on Returning Citizen Affairs, is appointed to the Workforce Investment Council as a representative of a District of Columbia government agency that partners with One-Stop Services, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


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**VINCENT C. GRAY**  
**MAYOR**

**ATTEST:**   


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**CYNTHIA BROCK-SMITH**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2014-213  
September 3, 2014

**SUBJECT:** Appointments – Mayor's Advisory Committee on Child Abuse and Neglect

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), and in accordance with Mayor's Order 2012-164, dated October 3, 2012, as amended by Mayor's Order 2014-074, dated April 9, 2014, it is hereby **ORDERED** that:

1. **CHARMETRA PARKER** is appointed as a member of the Mayor's Advisory Committee on Child Abuse and Neglect (“Advisory Committee”), representing the Office of the Attorney General for the District of Columbia, and shall serve in that capacity at the pleasure of the Mayor.
2. **YULIANA DEL ARROYO** is appointed as a member of the Advisory Committee, representing the Office of the State Superintendent of Education, replacing Elizabeth Morse, and shall serve in that capacity at the pleasure of the Mayor.
3. **ELLEN WELLS** is appointed as a member of the Advisory Committee, representing the Department of Human Services, and shall serve in that capacity at the pleasure of the Mayor.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.


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 VINCENT C. GRAY  
 MAYOR

ATTEST:   
 CYNTHIA BROCK-SMITH  
 SECRETARY OF THE DISTRICT OF COLUMBIA

**DC MAYOR'S OFFICE ON AFRICAN AFFAIRS****NOTICE OF FUNDING AVAILABILITY****FY 2015 AFRICAN COMMUNITY GRANT**

The Mayor's Office on African Affairs (OAA) is soliciting grant applications from qualified community-based organizations (CBOs) serving the District's African constituents [residents and/or business owners] - for its FY15 African Community Grant. The grant is intended to fund programs that provide targeted services and resources to the District's African residents and/or business owners in areas of need in the community. Funding priority areas identified for FY15 are economic and workforce development, linkage to health and human services, youth engagement and education, promotion of arts, culture and the humanities.

OAA expects to award up to 8 grants. Eligible organizations can be awarded up to \$25,000. Grant awards will be for one (1) year. To be eligible for a grant, applicants must meet all of the following criteria: be a community-based or faith-based organization with 501(c)(3) status, an organization or program that serves the District's African residents or business owners, and an organization or program that is located in the District of Columbia.

For FY15, OAA's African Community Grant will fund culturally and linguistically appropriate programs with demonstrated tie in to the Mayor's priority areas and community needs in the program areas listed above. The Request for Application will be available September 19, 2014. The RFA will be posted on OAA's website ([www.oaa.dc.gov](http://www.oaa.dc.gov)) & the on the District's Grant Clearinghouse Website at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>.

Applicants are encouraged to attend the Pre-Bidders Grant Orientation that will take place Tuesday, October 7, 2014 from 10 a.m. – 12 p.m. located at Franklin D. Reeves Center of Municipal Affairs, 2000 14th Street, NW 2nd Floor Edna Cromwell Community Room Washington, DC 20009. For additional information, please contact Heran Sereke-Brhan, Deputy Director (202) 727-7670 or [heran.sereke-brhan@dc.gov](mailto:heran.sereke-brhan@dc.gov).

**The deadline for submission is Tuesday, October 14, 2014 at 5pm**

**CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY****REQUEST FOR PROPOSALS****Purchase of Technology Equipment  
and Installation Services – SY 2014-2015**

The Cesar Chavez Public Charter for Public Policy Schools solicits proposals to vendors of technology equipment and/or installation service vendors for its multiple projects throughout the 2014-2015 school year

More information will be provided upon request to [itbids@chavezschools.org](mailto:itbids@chavezschools.org)

Email questions to [itbids@chavezschools.org](mailto:itbids@chavezschools.org) with the subject line as “**Purchase of Technology Equipment and Installation Services – SY 2014-2015**”.

Proposals are due not later than: September 24, 2014; 12:00pm

## DEPARTMENT OF EMPLOYMENT SERVICES

## NOTICE OF FUNDS AVAILABILITY

Office of Workforce Development  
Adult Training Program

The District of Columbia Department of Employment Services (DOES) is seeking grant applications to meet the workforce development needs of District residents by implementing a variety of occupational programs and/or postsecondary education classes. The goal of this grant opportunity is to accelerate the ability of District residents to earn nationally recognized credentials and college credits. Successful grantees will provide: (1) credit-bearing, high-demand occupational training, (2) nationally recognized credentials, and (3) academic courses which may lead to a degree.

**Eligibility:** Local educational agencies, training providers, universities, and colleges licensed by The DC Education Licensure Commission (ELC) are eligible to apply. The applications will be ranked based on the applicant's capacity and ability to demonstrate: 1) a record of success in implementing a variety of high-demand occupational training and academic courses; 2) a record of participants successfully completing a variety of high-demand occupational training and academic courses; and 3) a record of working collaboratively with and/or partnering with at least two (2) of the following: a) employers, b) education and training community, and c) non-profit organizations.

**Length of Awards:** The grant period will be for twelve (12) months from the date of execution of a Grant Agreement with DOES. At the discretion of DOES, a maximum of four (4) one-year option periods may be granted based on performance and the availability of funding. Option periods may consist of a year, a fraction thereof, or multiple successive fractions of a year.

**Available Funding for Awards:** The total amount of funding that DOES anticipates to be available for this award is \$4,000,000, pending availability of funds. The funds for the Adult Training Program are made available through District of Columbia appropriations.

**Anticipated Number of Awards:** DOES anticipates making up to ten (10) awards depending on funding availability and responsiveness of applicants.

**How to Obtain the RFA:** The Request for Application (RFA) will be released on **Friday, September 26, 2014**. The RFA will be available on the following websites:

- DOES website: [www.does.dc.gov](http://www.does.dc.gov)
- OCP website: <http://ocp.dc.gov/service/ocp-solicitations>
- DC Grants Clearinghouse: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>

For more information regarding this grant opportunity, applicants may contact the DOES Grants Office at [doesgrants@dc.gov](mailto:doesgrants@dc.gov) at 202-671-3100 or Eugenia Palmer, Program Manager for Local Initiatives, via email at [eugenia.palmer@dc.gov](mailto:eugenia.palmer@dc.gov) or via phone at (202) 698-5861.

**The deadline for online application submission is:  
Monday, October 27, 2014, no later than 2:00pm EST.**

**DISTRICT DEPARTMENT OF THE ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**GRANTS FOR**

**LID Rebates & Environmental Education**

The District Department of the Environment (“DDOE”) is seeking eligible entities, as defined below, to support DDOE’s ongoing program of incentivizing low impact development (LID) implementation on private property in the District of Columbia (District) and to assist DDOE in providing a meaningful stream or Chesapeake Bay experience for every student enrolled in District public schools.

Beginning 9/12/2014, the full text of the Request for Applications (“RFA”) will be available online at DDOE’s website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

**Download** from DDOE’s website, [www.ddoe.dc.gov](http://www.ddoe.dc.gov). Select “Resources” tab. Cursor over the pull-down list; select “Grants and Funding;” then, on the new page, cursor down to the announcement for this RFA. Click on “Read More,” then download and related information from the “attachments” section.

**Email** a request to 2014LIDEnviroEDRFA.grants@dc.gov with “Request copy of RFA 2014-1413-WPD” in the subject line;

**Pick up a copy in person** from the DDOE reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002 (call Grace Manubay at (202) 535-1844 to make an appointment and mention this RFA by name); or

**Write** DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Grace Manubay RE:2014-1413-WPD” on the outside of the letter.

**The deadline for application submissions is 10/3/2014, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to 2014LIDEnviroEDRFA.grants@dc.gov.

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies; and
- Universities/educational institutions.

**Period of Awards:** See RFA for details

**Available Funding:** The total amount available for this RFA is approximately \$1,310,000.00. The amount is subject to continuing availability of funding and approval by the appropriate agencies.

For additional information regarding this RFA, please contact DDOE as instructed in the RFA document, at [2014LIDEnviroEDRFA.grants@dc.gov](mailto:2014LIDEnviroEDRFA.grants@dc.gov).

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2014

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit #6009-R2 to Cello Partnership (DBA Verizon Wireless) to operate one natural gas fired emergency generator set located in Washington, DC. The contact person for the facility is Matthew Melito, Director of Operations, at (800) 488-7900.

Emergency Generator to be Permitted

<b>Equipment Location</b>	<b>Address</b>	<b>Generator Size</b>	<b>Engine Size</b>	<b>Permit No.</b>
Verizon Wireless 441 G Street NW Washington, DC	441 G Street NW Washington, DC 20548	60 kW	100 bhp	6009-R2

The application to operate the emergency generator and the draft renewal permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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

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

Stephen S. Ours  
 Chief, Permitting Branch  
 Air Quality Division  
 District Department of the Environment  
 1200 First Street NE, 5<sup>th</sup> Floor  
 Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after October 13, 2014 will be accepted.**

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**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2014

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**Emergency Generator to be Permitted**

<b>Equipment Location</b>	<b>Address</b>	<b>Generator Size</b>	<b>Engine Size</b>	<b>Permit No.</b>
Verizon Wireless 1101 Connecticut Ave NW Washington, DC	1101 Connecticut Ave NW Washington, DC 20036	60 kW	100 bhp	6010-R2

The application to operate the emergency generator and the draft renewal permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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FISCAL YEAR 2014

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Emergency Generator to be Permitted

<b>Equipment Location</b>	<b>Address</b>	<b>Generator Size</b>	<b>Engine Size</b>	<b>Permit No.</b>
Verizon Wireless 1666 K Street NW Washington, DC	1666 K Street NW Washington, DC 20036	60 kW	100 bhp	6011-R2

The application to operate the emergency generator and the draft renewal permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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FISCAL YEAR 2014

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**Emergency Generator Set to be Permitted**

<b>Equipment Location</b>	<b>Address</b>	<b>Generator Size</b>	<b>Engine Size</b>	<b>Permit No.</b>
Verizon Wireless 5225 Wisconsin Ave NW Washington, DC	5225 Wisconsin Ave NW Washington, DC 20015	60 kW	100 bhp	6012-R2

The application to operate the emergency generator and the draft renewal permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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FISCAL YEAR 2014

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The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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FISCAL YEAR 2014

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The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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FISCAL YEAR 2014

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The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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FISCAL YEAR 2014

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The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2014

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The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2014

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Emergency Generator to be Permitted

<b>Equipment Location</b>	<b>Address</b>	<b>Generator Standby Rating (Engine Size)</b>	<b>Generator Model</b>	<b>Permit No.</b>
410 M Street SE Washington, DC	410 M Street SE Washington, DC 20003	80 kW (131 bhp/98 kW)	Generac/ SD080	6856

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

<b>Emission Standards</b>	
<b>Pollutant</b>	<b>g/kW-hr</b>
NMHC+NO <sub>x</sub>	4.0
CO	5.0
PM	0.30

- b. Visible emissions shall not be emitted into the outdoor atmosphere from each generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions the emergency generator are as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Carbon Monoxide (CO)	0.27
Oxides of Nitrogen (NO <sub>x</sub> )	0.22
Volatile Organic Compounds (VOC)	0.22
Total Particulate Matter (PM Total)	0.02
Sulfur Dioxide (SO <sub>x</sub> )	0.07

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

VIA EMAIL TO:

September 3, 2014

██████████  
Producer Relations Manager  
D.C. Health Benefits Exchange Authority  
██████████

Dear ██████████:

This responds to your request for advice concerning clarification on the laws governing outside employment and financial interests with regard to earnings as an independent broker. Based upon the information you provided in your email of June 19, 2014, I conclude that continuing to receive earnings from your previous position as an independent broker is permissible.

You state that on April 6, 2014, you joined the D.C. Health Benefit Exchange Authority (“HBX”) as the Producer Relations Manager. Prior to joining HBX, you were an independent broker. As an independent broker, you were licensed in the District, Maryland, Virginia, and Florida, and sold Disability, Life, Hospital, Accident, Supplemental and Major Medical insurance products in both the individual and group markets. You have the following licenses: life and health.

You are appointed by the following insurance carriers in the District: Aetna, Aflac, CareFirst, Combined, Delta Dental, Dominion Dental, Kaiser, United Healthcare, United Concordia and Unum. You are appointed by the following insurance carriers in other jurisdictions: Anthem & Golden Rule (as well as the carriers listed above). You had a website, ██████████, which served as one avenue of generating business. That website now exists only as a shell, meaning that it still exists on the internet, but no business can be transacted on the website. The links to purchase, as well as every other active part of the website, have been disabled.

In August of 2012, you registered as a D.C. Health Link broker, which required specific training. Nearly all of your major medical business for individuals and small businesses in D.C. was through D.C. Health Link. Your experience with D.C. Health Link was a critical asset in securing the position of Producer Relations Manager at HBX. Your experience with D.C. Health Link was a critical asset to HBX due to your expertise with the D.C. Health Link software. Due to your expertise, you are able to serve HBX as a “Super User Trainer” for the D.C. Health Link software, disseminating information on its use and functions to other HBX staff.

Broker payments come in different forms. Some carriers pay a yearly lump sum for initial enrollment or renewals. Others pay a per-member per-month (“PMPM”) commission as the

insured pays premiums. Others pay the PMPM plus a signing bonus when a new individual or business is enrolled. Some pay after a client has made the first two payments. Some payments are delayed simply because of a lag in the D.C. Health Link system. Some pay a lifetime of commissions. Although you will continue to receive commissions in multiple fashions for the services you provided, you will not continue servicing any clients. Servicing of clients will be transferred to another broker via a “block transfer.”<sup>1</sup>

Your affiliation with clients as their broker of record will cease completely when the block transfer of your clients occurs. The block transfer will occur prior to the consent of the clients. You plan to write a letter to all your clients that will explain that you are no longer their broker of record, inform the clients about their new broker of record, and inform the clients that they may select a different broker of record if they choose. The letter will also explain to your clients that, due to your position with HBX, you can no longer provide any service to them, such as answering questions or resolving issues. That will now be the role of the broker of record who assumes the block transfer.

Since beginning with HBX, you have not sought or serviced any new or existing clients. You were under the impression that you were able to keep commissions on-going into the future for business you had already built. Specifically, due to a miscommunication, you were informed that the only prohibition on broker activities that you would face as an HBX employee concerned the origination of new broker business.

You learned there may be an issue through conversations with your supervisor when questions arose regarding assisting individuals and businesses for whom you continue to be the broker of record. You approached [REDACTED], General Counsel and Chief Policy Advisor for HBX, in the first week of June 2014. You immediately took down any link referencing you individually on the [REDACTED] website and you continue your practice of not providing any direct broker services to previous clients. You worked with HBX staff to determine what additional steps would be necessary. It became clear that this was a complex situation, and therefore you sought guidance from the Board of Ethics and Government Accountability (“BEGA”).

The applicable provision of the Code of Conduct that informs my decision is found in 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 (2014 Supp.)). Specifically, the Conflict of Interest provision in D.C. Official Code § 1-1162.23, reads, in part:

*(a) No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.*

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<sup>1</sup> In a “block transfer,” the transferor broker transfers broker of record services to a transferee broker, who will then assume responsibility for servicing the client. You state that “block transfers” are a standard industry practice in the health insurance field.

Additionally, HBX's own establishing legislation is implicated because it also contains a Conflicts of Interest provision. D.C. Official Code § 31-3171.10 reads as follows:

(a)

*(1) A member of the executive board or of the staff of the Authority shall not be employed by, a consultant to, a member of the board of directors of, affiliated with, or otherwise a representative of, a health carrier or other insurer, an agent or broker, a health professional, or a health care facility or health clinic while serving on the board or on the staff of the Authority.*

*(2) A member of the executive board or of the staff of the Authority shall not be a member, a board member, or an employee of a trade association of health carriers, health facilities, health clinics, or health professionals while serving on the board or on the staff of the Authority.*

*(3) A member of the executive board or of the staff of the Authority shall not be a health professional unless he or she receives no compensation for rendering services as a health professional and does not have an ownership interest in a professional health care practice.*

*(b) No member of the executive board or of the staff of the Authority shall, for one year after the end of the member's service on the board or employment by the Authority, accept employment with any health carrier that offers a qualified health benefit plan through the exchanges.*

*(c) No member of the executive board shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any decision that he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on him or her or a member of his or her immediate family, or on either of the following:*

*(1) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$ 250 or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made.*

*(2) Any business entity in which the member is a director, officer, partner, trustee, or employee, or holds any position of management.*

Because of the interplay between the two statutes, I sought guidance from the Office of the Attorney General ("OAG"). OAG concluded that nothing in the nature of your current situation brings you within the provisions of D.C. Official Code § 31-3171.10.

D.C. Official Code § 31-3171.10 prohibits a member of the HBX executive board or Authority staff from being: (1) employed by; (2) a consultant to; (3) a member of the board of directors of; (4) affiliated with, or; (5) otherwise a representative of, a health carrier/insurer, an agent or broker, a health professional, or a health care facility, while serving on the board or staff.

In OAG's opinion, none of the above terms apply to your situation. You are not now employed by, consultant to, a member of the board of, or otherwise representing the insurers you previously worked with. The only provision which gave OAG pause is the "affiliated with" provision, but OAG does not view receiving those payments from the various insurers as being "affiliated with" them.

Black's Law Dictionary defines "affiliate" as:

*"a condition of being united . . . in close connection, allied, associated or attached . . ." to a person, body or organization, while affiliation "imports less than membership in an organization but more than sympathy . . . a working alliance to bring to fruition the proscribed program of a proscribed organization, as distinguished from mere cooperation . . . ."*<sup>2</sup>

OAG interprets "affiliation" as requiring some active, conscious cooperation toward a common goal, which is absent in your situation. This interpretation is reinforced by the legislative history of D.C. Official Code § 31-3171.10, which shows that the Council's focus was on preventing people with active or current ties with a health insurer/broker/facility from also serving on the board, and thereby potentially skewing agency policy in favor of a provider or an industry as a whole.<sup>3</sup>

Therefore, under OAG's interpretation, your receipt of payments for already-completed work as a broker does not mean that you are affiliated with a health carrier or other insurer, agent or broker. You are likewise not employed by, a consultant to, or a representative of a health carrier or other insurer, agent or broker. Accordingly, OAG does not view this provision as applying to your situation. I agree.

That said, you must not take any brokering actions now that you are an HBX employee. The brokering work for which you receive payments must have been completed prior to your employment with HBX.

Accordingly, I do not view your situation as implicating D.C. Official Code § 1-1162.23, the Ethics Act's Conflicts of Interest provision. Therefore, your continued receipt of earnings from your previous position as an independent broker is permissible.

Please be advised that this advice is provided to you pursuant to section 219 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 § 1-1161.01 *et seq.*), which empowers me to provide such guidance. This advice is binding.

If you disagree with my conclusions herein, you may appeal this decision to the three-member Board of Ethics for reconsideration pursuant to D.C. Official Code § 1-1162.19.

<sup>2</sup> Black's Law Dictionary 37 (Abridged 6<sup>th</sup> edition, 1991).

<sup>3</sup> Staff was not the focus of the Council's discussion and was not mentioned often in the legislative history of D.C. Official Code § 31-3171.10. Report of the Committee on Health on B-119-0002, the "Health Benefit Exchange Authority Establishment Act of 2011 (Council of the District of Columbia, November 10, 2011).

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that your identity will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at [darrin.sobin@dc.gov](mailto:darrin.sobin@dc.gov).

Sincerely,

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DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

# 1201-001

**EXCEL ACADEMY PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**  
**BUILDING-WIDE PUBLIC ADDRESS SYSTEM**

Excel Academy Public Charter School is seeking a company to provide the following services:

- Order and install any and all equipment necessary for a one-way public address (PA) system throughout the building's 63 classrooms/office spaces, 16 restrooms, cafeteria, auditorium, playground, hallways and stairways;
- Provide training to staff on the use and basic maintenance of the PA system;
- Clean the working area at completion of the project to ensure a safe and secure environment for students to return to;
- Provide minimum of one year warranty for installation-related issues.

For questions or more information, please send via email to [kproch@excelpcs.org](mailto:kproch@excelpcs.org). No information about the RFP will be provided individually over the phone to bidders. All questions submitted will be answered and sent to all interested bidders with the identity of the questioner removed.

Proposals are due September 26, 2014 by 5PM EST:

Attn: Katie Proch  
Excel Academy Public Charter School  
2501 Martin Luther King Jr. Ave. SE  
Washington, DC 20020

Electronic submissions are encouraged and can be sent to [kproch@excelpcs.org](mailto:kproch@excelpcs.org)



**EXCEL ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Comprehensive Security System****Transaction Overview**

Excel Academy PCS is seeking proposals for the installation of a fully comprehensive video surveillance, access control, and intrusion system. The security system may be hard-wired or wireless, and should allow for data to be digitally recorded and accessed in real-time.

Excel Academy is located in an 86,800 sq. ft. renovated brick elementary school building with three floors and basement. There are sixty-three (63) academic classrooms and office spaces, one (1) multi-purpose gymnasium/auditorium, sixteen (16) restrooms, one (1) cafeteria, five (5) stairwells, eight (8) exterior doors that we will need to secure as well as all hallways, windows, and common areas.

**Services Sought**

Excel Academy PCS is seeking a company to:

- Design, install, and implement comprehensive security upgrades necessary to secure the building's 8 exterior doors, 63 classrooms/office spaces, 16 restrooms, cafeteria, auditorium, hallways, stairways, and windows;
- Remove the old CCTV system and replace it with a new, fully-automated CCTV system that will provide 24 hour real time monitoring and recording of all activity;
- Upgrade our door automation and locks systems, allowing for all points to be controlled by access control devices;
- Install an intrusion detection system that transmits alarm and trouble signals to a 24 hour UL Listed Central Station
- Recommend any facilities upgrades required for optimal functioning of the new system (e.g. exterior door replacement, etc.)
- Provide training to key staff on the use and basic maintenance of the security system;
- Clean the working area at completion of the project to ensure a safe and secure environment for students to return to;
- Provide minimum of one-year warranty for installation-related issues.

Proposals are due September 26, 2014 by 5pm EST at the school's offices:

Attn: Katie Proch  
Excel Academy Public Charter School  
2501 Martin Luther King Jr. Ave. SE  
Washington, DC 20020

Electronic submissions are encouraged and can be sent to [kproch@excelpcs.org](mailto:kproch@excelpcs.org).

## DEPARTMENT OF HEALTH CARE FINANCE

## PUBLIC NOTICE

In accordance with 42 C.F.R. § 447.205, the Department of Health Care Finance (DHCF) is providing public notice of seven (7) proposed amendments to the State Plan for Medical Assistance (State Plan). The District is updating hospital reimbursement methodologies in order to ensure payment rates appropriately align with the acuity of patients, the cost of delivering hospital services, and advances in coding technologies.

If approved by the Centers for Medicare and Medicaid Services (CMS), with the requested effective date of October 1, 2014, the State Plan Amendments (SPAs) will update the reimbursement methodologies applied to inpatient and outpatient hospital services; authorize reimbursement for sub-acute psychiatric services for individuals under age twenty-two (22); and ensure consistency between the new methodologies and the District's policies regarding supplemental payments, provider preventable conditions (including health care acquired conditions and never events), cost reports, audits, administrative review, and appeals.

The seven (7) SPAs are:

- 1) Part I: Reimbursement to General Hospitals Delivering Inpatient Services;
- 2) Part II: Reimbursement to Specialty Hospitals Delivering Inpatient Services;
- 3) Part III: Supplemental Payments to Hospitals;
- 4) Part IV: Health Care Acquired Conditions;
- 5) Part V: Cost Reports, Audits, Administrative Review, and Appeals;
- 6) Reimbursement to Hospitals Delivering Outpatient Hospital Services; and
- 7) Inpatient Psychiatric Services for Individuals Under 22 (Sub-Acute Psychiatric Services).

SPAs #1 and 2, "Part I: Reimbursement to General Hospitals Delivering Inpatient Services" and "Part II: Reimbursement to Specialty Hospitals Delivering Inpatient Services", establish a redesigned reimbursement methodology based on All-Patient Refined Diagnosis Related Groups (APR-DRG). Services subject to the APR-DRG prospective payment system include inpatient services provided in general and specialty hospitals located within and out-of-the-District. Payments to these hospitals will be subject to high-cost outlier, low-cost outlier, and pediatric adjustments.

The fiscal impact anticipated with SPA #1 (general hospitals) during Fiscal Years (FYs) 2015 and 2016 is \$165,500,000 and \$170,300,000, respectively. The fiscal impact anticipated with SPA #2 (specialty hospitals) during FYs 2015 and 2016 is \$20,300,000 and \$20,900,000, respectively.

SPA #3, "Part III: Supplemental Payments to Hospitals" restates the District's existing policies governing Disproportionate Share Hospital (DSH) Supplemental Payments. The District has maintained the same DSH language since 2010. This SPA is being submitted to maintain consistency with State Plan page numbering and formatting.

There is no fiscal impact anticipated with SPA #3.

SPA #4, “Part IV: Health Care Acquired Conditions” restates the District’s existing policies governing payment adjustments for certain conditions determined by CMS.

There is no fiscal impact anticipated with SPA #4.

SPA #5, “Part V: Cost Reports, Audits, Administrative Review, and Appeals” sets forth slightly modified requirements for hospital cost reports. This SPA also establishes audit parameters for specialty hospitals receiving transition rates under the new reimbursement methodologies. Finally, SPA #5 clarifies the distinctions between Administrative Review within DHCF and the provider’s appeal rights before the Office of Administrative Hearings.

There is no fiscal impact anticipated with SPA #5.

SPA #6, “Reimbursement to Hospitals Delivering Outpatient Hospital Services” establishes a redesigned reimbursement methodology based on the Enhanced Ambulatory Patient Grouping (EAPG) system. Both the APR-DRG and EAPG based reimbursement methodologies will adjust payments based on the patient’s severity of illness and risk of mortality as well as the hospital’s resource needs.

The fiscal impact anticipated with SPA #6 (outpatient services) during FYs 2015 and 2016 is \$37,700,000 and \$38,700,000, respectively.

SPA #7, “Inpatient Psychiatric Services for Individuals under 22 (Sub-Acute Psychiatric Services)” creates a new level of care within the behavioral health system servicing children in the District of Columbia. These services are currently available to children enrolled in Medicaid Managed Care Organizations. If approved, private psychiatric hospitals located in the District will be authorized to receive payment for delivering sub-acute psychiatric services to fee-for-service Medicaid beneficiaries under age 22 thereby aligning the District Medicaid program’s payment policies.

The fiscal impact anticipated with SPA #7 (sub-acute services) during FYs 2015 and 2016 is \$38,000 and \$39,000, respectively.

Comments may be submitted in writing to Claudia Schlosberg, J.D., Interim Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900, South, Washington DC 20001, via telephone on (202) 442-8742, via email at [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Copies of the State Plan Amendments (SPAs) are available by contacting the DHCF Health Care Policy and Research Administration, Division of Regulation and Policy Management, via telephone at (202) 442-9115 or e-mail Karla Andrews at [karla.andrews@dc.gov](mailto:karla.andrews@dc.gov).

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY (NOFA)**

Request for Applications #CHA\_IACS081514

**AMENDED – pre application date**

**INNOVATIONS IN AMBULATORY CARE SERVICES GRANTS PROGRAM**

**This notice supersedes the NOFA RFA#CHA\_IACS081514 published in DC Register on 07/25/2014 volume 61/31.**

The Government of the District of Columbia, Department of Health (DOH) Community Health Administration (CHA) is soliciting applications for funding to implement or continue innovations in primary care services delivery that will increase access to care and/or improve outcomes for primary care patients residing in the District of Columbia.

This funding will be available through local appropriations in the Fiscal Year 2015 budget, and will be subject to the enactment of the Fiscal Year 2015 Budget Support Act of 2014.

Approximately \$750,000 in local appropriated funds will be available for up to four (4) awards. Award sizes will range from a minimum of \$75,000 up to a maximum of \$600,000 per year. The target grant period start date is January 5, 2015. The grants may be extended for a maximum of two (2) additional option years – for a total of three years of funding - subject to availability of funds, grantee performance, and program evaluation findings.

The following entities are eligible to apply for grant funds under this RFA: private not-for-profit organizations, private medical practices, and/or consortia with a record of providing, or assisting in the provision of, comprehensive primary medical, dental, and/or behavioral health care to medically-vulnerable populations in the District.

The Request for Applications **RFA #CHA\_IACS081514 release date will be Friday, August 15, 2014.** The complete RFA will be posted in the District Grants Clearinghouse section of the Office of Partnerships and Grants Services website, [www.opgs.dc.gov](http://www.opgs.dc.gov). A limited number of copies of the RFA will be available for pick up at DOH/CHA offices located at 899 North Capitol Street, NE Washington, DC 20002 3<sup>rd</sup> floor\*.

**The deadline for submission of applications will be Friday, October 3, 2014 at 4:30 pm. The Pre-Application Conference (previously scheduled for September 8, 2014) will be held at 899 North Capitol St. NE\* on Tuesday, September 16, 2014, from 2:00pm – 4:00 pm.**

For questions, please contact Bryan Cheseman at [bryan.cheseman@dc.gov](mailto:bryan.cheseman@dc.gov) or at (202) 442-9339.

\*899 N. Capitol St. NE is a secured building. Government issued identification must be presented for entrance.

**DEPARTMENT OF HEALTH**  
**HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF EVENT**

Board of Chiropractic  
September 19, 2014

The Board of Chiropractic will host an Open House to celebrate Chiropractic Regulatory Month in the District, and to unveil the first ever Chiropractic Workforce Capacity Report for the District.

The event will take place at the Wilson Building, Press Conference Room at 1350 Pennsylvania Avenue NW, Washington, DC 20004 on September 19, 2014 from 9:00 am to 12:00 noon, with special guest Councilmember Yvette Alexander.

Executive Director for the Board – Jacqueline A. Watson, DO, MBA. For questions contact Health Licensing Specialist, Mary Harris at 202-442-5828 or by email at [mary.harris2@dc.gov](mailto:mary.harris2@dc.gov) . Web address: [www.doh.dc.gov/boc](http://www.doh.dc.gov/boc). Facebook address: [www.facebook.com/dcboc](http://www.facebook.com/dcboc) .

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF EVENT**

Board of Medicine  
September 24, 2014

On SEPTEMBER 24, 2014 from 8:00 am to 12:00 Noon, the Board of Medicine will host a free live CME event entitled 'ER/LA Opioids: Assessing Risks, Safe Prescribing' for licensed health professionals that prescribe opioids.

The event will take place at MedStar Washington Hospital Center, True Auditorium, 110 Irving Street, NW, Washington, DC 20010.

Health Licensing Specialist – Lisa A. Robinson - Phone: (202) 724-8802.  
Email: [lisaa.robinson@dc.gov](mailto:lisaa.robinson@dc.gov). Web address: [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed).

Executive Director for the Board – Jacqueline A. Watson, DO, MBA.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## HOUSING PRODUCTION TRUST FUND ADVISORY BOARD

## NOTICE OF OCTOBER REGULAR MEETING

The Housing Production Trust Fund (HPTF) Advisory Board announces its next Meeting on **Monday, October 6, 2014, from 10:00 A.M. to 1:00 P.M.**, at the D.C. Department of Housing and Community Development, Housing Resource Center, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020. See below the Draft Agenda for the October meeting. Note that there will be a special “Stakeholder Dialogue between Lenders and Developers” regarding the proposed DHCD Acquisition Loan Program.

For additional information, please contact Oke Anyaegbunam, HPTF Manager, via e-mail at [Oke.Anyaegbunam@dc.gov](mailto:Oke.Anyaegbunam@dc.gov) or by telephone at 202-442-7200.

**DRAFT AGENDA** (as of 9.8.14):

Call to Order, David Bowers, Chair

- 1) *Discussion Item*: Proposed DHCD Acquisition Loan Program  
“Stakeholder Dialogue between Lenders and Developers”
- 2) DHCD: Financial Status of the Housing Production Trust Fund
- 3) DHCD: Update on the Development Finance Project Pipeline Per Unit Average Subsidy Costs by Income Bands
- 4) Approval of Prior Meeting Summaries
- 5) Old Business
- 6) New Business
- 7) Announcements
- 8) Public Comments
- 9) Adjournment

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**INCLUSIONARY ZONING PROGRAM**

**NOTICE OF ALTERNATIVE SELECTION PROCEDURE FOR  
2910 GEORGIA AVENUE NW, WASHINGTON, DC**

The DC Department of Housing and Community Development (“DHCD”), pursuant to the authority set forth in Section 107 of the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code Section 6-1041.07) and Mayor’s Order 2008-59, dated April 2, 2008, hereby gives notice that registration for the Alternative Selection Procedure for two affordable housing units (“Inclusionary Units”) under the Inclusionary Zoning Program is open from the date of publication in the DC Register until the two Inclusionary Units are sold. Information about the size, sale price and details about these Inclusionary Units is available at [www.dchousingsearch.org](http://www.dchousingsearch.org).

DHCD is hereby establishing the Alternative Selection Procedure for the selection of Households eligible to purchase the two (2) Inclusionary Units at 2910 Georgia Avenue NW, Washington, District of Columbia. Unless otherwise defined herein, any capitalized terms used in this document shall have the meaning identified in the Inclusionary Zoning Implementation regulations, 14 D.C.M.R. §2299. Inclusionary Unit #C-02 is a two bedroom unit and is reserved for a Low-Income Household. The maximum purchase price for Inclusionary Unit #C-02 is \$145,200. Inclusionary Unit #202 is a two bedroom unit and is reserved for a Moderate-Income Household. The maximum purchase price for Inclusionary Unit #202 is \$271,200.

In accordance with 14 D.C.M.R. §2210.6, DHCD will permit the sale of the Inclusionary Units to Households that did not register for previous lotteries. Households must register under the current Alternative Selection Procedure outlined below to be eligible to purchase these Inclusionary Units. No previous Household registration will be valid. Households that previously registered for the Inclusionary Zoning Program lottery will continue to be eligible for future lotteries for other upcoming Inclusionary Units.

Alternative Selection Procedure:

1. Households interested in purchasing the above Inclusionary Units shall either register online at [www.dhcd.dc.gov](http://www.dhcd.dc.gov) or register in person through one of the computers in DHCD’s Housing Resource Center, 1800 Martin Luther King Jr. Avenue SE, First Floor, Washington D.C. 20020, Monday to Friday, 8:30 A.M. to 3:30 P.M., (202) 442-9505.

2. Interested Households shall provide DHCD with the following information through the online registration:

- Name, address, and telephone number of the Household member who will serve as the primary contact;
- The Number of people in your Household; Note that your Household must have at least two (2) persons and must have no more than four (4) persons in order to be eligible); The



income level of your Household; Note that your Household Income levels must be at or below the maximum levels for a Low-Income Household or a Moderate-Income Household:

Household Size (Number of Persons)	Low-Income Household Maximum Income	Moderate-Income Household Maximum Income
2	\$42,800	\$68,480
3	\$48,150	\$77,040
4	\$53,500	\$85,600

- Whether the Household consists of a person enrolled as a full time student, and, if so, the Annual Income and household size of the parents or guardians of the full time student;
- Name and address of employer of each employed Household member;
- Whether the Household’s address is the principal residence for the primary contact and the members of the Household;
- Whether the Household has obtained an eligibility notice for any District or Federal loan or grant programs (HPAP/EAHP/NEAHP, etc.)

3. DHCD shall inform Households who have fulfilled the registration requirements listed above that they have been selected to continue the process to purchase the Inclusionary Unit for which they are income eligible. Following such notice from DHCD, the selected Households shall contact the Certifying Entity to obtain their Certifications of Income, Affordability, and Housing Size. Households must also obtain a Housing Counseling Certificate of completion.

4. Prior to contacting the Certifying Entity, Households must obtain a pre-approval letter from a lender indicating the Household’s creditworthiness and ability to afford the purchase price. Please note that a pre-approval letter is required, not a pre-qualification letter.

5. Households should request an appointment with the Certifying Entity to determine their eligibility for the purposes of issuing the Certification of Income, Affordability and Housing Size and providing each of the Households with housing counseling and a housing counseling certificate of completion under the Inclusionary Zoning Program.

6. After a Household obtains their Certifications of Income, Affordability and Housing Size; and receives their housing counseling certificate of completion, the Household shall provide the following information to the DHCD by emailing the following documents to Lesley Edmond at 2910.georgiaavenue@dc.gov; or by mailing the documents to the attention of Lesley Edmond at: 1800 Martin Luther King Jr. Avenue SE, Second Floor, Washington D.C. 20020:

- a. A Certification of Income, Affordability and Housing Size obtained from a Certifying Entity approved by DHCD;
- b. A housing counseling certificate of completion; and
- c. An active pre-approval letter from lender(s) indicating the Household’s creditworthiness and ability to afford the purchase price.

7. Any mailed documents must be addressed as follows:  
 Attn: Lesley Edmond – 2910 Georgia Avenue Registration

1800 Martin Luther King Jr. Avenue SE, Second Floor  
Washington D.C. 20020

8. Registration for the above two Inclusionary Units shall remain open from the date of the D.C. Register publication through 5 p.m. on Monday, October 27, 2014. Only Households that have submitted all the documents required in paragraph six (6) to DHCD shall be eligible to purchase one of the two Inclusionary Units. Households that mail their documents must ensure that they are received by DHCD on Monday, October 27, 2014. Documents that are postmarked October 27, 2014, but arrive later, will not be accepted.
9. DHCD will review the documents required in paragraph six (6). If a Household has properly submitted all the required documents, DHCD will notify the Household and the Inclusionary Development Owner that the Household is eligible to purchase one of the two Inclusionary Units. DHCD will approve documents on a rolling basis, and interested Households are encouraged to submit their documentation as soon as possible if they are interested in purchasing the unit. Notified Households do not have any exclusive right to purchase the Inclusionary Unit. The Inclusionary Units may be sold to the first ready and able Household.
10. The Inclusionary Development Owner may sell the Inclusionary Unit to the first ready and able Household for each of the Inclusionary Units that submits all the documents required in paragraph six (6). The Inclusionary Development Owner may sell the Inclusionary Unit prior to October 27, 2014, if an interested Household has had its documentation approved.
11. DHCD may, at its sole discretion, reopen registration after October 27, 2014. If DHCD reopens registration, it will do so by republishing the Alternative Selection Procedure.
12. Once the Inclusionary Development Owner sells to the first ready and able buyer, all other registered Households for that Inclusionary Unit become ineligible for that Inclusionary Unit and must re-register for future lotteries if they wish to purchase other upcoming Inclusionary Units.
13. All notices by DHCD to registered and selected Households, Certifying Entities, and the Inclusionary Development Owner shall be by email only.

## DEPARTMENT OF HUMAN RESOURCES

## EXCEPTED SERVICE EMPLOYEES AS OF AUGUST 25, 2014

## NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	Jackson	Janene	Dir., Pol & Legislative Affairs	11
Excepted Service	Bunn	Sheila	Deputy Chief of Staff	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Glaude	Stephen	Director, Community and Religion	10
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	McCoy	Doxie	Senior Communications Officer	10
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Gorman	Darryl	Dir. Boards & Commissions	09
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Richardson	Jeffrey	Chief Service Officer	09
Excepted Service	Barge	Lolita	Director of Legislative Support	08

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Barnes	Lafayette	Program Analyst	08
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Washington	Sterling	Director	08
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Atkins	Latisha	Executive Director for Commission on Women	07
Excepted Service	Harris	Stephanie	Special Assistant	07
Excepted Service	Coombs	John	Policy Analyst	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Desjardins	Matthew	Comm. & Initiatives Specialist	06
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	Levine	Daryl	Special Assistant	06
Excepted Service	Marus	Robert	Writer Editor	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06
Excepted Service	Nutall	Dexter	Executive Assistant	06
Excepted Service	Sereke-Brhan	Heran	Program Analyst (Bilingual)	06
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Adams	Lisa	Policy Analyst	05
Excepted Service	Allen	Darin	Scheduler	05
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Hernandez Maduro	Frank	Outreach & Service Specialist	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Onwuche	Charles	Outreach & Service Specialist	05
Excepted Service	Walker	David	Staff Assistant	05
Excepted Service	Watson	Leonard	Outreach & Service Specialist	05
Excepted Service	Williams	Marchim	Outreach & Service Specialist	05
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Pierce	Ashley	Scheduling Support Assistant	03
Excepted Service	Johnson	Stephanie	Administrative Support Specialist	03
Excepted Service	Weaver	Zachary	Policy Analyst	02

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Lew	Allen	City Administrator	11
Excepted Service	Graves	Warren	Chief of Staff	11
Excepted Service	Robinson	Anthony	Director	10
Excepted Service	Love	Phyllis	Management & Program Analyst Officer	08
Excepted Service	Moss	J Laverne	Executive Assistant	07

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Bruce	Blanche	Interim Inspector General	11
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Sweeney	Brian	Supvy Criminal Investigator	10
Excepted Service	Wright	Alvin	Asst IG Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy Gen Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Weeks	Marcus	Attorney-Advisor	09
Excepted Service	Wolfingbarger	Brentton	Supv Attorney Advisor	09
Excepted Service	Nguyen	Dangkhoa	Attorney Advisor	08
Excepted Service	Van Croft	Keith	Attorney-Advisor	08
Excepted Service	Williams	Burnette	Attorney-Advisor	08

DEPARTMENT OF GENERAL SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Bellamy	Sandy	Management and Program Analyst	08

OFFICE OF THE SECRETARY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Anderson	Sharon	Special Assistant	07
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Mynett	Beth	Medical Officer	11
Excepted Service	Brown	Jerry	Program Analyst	06
Excepted Service	Darby	Enidsia	Staff Assistant	02

DC DEPARTMENT OF HUMAN RESOURCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Jorhena	Fusion Center Operations Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Luparello	F. Thomas	Interim Director	11
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05

OFFICE OF CABLE TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sabbakhan	Rabbiah	Interim Director	11

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Szegedy Maszak	Peter	Attorney Examiner	10
Excepted Service	McKoin	Claudia	Attorney Examiner	10
Excepted Service	Young	Ronald	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrix	Legislative Affairs Specialist	09

OFFICE OF PLANNING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Levy	David	Special Assistant for Substance	09



DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Miller	Mark	Interim Deputy Mayor for Planning and Econ Dvlpmt	11
Excepted Service	Nichols	Richard	Chief of Staff	11
Excepted Service	Palmer	Crystal	Special Assistant	10
Excepted Service	Troy	Matthew	Chief Operating Officer	10
Excepted Service	Loescher	Douglas	Director of Business Development	
Excepted Service	Trueblood	Andrew	Deputy Chief of Staff	09
Excepted Service	Ellis	Gary	Special Assistant	08
Excepted Service	Tyus	Darnetta	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Edwards	Ronnie	Deputy Director for Business Operations	09

DEPARTMENT OF FORENSIC SCIENCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Maguire	Christopher	Deputy Director	11
Excepted Service	Funk	Christine	General Counsel	10

METROPOLITIAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durham	Alfred	Chief of Staff	11

METROPOLITIAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Bromeland	Matthew	Special Assistant to the Chief	09
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate Communications	09
Excepted Service	Major	Jacob	Lieutenant	09
Excepted Service	O'Meara	Kelly	Executive Director, Strategic Change Division	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Jones	Eugene	Interim Fire Chief	11
Excepted Service	Lewis	Turna	Labor Management Liaison Specialist	09

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Quander	Paul	Deputy Mayor	11
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Fields	Beverly	Chief of Staff	10

OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Aguierre	Jesus	State Superintendent of Education	11
Excepted Service	Potterveld	Will	Chief of Staff	10
Excepted Service	Calderon	Miriam	Special Assistant	08

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Salimi	Scheherazade	Chief of Staff	09
Excepted Service	Greenberg	Judith	Special Assistant	09
Excepted Service	Comey	Jennifer	Special Assistant	08
Excepted Service	Bluestone	Abigail	Program Analyst	07
Excepted Service	Fejeran	Celine	Program Analyst	07

DEPARTMENT OF PARKS AND RECREATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shanklin	Sharia	Interim Director	11
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Carroll	Deborah	Interim Director	11
Excepted Service	Greenwalt	Kristy	Executive Director Interagency Council	11
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10
Excepted Service	Thompson	Sakina	Policy & Prog Support Advisor	10

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Deputy Chief of Staff	09
Excepted Service	Gomez	Sandra	Administrative Support Specialist	03

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Vowels	Robert	Medical Officer	10
Excepted Service	Rapp	Melisa	Chief of Staff	09

DISTRICT DEPARTMENT OF TRANSPORTATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Brown	Matthew	Acting Director	11

DISTRICT DEPARTMENT OF TRANSPORTATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Kreiswirth	Barry	Chief of Staff	10
Excepted Service	Powell	Jeffrey	Interim Deputy Director	10
Excepted Service	Archie	Davena	Community Service Representative	05
Excepted Service	FitzGerald	Christopher	Community Service Representative	05

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Carl	Clean City Coordinator	09
Excepted Service	Fanning	John	Outreach & Service Specialist	05
Excepted Service	Simms	Shanelle	Outreach & Service Specialist	05

CHILD AND FAMILY SERVICES AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Rosenberg	Michele	Chief of Staff	08

DEPARTMENT OF BEHAVIORAL HEALTH ( formerly Mental Health)				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Canavan	Patrick	Health System Administrator	11

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McPherson	Chester	Acting Commissioner	10

OFFICE OF MOTION PICTURE & TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Bagley	Pierre	Director	10

DC TAXICAB COMMISSION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Linton	Ron	Chairman DC Taxicab Commission	10

OFFICE OF TENANT ADVOCATE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shreve	Johanna	Chief Tenant Advocate	09

OFFICE OF VETERAN AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Cary	Matthew	Director, Veterans Affairs	09

DEPARTMENT OF YOUTH REHABILITATION SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Forbes	Jill	Correctional Institution Administration	10

**KIPP DC PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Pre-Construction Services**

KIPP DC is soliciting proposals from qualified and licensed contractors for pre-construction services for an expansion project at an existing PreK-8 campus. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/public-information/>. Proposals are due no later than 5:00 P.M., EST, September, 19, 2014 and should be sent to **ALL 3** of the following: [lindsay.snow@kippdc.org](mailto:lindsay.snow@kippdc.org), [ret@jairlynch.com](mailto:ret@jairlynch.com), and [procurement@kippdc.org](mailto:procurement@kippdc.org). Questions can be addressed to [ret@jairlynch.com](mailto:ret@jairlynch.com) and [lindsay.snow@kippdc.org](mailto:lindsay.snow@kippdc.org).

**Catering Services**

KIPP DC, a public charter school, is looking for a vendor to cater an offsite holiday event for 1,000 people on December 5, 2014 from 7:00-10:00pm. Proposals will be accepted until 5:00pm, EST, September 19, 2014. For a more detailed RFP, please email Rachel Yost at **BOTH** [rachel.yost@kippdc.org](mailto:rachel.yost@kippdc.org) and [procurement@kippdc.org](mailto:procurement@kippdc.org).

**REAL PROPERTY TAX APPEALS COMMISSION****NOTICE OF ADMINISTRATIVE MEETING**

The District of Columbia Real Property Tax Appeals Commission will hold its second Administrative Meeting on Wednesday, September 17, 2014, at 4:30 pm in the Commission offices located at 441 4<sup>th</sup> Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for this meeting. A final agenda will be posted to RPTAC's website at <http://rptac.dc.gov>

For additional information, please contact: Carlynn Fuller Jenkins, Executive Director, at (202) 727-3596.

**DRAFT AGENDA**

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. REPORT BY THE CHAIRPERSON**
- IV. REPORT BY THE ADMINISTRATIVE OFFICER**
  - a. TAX YEAR 2015 APPEAL SEASON**
  - b. UPCOMING PUBLIC MEETINGS**
- V. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VI. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 5:00 p.m., Monday, September 15, 2014, to:

Carlynn Fuller Jenkins, Executive Director  
Real Property Tax Appeals Commission  
441 4<sup>th</sup> Street NW, Suite 360N  
Washington, D.C. 20001  
202-727-6860  
Email: [Carlynn.fuller@dc.gov](mailto:Carlynn.fuller@dc.gov)



**DISTRICT OF COLUMBIA RETIREMENT BOARD**

**INVESTMENT COMMITTEE**

**NOTICE OF CLOSED MEETING**

September 17, 2014  
10:00 a.m.

DCRB Board Room  
900 7<sup>th</sup> Street, N.W.  
Washington, D.C 20001

On Wednesday, September 17, 2014, at 10:00 a.m., the District of Columbia Retirement Board (DCRB) will hold a closed investment committee meeting regarding investment matters. In accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e), the investment committee meeting will be closed to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

The meeting will be held in the Board Room at 900 7<sup>th</sup> Street, N.W., Washington, D.C 20001.

For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or [Deborah.Reaves@dc.gov](mailto:Deborah.Reaves@dc.gov).

**DISTRICT OF COLUMBIA RETIREMENT BOARD****NOTICE OF OPEN PUBLIC MEETING**

September 17, 2014  
1:00 p.m.

900 7<sup>th</sup> Street, N.W.  
2<sup>nd</sup> Floor, DCRB Boardroom  
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Wednesday, September 17, 2014, at 1:00 p.m. The meeting will be held at 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

*Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled.* For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or [Deborah.reaves@dc.gov](mailto:Deborah.reaves@dc.gov).

**AGENDA**

- |       |                                   |                 |
|-------|-----------------------------------|-----------------|
| I.    | Call to Order and Roll Call       | Chairman Bress  |
| II.   | Approval of Board Meeting Minutes | Chairman Bress  |
| III.  | Chairman's Comments               | Chairman Bress  |
| IV.   | Executive Director's Report       | Mr. Stanchfield |
| V.    | Investment Committee Report       | Ms. Blum        |
| VI.   | Operations Committee Report       | Mr. Ross        |
| VII.  | Benefits Committee Report         | Mr. Smith       |
| VIII. | Legislative Committee Report      | Mr. Blanchard   |
| IX.   | Audit Committee Report            | Mr. Hankins     |
| X.    | Other Business                    | Chairman Bress  |
| XI.   | Adjournment                       |                 |

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after October 1, 2014.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on September 12, 2014. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

## D.C. Office of the Secretary

Effective: October 15, 2014

## Recommended for appointment as a DC Notaries Public

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Acton	Mark D.	Postal Regulatory Commission 901 New York Avenue, NW, Suite 200 West Tower	20268
Adewole	Adetayo	Bank of America 1001 Pennsylvania Avenue, NW	20004
Alhitti	Amany A.	TD Bank 605 14th Street, NW	20005
Andrews	Robin L. C.	Mayer Brown, LLP 1999 K Street, NW	20006
Ashworth	Sara J.	Al Jazeera International (USA), Inc. 1627 K Street, NW, 11th Floor	20006
Barge	Michael Montgomery	The Westbridge Condominium Association, Inc.  2555 Pennsylvania Avenue, NW	20037
Barner	Trinette M.	Ballard Spahr LLP 1909 K Street, NW, 12th Floor	20006
Bean	Courtney A.	McKenna Long and Aldridge 1900 K Street, NW	20006
Beightol	Ann T.	Cassidy Turley 2101 L Street, NW	20037
Best	Ashley	PNC Realty Investors 1601 K Street, NW, Suite 110	20006
Bhatt	Nisha	Madison Marquette 2001 Pennsylvania Avenue, NW 10th Floor	20006
Birdsong	Kirk C.	The National Capital Bank of Washington 5228 44th Street, NW	20015
Bowman	Shelci	Georgetown Law Criminal Justice Clinic 111 F Street, NW	20001

## D.C. Office of the Secretary

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## Recommended for appointment as a DC Notaries Public

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Brew	Deondola	BSA/The Software Alliance 20 F Street, NW, Suite 800	20001
Bustillo	Candida	B-Line Medical 1300 19th Street, NW, Suite 100	20036
Carrillo	Andrew	International Monetary Fund 700 19th Street, NW	20431
Coric	Helena	Beach-Oswald Immigration Law Associates, PC 888 17th Street, NW, Suite 310	20006
Costello	Joseph R.	ICI Mutual Insurance Company 1401 H Street, NW, Suite 1000	20005
Dalley	Tara K.	Marinette Marine Group 300 M Street, Suite 6900	20003
Davis	Phelon	Wells Fargo Bank 1850 M Street, NW	20036
De Luca	Nunziata Maria	Baker Donelson Nearman Caldwell & Berkowitz 901 K Street, NW, Suite 900	20001
Dean	Joseph	The Public Defender Service for the District of Columbia 633 Indiana Avenue, NW	20004
Emanuele	Sr. Janet	Little Sisters of the Poor 4200 Harewood Road, NE	20017
Fairbank	Richard S.	Pinnacle Title & Escrow, Inc. 1776 Eye Street, NW, Suite 701	20006
Fearrington	Kasi	GeoCapitol Engineering LLC 4910 Massachusetts Avenue, NW, Suite 206	20016
Felts	John Pate	Self (Dual) 1338 Q Street, NW	20009
Foote	P. Justin	Summit Consulting, LLC 718 7th Street, NW, Suite 314	20001

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public****Effective: October 15, 2014  
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French	Wesley C.	U.S. Commodity Futures Trading Commission 1155 21st Street, NW	20581
Gaines	Mary R.	Quarles & Brady LLP 1700 K Street, NW, Suite 825	20006
Glymph	Genie	Child and Family Services Agency 200 I Street, SE	20003
Goosby	Consuella R.	Federal Trade Commission 600 Pennsylvania Avenue, NW	20580
Gregory	Helen O.	Self 4269 Hildreth Street, SE	20019
Gridley	Sara	McKissack & McKissack of Washington, Inc. 901 K Street, NW, 6th Floor	20001
Harris	Maya L.	Vornado/Charles E. Smith 1875 Connecticut Avenue, NW, Suite 420	20009
Hathaway	Girija	Arent Fox LLP 1717 K Street, NW	20036
Henley	Iris P.	Morgan Stanley 1775 I Street, NW, Suite 200	20006
Henwood	Karla M.	Shapiro, Lifschitz and Schram, PC 1742 N Street, NW	20036
Hession	Christine	Wells Fargo Insurance Services 1401 H Street, NW	20005
Howard	Sherwood	Self 2701 17th Street, NE	20018
Hubert	Susan A.	Shapiro, Lifschitz and Schram, PC 1742 N Street, NW	20036
Huddleston	Lauren	Fenway Summer LLC 1072 Thomas Jefferson Street, NW	20007

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Igoe	Victoria	EverFi, Inc. 3299 K Street, NW	20007
Ince	Ria	DVA Federal Credit Union 1319 F Street, NW, Suite 500	20004
Irabor	Joan Alekha	Self (Dual) 1524 F Street, NE	20002
Jackson	Edia L.	Ballard Spahr LLP 1909 K Street, NW 12th Floor	20006
Jackson	Courtney T.	Child and Family Services Agency 200 I Street, SE	20003
Jaen	Maria T.	Lupus Foundation of America, Inc. 2000 L Street, NW, Suite 410	20036
Johnson	Oscar J.	Olender Reporting, Inc. 1100 Connecticut Avenue, NW, Suite 810	20036
Kien	Lara	Wells Fargo Bank 1300 I Street, NW, 11th Floor	20005
Kline	Ina	Metro Staffing 1629 K Street, NW, Suite 300	20006
Laning	Stephanie	Ballard Spahr LLP 1909 K Street, NW 12th Floor	20006
Le	Linh M.	Ballard Spahr LLP 1909 K Street, NW 12th Floor	20006
Lipscomb	Mary	Child and Family Services Agency 200 I Street, SE	20003
Long	Cailin Marie	Picard Kenz & Rowe LLP 1750 K Street, NW, Suite 1200	20006
Ludd	Clement A.	Self 5013 Sheriff Road, NE	20019

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Lyles	Kimberly	Association of Flight Attendants-CWA, AFL-CIO 501 Third Street, NW, 10th Floor	20001
Maner	Sara Evans	Law Office of John T. O'Rourke 801 Pennsylvania Avenue, NW, Suite 500	20004
Marks	Jonathan	Wells Fargo Bank 1447 P Street, NW	20005
Marshall	Helen A.	American Political Science Association 1527 New Hampshire Avenue, NW	20036
Mayers	Rohan	BB&T Farragut Square Office 815 Connecticut Avenue, NW	20006
Mayes	Tynisha A.	Saint John Paul II National 3900 Harewood Road, NE	20017
McConnell	Ashley S.	Hogan Lovells US LLP 555 13th Street, NW	20004
McKeon	Mary	Alderson Court Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
McMurray	Cheyenne L.	Browstein Hyatt Farber Schreck, LLP 1350 I Street, NW, Suite 510	20005
Mendel	George B.	Self (Dual) 3022 8th Street, SE	20032
Milone	Wendy	Tully Rinckey, PLLC 815 Connecticut Avenue, NW, Suite 720	20006
Mitchell	Jonathan	NAFSA: Association of International Educators 1307 New York Avenue, NW, Suite 800	20005
Moore	Audrey R.	Department of Navy 20 MacDill Boulevard, Suite 349	20032



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Naeem	Shazia Neelam	Ballard Spahr LLP 1909 K Street, NW 12th Floor	20006
Nelson	Valeria	Center for Law and Social Policy (CLASP) 1200 18th Street, NW, Suite 200	20036
Neudorfer	Jeffrey P.	Skadden, Arps, Slate, Meagher & Flom LLP 1440 New York Avenue, NW	20005
Nieman	Shannon M.	Vornado/Charles E. Smith 1875 Connecticut Avenue, NW	20009
Orlova	Veronika	BB&T Corporation 1909 K Street, NW 1st Floor	20006
Orton	Carla M.	Arent Fox LLP 1717 K Street, NW	20036
Parady	Justin	Arent Fox LLP 1717 K Street, NW	20036
Partlow	Lisa	The Public Defender Service for the District of Columbia 633 Indiana Avenue, NW	20004
Perla	Gregory J.	Gregory J. Perla, Esq. 3529 W Place, NW	20007
Perna	Maria Sakavich	Self 3929 Benton Street, NW	20007
Preston	Kimberly Haynes	National Register of Health Service Psychologists 1200 New York Avenue, NW, Suite 800	20005
Ramos	Vivian F.	HSBC (USA) Inc. 1130 Connecticut Avenue, NW, Suite 1201	20036
Randall	Ivory	FINRA 1735 K Street, NW	20006

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Richardson	Gillian J.	Department of Behavior Health, Saint Elizabeths Hospital 1100 Alabama Avenue, SE	20032
Riser	Anne O.	BSA/The Software Alliance 20 F Street, NW, Suite 800	20001
Rogers	Ray	John T. Rhines Funeral Home 3005 12th Street, NE	20017
Romero-Arias	Sarai Y.	Child and Family Services Agency 200 I Street, SE	20003
Rosier	Collan B.	Bancroft PLLC 1919 M Street, NW, Suite 470	20036
Shuler	Donna	Answer Title 10 G Street, NE, Suite 460	20002
Silverberg	Carol	United States Department of Justice, Tax Division, Appellate Section 950 Pennsylvania Avenue, NW	20530
Smith	Kyna	The Intelligent Office 1425 K Street, NW, Suite 350	20005
Sosa	Jacqueline	Parkinson Construction Company, Inc. 7826 Eastern Avenue, NW, Suite 502	20012
Stapleton	Maureen	Stroock & Stroock & Lavan LLP 1875 K Street, N?W, Suite 800	20006
Stubbs	Colaya	Department of Behavioral Health, Saint Elizabeths Hospital 1100 Alabama Avenue, SE	20032
Sykes-Minor	Sonja	Bingham McCutchen LLP 2020 K Street, NW, 10th Floor	20006
Thomas	LaTisha N.	National Quality Forum 1030 15th Street, NW, Suite 800	20005

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Thompson	Erika	Koonz, McKenney, Johnson, DePaolis & Lightfoot, LLP 2001 Pennsylvania Avenue, NW, Suite 450	20006
Usher	Karen M.	Child and Family Services Agency 200 I Street, SE	20003
Van Buren	Robin	Red Multifamily 1746 N Street, NW	20036
Vermillion	Suzanne	Blake Real Estate, Inc. 1120 Connecticut Avenue, NW, Suite 1200	20036
Washington	Kaneisha J.	Bank of America 700 13th Street, NW	20005
Weingarten	Matthew E.	Skadden, Arps, Slate, Meagher & Flom LLP 1440 New York Avenue, NW	20005
Wilbon	Nicole M.	International Center for Alcohol Policies 1225 19th Street, NW	20036
Wilson	Maggie L.	Self 4502 14th Street, NW	20011
Wright	Indya	The National Capital Bank Of Washington 316 Pennsylvania Avenue, SE	20003
Zivitz	Nancy S.	Washington Fine Properties 3201 New Mexico Avenue, NW, Suite 220	20016

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DC TAXICAB COMMISSION**

**NOTICE OF SPECIAL COMMISSION MEETING**

The District of Columbia Taxicab Commission will hold a Special Commission Meeting on Tuesday, September 16, 2014 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at [www.dctaxi.dc.gov](http://www.dctaxi.dc.gov).

Members of the public must register to speak. The time limit for registered speakers is five (5) minutes. **A registered speaker must submit ten (10) copies of his or her statement to the Secretary to the Commission. A registered speaker will not be allowed to speak if the copies are not submitted.** Registration to speak closes at 3:30 pm the day prior to the meeting. Contact the Secretary to the Commission, Ms. Mixon, on 202-645-6018, selection 4. Registration consists of your name; your phone number or email contact; and your subject matter.

**DRAFT AGENDA**

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

**TWO RIVERS PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Commissioning Services**

Two Rivers Public Charter School invites all interested parties to submit proposals to provide commissioning services for the renovation of the Young school facility. The delivery date of the project is July 2015. The complete RFP can be obtained by contacting Ryan Gever at [rgever@programmanagers.com](mailto:rgever@programmanagers.com) or 202-289-4455. All response will be due by 5:00pm on Friday, September 19, 2014.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA**  
**EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES**

**NOTICE OF PUBLIC MEETING**

The Executive Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Tuesday, September 16, 2014 at 4:30 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](http://www.udc.edu).

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

**Planned Agenda**

- I. Call to Order and Roll Call**
- II. Approval of Minutes – July 15, 2014**
- III. Restructuring of Board Committees – Proposed Rulemaking (Public Comment)**
- IV. Election Procedures for Alumni Trustees**
- V. Executive Appointments**
- VI. Closing**

**Adjournment**

*Expected Meeting Closure*

In accordance with Section 2-575 (b) (10) of the Open Meetings Act of 2010, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA  
REGULAR MEETING OF THE BOARD OF TRUSTEES**

**NOTICE OF PUBLIC MEETING**

The regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Tuesday, September 16, 2014 at 5:00 p.m. 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](http://www.udc.edu).

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

**Planned Agenda**

- I.** Call to Order and Roll Call
- II.** Approval of Minutes – June 10, 2014
- III.** Report of the Chairperson
- IV.** Report of the President
- V.** Committee Reports
  - a. Executive – Dr. Crider
    - i. Resolution: Sponsored Programs Policies
    - ii. Resolution: University Anti-Discrimination and Harassment Policy
    - iii. Resolution: Extension of the Appointment of Dr. Rachel Petty as Interim Provost
    - iv. Resolution: Appointment of Dr. Connie Webster as Acting Associate Provost for Academic Programs
  - b. Committee of the Whole – Dr. Crider
  - c. Academic Affairs – Dr. Curry
    - i. Resolution: Appointment of Dr. Kathleen Dockett as Professor Emeritus
    - ii. Resolution: Appointment of Robert L. Burgdorf as Professor Emeritus
  - d. Budget and Finance – Mr. Felton
  - e. Audit, Administration and Governance – Mr. Shelton
    - i. Resolution: Notice of Proposed Rulemaking-8B DCMR Chapter 19, Background Checks
    - ii. Resolution: Proposed Amendment to University Rules Regarding Performance Management
    - iii. Resolution: Proposed Amendment to University Rules to Delegate Authority to Approve Exec. Appts. of Deans, Associate and Assistant Deans of Academic Colleges to the President
  - f. Student Affairs – General Schwartz
    - i. Resolution: Final Rulemaking-Updating Tuition Structure for Community College,

Flagship, Graduate and Law School Students

g. Community College – Mr. Dyke

h. Facilities – Mr. Bell

**VI.** Unfinished Business

**VII.** New Business

**VIII.** Closing Remarks

**Adjournment**

Expected Meeting Closure

In accordance with Section 2-575 (b) (10) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.



## 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, September 18, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> 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](http://www.dewater.com).

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

## DRAFT AGENDA

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

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, September 18, 2014 at 1:30 p.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](http://www.dewater.com).

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

DRAFT AGENDA

- 1. **Call to Order** Committee Chairperson
- 2. **Water Quality Monitoring** Assistant General Manager, Consumer Ser.
- 3. **Action Items** Assistant General Manager, Consumer Ser.
- 4. **Emerging Issues/Other Business** Assistant General Manager, Consumer Ser
- 5. **Adjournment** Committee Chairperson

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

**Application No. 18638 of Gregg Busch and Rosebusch, LLC**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a special exception from the roof structure requirements of §§ 411 and 1902.1(a), and a variance from the off-street parking requirements under § 2101.1, to allow the construction of a new residential building in the ARTS/C-3-A District at premises 1456-1460 Church Street, N.W. (Square 209, Lots 65, 66 and 67).<sup>1</sup>

**HEARING DATES:** October 22, 2013, December 10, 2013, December 18, 2013, and January 7, 2014

**DECISION DATES:** February 25, 2014 and April 8, 2014

**DECISION ON MOTION TO REOPEN  
RECORD / LIMITED REHEARING:** April 15, 2014

**LIMITED REHEARING DATE:** May 20, 2014

**DECISION DATE:** June 17, 2014

**DECISION AND ORDER**

Gregg Busch and Rosebusch LLC (“Applicant”), submitted this self-certified application on July 24, 2013, for the property located at 1456, 1458, and 1460 Church Street, N.W., at Lots 65, 66, and 67 in Square 209 (the “Property”). The Applicant requested special exception relief from the roof structure requirements of §§ 411 and 1902.1(a), and a variance from the off-street parking requirements under § 2101.1, to allow the construction of a new residential building in the ARTS/C-3-A District. Based on revisions to the design of the building, the Applicant eliminated the need and withdrew its request for an area variance from the rear yard requirements under § 774 and the lot occupancy requirements of § 2604.2.

**Preliminary Matters**

*Notice of Application and Notice of Hearing.* By memoranda dated July 30, 2014, the Office of Zoning sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 2F, the ANC within which the subject property is located, Single Member District 2F-02, and the Councilmember for Ward 2. A public hearing was scheduled for October 22, 2013. Pursuant to 11 DCMR § 3113.13, the Office of Zoning published notice of the hearing on the application in the *D.C. Register*, and on August 9, 2013, sent such notice to the Applicant, ANC 2F, and all

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<sup>1</sup> The Applicant amended its application to eliminate the need for relief from the rear yard and lot occupancy requirements.

**BZA APPLICATION NO. 18638**  
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owners of property within 200 feet of the subject property.

*Board of Zoning Adjustment Hearings.* The Board of Zoning Adjustment (“BZA” or “Board”) convened a hearing on the application on October 22, 2013, but continued the hearing until December 10, 2013 due to the recusal of the Board member representing the National Capital Planning Commission (“NCPC”), resulting in a lack of quorum. The District government was closed for a snow emergency on December 10, 2013, and the hearing was continued to December 18, 2013. At the request of the Applicant, the hearing was deferred until January 7, 2014, due to the unavailability of witnesses. Post-hearing submissions were filed with the record on February 4, 2014, and responses thereto were submitted on February 18, 2014, including proposed findings of fact and conclusions of law.

The Board originally scheduled the case for deliberation on February 25, 2014, but due to lack of a quorum it was rescheduled to April 1, 2014. Because of the primary elections, the Board rescheduled deliberations for April 8, 2014. By a vote of 2-1-2, the Board was unable to reach a decision on a motion to grant the parking variance and special exception on the roof structure height. A second motion passed by a vote of 3-0-2 to grant just the special exception on the roof structure height. By a vote of 2-1-2, the Board was unable to reach a decision on a third motion to grant just the parking variance. The Board continued the decision on the parking variance to April 15, 2014, to allow the absent Board member who participated in the hearing to cast a vote.

On April 11, 2014, the Applicant filed a motion to reopen the record and hold a limited hearing on the parking variance request. On April 15, the fourth participating Board member cast her vote to deny the parking variance so that the vote was 2-2-1, resulting in no decision. As a result, the Board requested NCPC to assign another representative to review the record and vote on the application. The Board granted the Applicant's motion to reopen the record and set the case for limited rehearing on May 20, 2014. Post-hearing submissions were filed with the record on June 3 and 10, 2014, including revised proposed findings of fact and conclusions of law. The Board scheduled the application for further deliberations on June 17, 2014, and voted 3-2 to approve the parking relief variance.

*Request for Party Status.* In addition to the Applicant, ANC 2F was automatically a party in this proceeding. The Metropole Condominium Association (“Metropole”), located immediately west of the Property and represented by Martin Sullivan, Esq., was granted party status in opposition to the application

*Applicant's Case.* Carolyn Brown and Norman M. Glasgow, Jr., of Holland & Knight LLP, represented the Applicant. The Applicant presented four witnesses in support of the application at the February hearing: Brook Rose of Rosebusch, LLC; Steven E. Sher, Director of Zoning and Land Use Services at Holland & Knight, LLP, recognized by the Board as an expert in land use and zoning; Peter Fillat of Peter Fillat Architects; and Erwin Andres, Gorove/Slade Associates, recognized by the Board as an expert in transportation engineering. At the limited rehearing on May 20 2014, the Applicant presented testimony from Brook Rose; Gregg M. Busch; Michael Hines, a real estate broker with TTR Sotheby's specializing in sales in the 14<sup>th</sup>

**BZA APPLICATION NO. 18638**  
**PAGE NO. 3**

Street and U Street corridors; Andrew MacAllister, a real estate professional specializing in debt and equity financing for residential properties in the 14<sup>th</sup> Street and U Street corridors; and Erwin Andres.

*Government Reports.* The Office of Planning filed a report with the Board on October 15, recommending approval of the application. The OP report set forth each of the provisions of 11 DCMR §§ 411, 1902.1(a), and 3104.1 and opined that each is met. The report also opined that the application met the standards of §§ 2101.1 and 3103.2. DDOT also filed a report with the Board on October 16, 2013, stating that it had no objection to the requested relief. The Board waived its requirements in order to accept the report one day late.

*ANC Report.* ANC 2F submitted a report to the Board dated June 19, 2013, recommending approval of the application.

*Party in Opposition.* The Metropole objected to the proposed apartment building addition based on unacceptable parking impacts on the surrounding streets and traffic congestion in the alley. It argued that the Applicant could lower the degree of parking relief needed by constructing a building with fewer units, and that the Applicant had failed to demonstrate a financial practical difficulty for anything less than a 37-unit building. The party opponent also opposed the application with respect to its alleged adverse effect on the light, air and enjoyment of their property; and lack of communication by the Applicant.

*Persons and Organizations in Support.* The Board received numerous letters in support of the application from a number of individuals and organizations. The letters commented favorably on the Applicant's proposal to renovate three historic buildings on the site into a new residential development that leverages the public infrastructure and transportation services in the area, and will add to the vibrancy, walkability, and diversity of the community. The condominium association of CITTA 50, a seven-story residential building to the east of the Property, also submitted a letter to the record stating it had no objection to the project or zoning relief requested by the Applicant.

*Persons and Organizations in Opposition.* The Board also received letters and petitions in opposition to the application. A number of individuals raised concerns regarding transportation issues, including parking, loading, and the enforceability of the Applicant's proposal to restrict residents of the building from applying for residential parking permit stickers; the size and square footage of the proposed units; and construction impacts.

## **FINDINGS OF FACT**

### **The Property and the Surrounding Neighborhood**

1. The Property is located at 1456-1460 Church Street, N.W., at Lots 65, 66, and 67 in Square 209. The south half of Square 209 is bounded by Church Street to the north, 15<sup>th</sup> Street to the west, P Street to the south, and 14<sup>th</sup> Street to the east. The Property fronts on Church Street, which is 50 feet wide; a 10-foot wide alley is located at the rear of the

**BZA APPLICATION NO. 18638****PAGE NO. 4**

Property. The Property contains approximately 3,420 square feet of land. It is zoned ARTS/C-3-A and is located within the 14<sup>th</sup> Street Historic District.

2. C-3-A Districts permit medium density development, including residential and mixed-use development. (11 DCMR § 740.4.) The C-3-A Districts are generally located on arterial streets, in uptown centers, and at rapid transit stops. (11 DCMR § 740.5.) Pursuant to §§ 741, 721, 701, and 350.4 of the Zoning Regulations, multiple dwellings as well as numerous commercial, retail, and service uses are permitted as a matter of right in C-3-A Districts.
3. The Arts Overlay permits a maximum height of 75 feet for buildings in the underlying C-3-A District, provided that no part of the building projects above a plane drawn at a 45-degree angle from a line located 50 feet directly above any property line adjacent to a residential district or any alley separating the property from a residential district. (11 DCMR § 1902.1.) However, because Church Street is only 50 feet in width, the maximum permitted height is 70 feet under the 1910 Height Act. (D.C. Official Code § 6-601.05 (2012 Repl.))
4. The maximum permitted floor area ratio ("FAR") for a Property zoned ARTS/C-3-A that provides at least 3.0 FAR of residential use and that utilizes the maximum bonus density available under the Inclusionary Zoning ("IZ") regulations is 5.3 FAR, and the maximum lot occupancy is 75% for residential uses with 80% permitted under IZ. (11 DCMR §§ 1904.3 and 1909.1(c)(1).)
5. The Applicant is not seeking any relief from the applicable FAR, building height, or lot occupancy requirements. Three 19<sup>th</sup> century buildings occupy the site. The buildings at 1456 and 1458 Church Street are three-story flat-front brick rowhouses with bracketed wood cornices. These houses are modest in size, measuring 12-feet, six-inches wide by 28-feet deep. The building at 1460 Church is a three-story, flat-front brick rowhouse, with a corbelled brick cornice. This house is only slightly larger than the other two, originally measuring 13 feet wide by 34 feet deep, with a small ell-wing added later at the rear.
7. The Property is located less than one block from 14<sup>th</sup> Street N.W., and less than two blocks from Logan Circle. The 14<sup>th</sup> Street corridor is continuing to be redeveloped with a wide variety of high-density commercial, residential, and mixed use buildings. As some of the last remaining undeveloped parcels on the 1400 block of Church Street, Lots 65, 66, and 67 currently offer little to the surrounding neighborhood as the older buildings are falling into disrepair. Surrounded by new mixed use and residential high-rise buildings on both sides, the buildings on the site do not currently fit into the streetscape, which has artfully incorporated older structures into new urban spaces. Revitalization of the site will be a positive addition to the neighborhood. The proposed new building will be one of many new developments in the area, which has become a flourishing retail, residential, and transit corridor.

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8. The Property is easily accessible by public transportation. There are three Metrorail Stations within walking distance of the redevelopment site. The nearest is the Dupont Circle station, which is approximate 0.6 miles from the site, with service on the Red Line. The site also has access to the U Street/African American Civil War Memorial/Cardozo Station, which is approximately 0.7 miles away and which services the Green and Yellow Lines. The McPherson Square Station, which serves the Blue and Orange Lines, is located approximately 0.65 miles away. The site is also located along numerous Metrobus lines, including the G2, S1, S2, S4, S9, 52, 53, 54, 915, and DC 98 lines, and is within three blocks of two Capital Bikeshare stations.
9. The Property abuts a seven-story residential building to the east that incorporates a modest 1920s apartment building (Citta 50). To the west is the seven-story Metropole Condominium, which fronts on 15<sup>th</sup> Street, Church Street, and P Street. The Metropole building steps down to four stories immediately adjacent to the site on Church Street. Across Church Street to the north is a parking lot.

**The Applicant's Project**

10. The Applicant proposes to redevelop the Property by incorporating the three existing nineteenth century buildings into a new eight-story apartment building with approximately 37 units. The historic buildings will be saved to an average depth of 30 feet, which is consistent with their original footprint. The proposed addition will be constructed to the rear, and will project over two of the three existing buildings. The new building will have a height of 70 feet, with the highest portion of the roof structure rising another 14 feet, three inches, for an overall height above the measuring point of 84 feet, three inches.
11. The design of the new building's façade is primarily metal paneled with aluminum windows, glass sliding doors, and aluminum fascia and break metal wrapped trim. The proposed development will retain and incorporate the main masonry bocks of the three historic rowhouses to their original depth of approximately 28-32 feet. These facades will be cleaned, repaired, and repointed. The center rowhouse will serve as the entrance lobby to the larger project, while the entrances to the other two houses will provide access to individual ground floor units. A secondary entrance at the rear of the building is provided from the public alley.
12. The Applicant's initial proposal required relief from the rear yard and lot occupancy provisions, the roof structure setback requirements along Church Street, and 90% relief from the parking requirements based on a proposal to provide two compact spaces at the rear of the site. The Applicant revised its plans twice: first to eliminate the rear yard and lot occupancy relief, and then to eliminate the roof structure setback relief and reduce the degree of parking relief to 79%. As shown on the updated drawings dated February 4,

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2014, the Applicant proposes to provide four parking spaces along the public alley at the rear of the building instead of the required 19 spaces.<sup>2</sup>

13. The D.C. Historic Preservation Review Board (“HPRB”) reviewed the design of the addition and found the concept not incompatible with the historic district and consistent with the purposes of the Historic Preservation Act. The revised design, which eliminated the need for lot occupancy and rear yard relief, was reviewed and approved unanimously by HPRB staff under its delegated authority from HPRB.

**The Special Exception Relief***Enclosure Walls of Unequal Height*

14. Housing for mechanical equipment or a stairway or elevator penthouse on the roof of a building or structure must be placed in one enclosure, and the enclosing walls from the roof level must be of equal height. (11 DCMR §§ 411.3 and 411.5.)
15. In order to maximize the light and air of the residential units and to minimize the size and visibility of the roof structures from the street, the Applicant proposes to build roof structures with walls of unequal height. The egress stairs are proposed to be located on the east and west sides of the building, and will each rise to a height of eight feet, eight inches. The elevator penthouse will be located slightly off-center on the roof, and will rise to a height of 14 feet, three inches.
16. Each roof structure is a necessary feature to the building, and each structure's location and height is driven by the layout and design of the residential units within the building. The stairs are separated due to the Building Code requirement to provide two means of egress for buildings, as well as the desire to break up massing on the roof. These deviations from the roof structure standards are necessary to provide access to the roof, including access for persons with disabilities. The unequal heights reduce the height and visibility of the structures to the greatest extent possible.

*Height of Roof Structures*

17. Under § 1902.1(a) of the Uptown Arts Overlay District, no roof structure may exceed a height of 83.5 feet above the measuring point used for the building. Here, the Applicant proposes that the portion of the roof structure, which will accommodate the elevator override equipment, will rise to a height of 14 feet, three inches on a building that is 70 feet in height, resulting in an overall height of approximately 84 feet, 3 inches, or nine

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<sup>2</sup> The Applicant asserted that under the parking standards for additions to historic resources as stated in § 2120.3, the Applicant would be required to provide only the 15 spaces attributable to the addition, thereby further reducing the degree of parking relief to 73%. Since the Board believes that variance relief is appropriate whether the requirement is 15 or 19 spaces, it will use the higher figure for the purposes of its analysis.



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inches taller than what is permitted in § 1902.1(a) of the Zoning Regulations. The additional height of the elevator penthouse will allow access, including disabled access, to the roof terrace. The rooftop terrace will further the purposes of the ARTS Overlay District to encourage residential development and strengthen the architectural character of the neighborhood. Furthermore, the elevator core has been pushed back to the center of the building to limit its view from the street. The penthouse will be integrated into the overall design of the new structure to ensure its compatibility with the 14<sup>th</sup> Street Historic District in which it is located.

18. The Applicant satisfies the applicable criteria of the ARTS Overlay under § 1906.1, as described below.
  - a. The proposed height of the roof structures will substantially advance the purposes of the ARTS Overlay District by allowing the necessary mechanical equipment for the building to be located on the roof and by providing access to a communal rooftop terrace. The rooftop terrace is a major amenity to this residential development and a significant design feature that strengthens the ARTS Overlay and the 14<sup>th</sup> Street corridor. It provides a safe recreational gathering space for residents of the building and fosters increased activity in the overlay district. (11 DCMR § 1906.1(a).)
  - b. The Property is affected by an exceptionally narrow width of only 38 feet, as well as an exceptionally small size of only 3,420 square feet of land area. In order to accommodate the inclusionary units required under Chapter 26 of the Zoning Regulations, the Applicant is availing itself of the bonus density and height designed to encourage construction of affordable housing. The bonus height permits the building to be constructed to a height of 70 feet, thereby leaving only 13.5 feet for mechanical equipment and an elevator override so that the maximum permitted height of 83.5 feet is not exceeded. The Zoning Regulations permit a maximum height for a mechanical penthouse of 18 feet, six inches. Here, the Applicant has reduced the roof structure height to 14 feet, three inches, so that the overall height of 84 feet, three inches, is only nine inches taller than what is otherwise permitted. (11 DCMR § 1906.1(b).)
  - c. The Applicant has met with the Office of Planning and has received its support, and has received concept approval from the HPRB for the proposed project. (11 DCMR § 1906.1(c).)
  - d. The proposed roof structure height does not affect vehicular access to the site or traffic conditions at the site. Nevertheless, all vehicular access and egress occur via an existing public alley to the rear of the building. The access is designed to minimize conflict with principal pedestrian ways, to function efficiently, and to

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create no dangerous or otherwise objectionable traffic conditions. (11 DCMR § 1906.1(d).)

- e. The modest extension in roof structure height for the elevator penthouse will only be as tall as necessary to allow access to the roof. It will be set back significantly from adjacent property lines and public right-of-ways so that there will be limited visibility of it from the public space. The HPRB and staff have deemed the design to be compatible with the 14<sup>th</sup> Street Historic District. (11 DCMR § 1906.1(e).)

**The Parking Variance Relief***The Parking Requirement*

19. Subsection 2101.1 requires one parking space to be provided for every two units, or in this case, a total of 19 spaces. The Applicant proposes to provide four parking spaces that are eight feet wide by 17 feet deep.

*Exceptional and Extraordinary Conditions*

20. The Property is affected by several exceptional and extraordinary conditions. First, the site is extremely small and narrow. It is only 38 feet wide and contains only 3,420 square feet of land area. Second, three historic buildings on the Property must be maintained, repaired, and renovated in accordance with the HPRB approvals specific to these historic resources. These existing structures must be incorporated into the design of the new building, which also limits and constrains the floor plate of the building. The floor and roof assemblies of the historic townhouses will be retained at 1456 Church Street, largely replaced at 1458 Church Street due to deterioration, and partially replaced at 1460 Church Street to slightly lower the floors. These buildings have been on the site since the late 19<sup>th</sup> century, and together these buildings' characteristics place substantial restrictions on potential building and parking configurations.

*Practical Difficulties*

21. Due to the extreme narrow width of the lot and the historic buildings on the Property, the Applicant cannot excavate the Property to provide below-grade parking, ramps for two-way circulation, or a turning radius sufficient for ingress or egress to a parking garage. Parking access to the site can only be achieved from the 10-foot wide rear alley because the historic buildings that span the full width of the site on Church Street must be retained. Those buildings must also be saved to a depth of approximately 30 feet, eight inches, as measured from Church Street, including the demising walls that separate them below grade. The site cannot be excavated below the historic buildings due to those demising walls. After accounting for the elevator and mechanical core to be located at the rear of the historic buildings, the remaining depth of the lot is approximately 42 feet,

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four inches. It is physically impossible to provide a garage ramp from the alley to a below grade parking garage in that distance. It would result in a 22.8% ramp grade where maximum manageable grade is 12 to 14%. Even if an appropriate grade could be accomplished, the 38-foot wide site is still too narrow to accommodate the width of the ramp and drive aisle, both of which need 20 feet.

22. Based on a *pro forma* prepared by the Applicant and other evidence, a building with fewer units does not generate the necessary value to obtain financing. Given the high fixed costs associated with retention and rehabilitation of the historic buildings, and the superstructure addition, the 37-unit configuration is necessary to generate the minimum six percent equity return required by lenders.

No Harm to Public Good or Zone Plan

23. The requested variance from the off-street parking provisions will not result in any substantial detriment to the public good, nor will it impair the purpose, intent, or integrity of the Zone Plan. The redevelopment of the existing historic rowhouses into an eight-story residential building will significantly contribute to the vibrancy of the neighborhood while supporting the District's housing goals for this area. The development will allow for the repair and renovation of contributing buildings to the historic district and will help to revitalize the block on which the Property is located.
24. The project benefits from a significant amount of favorable transit and pedestrian access to the Property, resulting in a decrease in the number of vehicle trips that would otherwise be generated, and a decrease in the number of off-street parking spaces that would be needed if the Property were not in such close proximity to a mix of uses and public transportation options.
25. DDOT reviewed the plans and development and had no objection to the reduction of off-street parking due to the proximity of the project to numerous transportation alternatives and the strength of the Applicant's TDM program.
26. The Board accepts the findings made in the Transportation Impact Analysis submitted by the Applicant that the proposed parking will adequately serve the demands of the Property due to a number of factors, including:
- The project is well served by all five Metrorail Lines via Dupont Circle station, U Street/African American Civil War Memorial/Cardozo station, and the McPherson Square station;
  - The Property is served by 10 bus routes within a quarter-mile walking distance including Metrobus, Metro Express and DC Circulator routes;
  - Capital Bikeshare has two existing bike share locations near the site, one of which is less than 500 feet from the site at the intersection of 15<sup>th</sup> and P Streets, N.W. and

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- another that is approximately 1,200 feet from the site at the intersection of Rhode Island Avenue and 14<sup>th</sup> Street, N.W.;
- The Applicant has worked with DDOT to incorporate 13 bicycle parking spaces within the building;
  - According to *2000 US Census* data, only 38% of the study area's residents residing in apartment buildings owned a private vehicle;
  - The means of transportation to work for residents in the census tract for the Property is as follows: 22% car, 29% public transportation, 1% bike, 40% walk, and the remaining 8% either work from home or use another mode (see 2007-2011 American Community Survey 5-year estimates); and
  - The site area has a walkability score of 96 as calculated by WalkScore.com, which is referred to as a "Walker's Paradise."
27. The Applicant will incorporate a number of transportation demand measures into operation of the building, as set forth in the Transportation Impact Analysis.
28. The Applicant also agreed to include language in all documents related to the lease or sale of the residential units that prohibit residents of the building from applying or obtaining a residential permit parking permit ("RPP") from the District of Columbia, regardless of the building's ownership, and for the life of the building. The Applicant will record a covenant on the Property ensuring that all future owners are similarly bound for the life of the project. This will strongly discourage on-street parking by residents of the building, further limiting any negative impact on the neighborhood parking supply.
29. The Applicant entered into an Agreement with the condominium building known as CITTA 50 to the east of the Property at 1450 Church Street, N.W. Among other things, the Applicant agreed to lessen potential impacts of the proposed building and its construction by providing a construction management agreement and prohibiting the use of the roof deck past 10:00 p.m. Sunday through Thursday, or past midnight on Fridays and Saturdays. Additionally, the Applicant would minimize trash removal congestion by using the same refuse company as another building in the square. CITTA 50 submitted a letter to the record stating it had no objection to the project or zoning relief requested by the Applicant.

**CONCLUSIONS OF LAW****Special Exception Relief**

Pursuant to § 3104 of the Zoning Regulations, the Board is authorized to grant special exceptions where, in its judgment, the relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. Additionally, certain special exceptions must meet the conditions enumerated in the particular sections pertaining to them. In this case, along with the general

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requirements of § 3104, the Applicant also had to meet the requirements of §§ 411 and 1906.1 of the Zoning Regulations.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the Board ordinarily must grant the application." *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

The Applicant is seeking special exceptions from the roof structure requirements pursuant to § 411.11 and the roof structure height limitation of § 1902.1(a).

*Roof Structure Configuration*

Under § 411.11, the Board may grant special exception relief from the strict requirements for a roof structure where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." (11 DCMR § 411.11.) The Board may approve deviations from the roof structure requirements provided the intent and purpose of chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and light and air of adjacent buildings shall not be affected adversely."

Here, the Applicant requests relief from § 411.5 of the Zoning Regulations, which requires the enclosing walls of roof structures to be of equal height. The proposed roof structure incorporates enclosing walls having heights of eight feet, eight inches, and 14 feet, three inches. The eight feet, eight inch portions enclose stairwells necessary to provide access to the roof. The 14 feet, three inch portion of the structure encloses the elevator and mechanical equipment. The elevator is required to go to the roof of the building and to provide access to the roof deck and ancillary amenity space to persons with disabilities. If the Applicant were to comply with the requirement for penthouse walls of equal height, it would need to increase the height of the proposed stair enclosure walls by another five feet, seven inches.

The Board considers the requirement for there to be access stairwells, an elevator penthouse, and a penthouse housing mechanical equipment to be "conditions related to the building" within the meaning of § 411.11. The Board further finds that it is impractical due to these conditions to fully comply with the uniform height requirement because it would unnecessarily require that the eight-foot portions be increased to 14 feet three inches simply to match the other wall portion. To do so would unreasonably increase the visibility of the roof structure from the street, thereby negatively affecting the surrounding historic community. In these circumstances, denying the zoning relief would actually cause the type of adverse impacts that special exceptions are supposed to avoid.

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The Board further concludes that the step-downs in height help to reduce the visibility of the roof structure from the surrounding areas and that this special exception is requested in order to further minimize the bulk of the roof structure. Accordingly, the proposed penthouse is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under § 411.

*Roof Structure Height*

The Arts Overlay limits any building, including its roof structures, to a maximum height of 83.5 feet. Here, the Applicant proposes that a portion of the roof structure housing the elevator override equipment will rise to a height of 14 feet, three inches, resulting in an overall height of approximately 84 feet, three inches. Pursuant to § 1906.1 of the Zoning Regulations, the Board may grant relief from the requirements of the Arts Overlay as a special exception if the criteria stated in § 1901.6 (a) through (e) are met. However, the subsection also provides that the Board "shall apply criteria (c) and (d) only if relevant to the relief sought. Paragraph (d) concerns the design of vehicular access and egress and is clearly unrelated to the height roof structures. The Board therefore will not address that factor.

The Board concludes that the Applicant meets the other standards as follows:

*Subsection 1906.1(a): The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.*

The Board concludes that in this case, the proposed height of the roof structure will substantially advance the purposes of the Arts Overlay District by providing access to a communal rooftop terrace. The purposes of the Arts Overlay District include encouraging residential development, and strengthening the design character and identity of the area. (11 DCMR § 1900.2(e), (f) and (h).) Here, the rooftop terrace is a major amenity to this residential development and a significant design feature that strengthens the Arts Overlay and 14th Street corridor. It provides a safe recreational gathering space for residents of the building and fosters increased activity in the overlay district. Without relief from the penthouse height restrictions, this important feature of the building and the design character of the Arts Overlay District would be significantly impacted.

Moreover, the Board further concludes that the height of the roof structure will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting the area. The portion of the roof structure that requires the nine-inch deviation is slightly off-centered in the roof and any resulting additional shadow would fall on the roof itself. It is set back eight feet, four inches from the east property line, 20 feet, 11 inches from the west property line, more than 48 feet from the northern exterior wall of the building, and more than 30 feet from the southern exterior wall of the building. Thus, the Board concludes that this portion of the roof structure above 83.5 feet constitutes a *de*

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*minus* increase of nine inches that will not have any adverse visual impacts. The penthouse will be clad in complementary materials to ensure its successful integration into the overall design of the building, and its design and massing have been approved in concept by HBRB.

*Subsection 1906.l(b): Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan.*

The Board concludes that in this case, the Property is affected by the combination of several exceptional circumstances, including: (i) a narrow width of only 38 feet, (ii) an exceptionally small lot size of only 3,420 square feet of land area; (iii) the configuration of the existing structures on the site, a significant portion of which must be retained due to their historic status; and (iv) the specific HPRB design approvals that reflect the particular historic constraints of these specific buildings. All these factors have a direct impact on the design and layout of the proposed development on the Property.

*Subsection 1906.l(c): The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report.*

The Board concludes that in this case, the proposed roof terrace -- and the elevator providing access to this amenity -- are exceptional urban design features for a building on Church Street, which enhance the quality of life in the Arts Overlay. The elevator penthouse has been located to protect the street views of the building, surrounding properties and the historic district. The project has been reviewed by the staff of HPO and approved in concept by HPRB.

*Subsection 1906.l(e): The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the Arts Overlay District.*

The Board concludes that in this case, the proposed extension in the roof structure height and at a limited and discreet location will only be as tall as necessary to allow elevator access to the roof. This portion of the roof structure will be significantly set back from adjacent property lines and public ways, so that there will only be limited visibility of it from public space. Additionally, the roof deck will be closed after 10:00 p.m. Sunday through Thursday, and after midnight on Friday and Saturday. Thus, the Board determines that it does not need to impose any additional requirements or conditions. As designed, the proposed roof structure protects the integrity of the contributing buildings, encourages their adaptive reuse in an attractive combination of new and old buildings, expands the area's housing supply in a variety of rent and price ranges, all in conformance with the purposes of the ARTS Overlay. (11 DCMR § 1900.2.)

**BZA APPLICATION NO. 18638****PAGE NO. 14****Variance Relief***Standard of Review*

The Applicant seeks an area variance from the minimum number of required parking spaces under § 2101.1 to allow construction of a multi-unit residential building at 1456-60 Church Street, N.W. (Square 209, Lots 65, 66 and 67). Under § 8 of the Zoning Act (D.C. Code § 6-641.07(g)(3) (2012 Repl.), the Board is authorized to grant an area variance where it finds that three conditions exist: “(1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). See, also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). Applicants for an area variance need to demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. See *Palmer v. D.C. Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972) (noting that “area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden”). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” See *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

As discussed below, the Board concludes that the Applicant has met its burden of proof for an area variance from the parking requirements of § 2101.1 of the regulations.

*Exceptional and Extraordinary Conditions*

The Board concludes that the subject property is affected by a confluence of several exceptional and extraordinary conditions. First, the property is already improved with existing historic buildings, which have been deemed to contribute to the character of the 16<sup>th</sup> Street Historic District. See *Clerics of St. Viator v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990) (an exceptional or extraordinary situation or condition may encompass the buildings on a property, not merely the land itself, and may arise from a “confluence of factors”). Second, HPRB has required the Applicant to incorporate significant portions of these historic structures into the design of the new building, thereby severely limiting the location of the elevators, egress stairs, and unit layout. The Property, at only 38 feet wide, is exceptionally narrow and significantly smaller in size in comparison to other multi-family redevelopments within Square 209, and the surrounding community, as evidenced by the plats and maps submitted to the record. Additionally, the Property fronts on one of the narrowest streets in the neighborhood.



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Based on the foregoing, and as discussed below, the confluence of factors is more than sufficient to create exceptional or extraordinary conditions affecting the Property. The historic status of the existing buildings is not in and of itself an extraordinary condition because it is a characteristic shared by other buildings in the historic district. However, as the Board has concluded in other cases, it is not so much the buildings' historic status that creates the exceptional condition, but the specific design constraints imposed by HPRB based on the particular historical and architectural significance of these specific individual buildings. When taken as a whole, the Board concludes that these "confluence of factors" create exceptional and extraordinary conditions for the subject Property.

Practical Difficulties

The Board further concludes that these exceptional and extraordinary conditions, in turn, create practical difficulties for the Applicant in complying with the parking requirements of the Zoning Regulations. If the Applicant were forced to provide 19 compliant parking spaces, it would need to excavate the site. The portion of the lot not occupied by the historic structures is physically not large enough to accommodate all 19 spaces plus the drive aisle, elevator core, egress stairs, trash room and bike parking. The remaining 42 feet of the site that is available for excavation is simply too shallow and too narrow to accommodate a parking garage with a maneuverable ramp and the requisite drive aisle.

Even if the number of units were reduced, the Applicant would encounter financial practical difficulties. The Applicant's pro forma demonstrated that the 37-unit scenario yielded an equity return rate of 6.15%, which is the minimum required by lenders to finance projects. However, if the number of units were reduced to a point that the degree of parking relief would be significantly lessened, it resulted in a project that could not be financed. The party opponent challenged the validity of the pro forma because it assigned the same fixed costs to the 18-unit scenario as it did for the 37-unit project. According to the opponent, a smaller project would cut the costs by half. Yet the Applicant's testimony and submissions to the record demonstrated that the high fixed costs for each scenario were due to the preservation of the historic structures and construction of the new superstructure, which were constant values in either model. The reduced costs associated with fewer bathrooms or kitchens were not significant enough to change the negative return of the 18-unit alternative. The party opponent also questioned how the pro forma could show the same expense for real property taxes in either scenario, reasoning that if the taxes were the same, the value of each alternative was the same. The potential error, however, is still too insignificant to affect the value of the project. For an \$8 million project, the \$34,000 attributed to property taxes is less than one-half of one percent.

No Substantial Detriment to Public Good or Substantial Impairment of the Zone Plan

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, including the ARTS Overlay. The Applicant submitted a

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Transportation Impact Analysis that demonstrates that even a 100% waiver of the parking requirements would not create any adverse effects provided the proposed TDM measures and RPP restrictions are in place, as set forth in Finding of Facts. DDOT had no objection to the application and the reduction in parking for the transit-oriented development, in light of the TDM measures and RPP restrictions.

Thus, the Board concludes that there will be a significant amount of transit and pedestrian access to the Property, resulting in a decrease in the number of vehicle trips that would otherwise be generated, and a decrease in the number of off street parking spaces that would be needed if the Property were not in such close proximity to public transportation. The requested parking relief is appropriate considering the wealth of mass transit options for residents and visitors. The provision of four parking spaces at the site, in addition to two spaces in the Metropole Building immediately adjacent to the site and accessible from the same alley, will also help satisfy whatever parking demand may be generated by the building.

In addition, the Applicant has agreed to 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 a RPP from the District of Columbia, regardless of the building's ownership, and for the life of the building. In addition, the Board is requiring the Applicant to record a covenant running with the land so that all future owners of the Property will be bound by this obligation.

The integrity of the zone plan would not be impaired by the granting of the variance. The ARTS Overlay zoning "incentivizes" residential development. The proposed project's size and scale would be consistent with nearby residential development.

**Great Weight to ANC**

Section 13(b)(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Code § 1-309.10(d)(A)), requires that the Board's written orders give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. In this case, ANC 2F recommended approval of the requested relief. The Board accords the ANC recommendation the great weight to which it is entitled and concurs in its recommendation.

The Board is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Code § 6-623.04) to give great weight to OP recommendations. The Board also concurs with OP's recommendation that the zoning relief should be granted.

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 for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 1902.1(a), and 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

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tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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 § 3103.2 for an area variance under § 2120.1, 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. The Board also concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 1902.1(a), and 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.

It is therefore **ORDERED** that the application is hereby **GRANTED**, subject to the Revised Plans at Exhibit 53A, and **SUBJECT to the following CONDITIONS:**

1. The Applicant shall provide four compact spaces at the rear of the property, as shown on the plans. In addition to the four on-site parking spaces, the Applicant shall lease two parking spaces within two blocks of the site for use by residents or visitors of the building.
2. The Applicant shall include in its residential leases a provision that prohibits tenants from obtaining a Residential Parking Permit ("RPP") for the Property from the D.C. Department of Motor Vehicles ("DMV"), under penalty of lease termination.
3. The Applicant shall obtain written authorization from each tenant, either through a lease provision or another written document that allows the DMV to release to the Applicant any and all records of that tenant requesting or receiving an RPP for the Property.
4. The Applicant shall monitor tenant compliance with the RPP lease restriction by requesting from the DMV, every six months, any and all records of residential tenants requesting or receiving RPPs for the Subject Property, and shall provide annually to the Metropole Condominium Board the results of its inquiries.
5. The Applicant shall record a covenant against the Property among the Land Records of the District of Columbia prohibiting any lessee or owner of the Property from obtaining an RPP for the building approved in this BZA Order.

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6. For the life of the project, the Applicant shall provide a one-year membership to either a car-share or bike-share organization to each residential leaseholder. The time period will begin upon the issuance of the certificate of occupancy for the building.
7. The Applicant shall designate a Transportation Management Coordinator to implement and manage TDM strategies. The strategies are: (i) the development and distribution of information and promotional brochures to residents, visitors, patrons and employees regarding transit facilities and services, pedestrian and bicycle facilities and linkages, ridesharing (carpool and vanpool) and car sharing; and (ii) ensuring that loading activities are properly coordinated and do not impede the pedestrian, bicycle, or vehicular lanes adjacent to the development.
8. The Applicant shall prohibit residents from using the roof deck after 10:00 p.m. Sunday through Thursday and after midnight on Friday and Saturday.
9. The Applicant shall provide an indoor, temperature-controlled and ventilated trash facility and shall utilize the same trash removal company as another residential building in the block to help minimize trash removal congestion.

**Votes<sup>3</sup> taken on April 8, 2014:**

**VOTE:**       **3-0-2** (Peter G. May, Marnique Y. Heath, and Lloyd J. Jordan to Approve the roof structure special exception relief; S. Kathryn Allen not present, not voting; Jeffrey L. Hinkle recused.)

**Vote taken on June 17, 2014:**

**VOTE:**       **3-2** (Peter G. May, Shane L. Dettman, and Marnique Y. Heath to Approve the parking variance; Lloyd J. Jordan and S. Kathryn Allen to deny.)

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<sup>3</sup> The Board did not have a majority when voting on the parking variance relief on April 8<sup>th</sup> and April 15<sup>th</sup>. Below are the relevant votes taken on those dates:

**Vote taken on April 8, 2014:**

**VOTE:** 2-1-2 (Peter G. May and Marnique Y. Heath to approve the parking variance; Lloyd J. Jordan to deny the parking variance; S. Kathryn Allen not present, not voting; Jeffrey L. Hinkle recused.)

**Votes taken on April 15, 2014:**

**VOTE:** 2-2-1 (Peter G. May and Marnique Y. Heath to Approve the parking variance; Lloyd J. Jordan and S. Kathryn Allen (by absentee ballot) to deny the parking variance; Jeffrey L. Hinkle recused.)

**VOTE:** 3-0-2 (Peter G. May, Marnique Y. Heath, and Lloyd J. Jordan to reopen the record, schedule a limited hearing on the parking variance, and request an NCPC representative to participate; S. Kathryn Allen not present, not voting; Jeffrey L. Hinkle recused.)

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**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:** September 3, 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.

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 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

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APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION ORDER NO. 02-26C****Z.C. Case No. 02-26C****The George Washington University – Lerner Health and Wellness Center  
(Modification to Conditions of Approval)****July 21, 2014**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on July 21, 2014, and approved an application from The George Washington University (“University”) for a modification to Z.C. Order No. 02-26A, which approved certain categories of users of the Lerner Health and Wellness Center (Square 42, Lot 55) (“Lerner Center”).

**FINDINGS OF FACT**

In Application No. 16276 (order issued March 31, 1998), the Board of Zoning Adjustment approved the construction and use of the Lerner Center by students, faculty, and staff of the University’s Foggy Bottom Campus. In Z.C. Order No. 02-26 (June 14, 2004), the Commission conditionally expanded the category of users to include students, faculty, and staff of the University’s Mount Vernon Campus; members of the University’s Board of Trustees; and students of the School Without Walls in organized activities under the supervision of school faculty (together, these additional users are the “2004 Additional Users”). The Commission authorized the use by the 2004 Additional Users for a period of three years and stated that, absent a new special exception approval at the end of that period, the users of the Lerner Center would revert to those authorized under the 1998 order.

In Z.C. Order No. 02-26A (order issued November 15, 2007), the Commission granted the University’s request to continue the use by the 2004 Additional Users, and also authorized the use of the Lerner Center by persons residing in St. Mary’s Court or the Remington Condominiums, or belonging to St. Mary’s Church (limited to a total of 50), and alumni of the University who reside in the Foggy Bottom/West End Area as defined in the approved 2007 Foggy Bottom Campus Plan (limited to a total of 250) (together, these 300 additional users are the “2007 Additional Users”). The Commission limited the use by the 2004 Additional Users and the 2007 Additional Users for a period of five years from the effective date of the order, or until February 8, 2013.

In Z.C. Order No. 02-26B (order issued May 29, 2013), the Commission approved a one-year extension of approval for the 2004 and 2007 Additional Users until May 29, 2014.

By letter dated May 5, 2014, counsel for the University requested (1) permanent approval for use of the Center by the 2004 and 2007 Additional Users; and (2) conditional approval for use of the Center by new use groups (“2014 Additional Users”). A hearing was held on this application on July 21, 2014, at which Deputy General Counsel Charles Barber and Director of Campus Planning Susi Cora testified on behalf of the University. The University representatives testified and the Commission finds that the use of the Center, including use by the 2004 and 2007 Additional Users, had not generated any objectionable impacts due to noise, traffic, number of students, or other objectionable conditions on the surrounding residential neighborhoods. The University representatives also testified and the Commission finds that the expansion of use by

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the 2014 Additional Users was also not likely to generate objectionable impacts because the user groups consist of populations that already live in or near the Center, and are therefore unlikely to generate objectionable impacts due to traffic, parking, or number of students. The University proposed to limit the use by the 2014 Additional Users to a period of five years, at which point the University would return to the Commission for further approval.

By resolution dated July 2, 2014, which was adopted at a regularly scheduled and duly noticed public meeting on April 16, 2014, with a quorum present, Advisory Neighborhood Commission (“ANC”) 2A voted to support the University’s requests for modification. The ANC agreed with the University’s recommendation to limit the 2014 Additional Users to an initial five-year term.

By report dated July 15, 2014, the Office of Planning (“OP”) submitted a report recommending approval of the modifications. By report dated July 11, 2014, the District Department of Transportation (“DDOT”) also submitted a report concluding that the modifications would not create objectionable traffic or parking impacts and recommending approval of the modifications.

At the public hearing, a representative of St. Mary’s Episcopal Church presented testimony and outlined potential concerns about a separate private agreement between the Church and University regarding the Church’s use of University parking facilities. The University presented testimony that it was in full compliance with its agreement with the Church and that it would continue to work with the Church regarding its concerns. The Commission finds that the Church’s concerns are not related to the proposed modifications before the Commission but rather relate to a private agreement between the parties.

At the conclusion of the hearing, the Commission voted to approve the proposed modifications.

### **CONCLUSIONS OF LAW**

Upon consideration of the record of this application, the Commission concludes that the Applicant’s requested modifications to (1) permit permanent use of the Lerner Center by the 2004 Additional Users and the 2007 Additional Users and (2) expand the use of the Center to the 2014 Additional Users would not present an objectionable impact on the surrounding community. The Commission concludes that the modifications are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan. The Commission also notes that the request is supported by both OP and ANC 2A, who are each entitled to “great weight,” as well as DDOT.

### **DECISION**

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the request to modify Z.C. Order No. 02-26A to



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(1) permanently approve the use of the Lerner Center by the 2004 and 2007 Additional Users and  
(2) conditionally approve the use of the Lerner Center by the 2014 Additional Users for a term of five years as follows:

The three conditions to the approval of Z.C. Order No. 02-26A are modified to read as follows:

1. Use of the Center shall be permanently approved for:
  - (a) Students, faculty, and staff of the University's Foggy Bottom and Mount Vernon campuses;
  - (b) Members of the University's Board of Trustees;
  - (c) Students of the School Without Walls, in organized activities under the supervision of school faculty;
  - (d) Persons residing in certain facilities or belonging to certain organizations with facilities located in close proximity to the Center, specifically: (i) St. Mary's Court, located at 725 24<sup>th</sup> Street, N.W.; (ii) St Mary's Episcopal Church, located at 728 23<sup>rd</sup> Street, N.W.; and (iii) the Remington Condominium, located at 601 24<sup>th</sup> Street, N.W. with a maximum of 50 passes available; and
  - (e) University alumni who reside in the Foggy Bottom/West End zip codes 20006 and 20037, up to a maximum of 250 memberships.
2. Use of the Center shall be conditionally approved for:
  - (a) Community members residing in zip codes 20006 and 20037, with a maximum of 150 permitted memberships. The University is permitted to make an additional 100 community memberships available to this group during the summer academic break (for a total of 250 community memberships during the summer academic break);
  - (b) Athletic competitions that draw a limited number of non-GW users primarily as competitors and are not spectator-driven events. These types of competitions include varsity squash, Intramural Sports and club sport activities such as basketball, volleyball, and table tennis;
  - (c) Periodic and short-term events that cater to the campus community, neighbors and/or other non-GW participants that would otherwise be on the campus for mission-related purposes. These types of events include items such as health-

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related training sessions (e.g., CPR training), the Clinton Global Initiative (hosted on campus, with the Lerner Center as one of multiple locations for activities), science fairs or other academically-based events, GW athletic pep events for athletic event ticket-holders, and youth camps; and

- (d) Persons housed in GW housing facilities during the summer term.
3. Approval of the expanded categories of membership enumerated in Condition 2 shall be effective for five years from the effective date of Z.C. Order No. 02-26C.
4. 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.

**VOTE: 5-0-0 (Michael G. Turnbull, Peter G. May, Marcie I. Cohen, Anthony J. Hood, and Robert E. Miller to approve).**

**BY ORDER OF THE D.C. ZONING COMMISSION**

**The majority of the Commission members approved the issuance of this Order.**

**FINAL DATE OF ORDER: September 4, 2014**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 14-06**  
**Z.C. Case No. 14-06**  
**KCG 50 M LLC**  
**(Capitol Gateway Overlay Review @ Square 669, Lot 29)**  
**July 28, 2014**

Pursuant to notice, the Zoning Commission of the District of Columbia ("Commission") held a public hearing on July 17, 2014, to consider an application filed by KCG 50 M LLC ("Applicant") for review and approval of a new hotel building pursuant to §§ 1604 and 1610 of the Zoning Regulations, Title 11 DCMR ("Zoning Regulations"), which apply to new construction within the Capitol Gateway Overlay with frontage along M Street, S.E., and for special exception approval of a reduction in required parking spaces, pursuant to §§ 1610.7, 3104, and 2108. 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**

1. On May 1, 2014, the Applicant filed an application for review and approval of a new hotel building pursuant to §§ 1604 and 1610 of the Zoning Regulations, which apply to new construction on any lot within the Capitol Gateway ("CG") Overlay District with frontage along M Street, S.E.. The subject property consists of Lot 29 in Square 699 ("Property"). The application included a request for special exception approval of a reduction in required parking, pursuant to §§ 3104 and 2108 of the Zoning Regulations.
2. The Applicant filed a prehearing submission in support of the application on June 27, 2014 (Exhibit ["Ex."] 15.) The Prehearing Submission included a statement summarizing the application's compliance with the applicable provisions of the CG Overlay District and justification for the requested special exception regarding parking reduction, updated architectural drawings, a traffic and transportation analysis prepared by Wells and Associates, Inc., and resumes of expert witnesses that might testify in support of the application.
3. The Commission held a hearing on the application on July 17, 2014. Parties to the case included the Applicant and Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the Property is located. Proper notice of the hearing was provided by the Office of Zoning and the Applicant, pursuant to 11 DCMR § 3015.
4. Witnesses appearing at the hearing on behalf of the Applicant included Ken Finkelstein, Rob Uhrin of Cooper Carry Architects, and Jami Milanovich of Wells Associates, Inc. The Commission accepted Mr. Uhrin as an expert in architecture and recognized Ms. Milanovich as previously qualified as an expert in traffic analysis and transportation issues.

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5. At the conclusion of the public hearing on July 17, 2014, the Commission indicated support for the overall design and materials of the hotel, but requested that the Applicant undertake further study of the proposed tower element of the project's design and submit revised materials to the record.
6. The Applicant submitted materials responsive to the Commission's comments on July 21, 2014, including an updated series of architectural elevations drawings reflecting the revised tower element (a complete set of revised drawings replacing those submitted at Exhibit 16 were submitted as Exhibit 25, the "Final Architectural Drawings") and submitted proposed findings of fact and conclusions of law, pursuant to 11 DCMR § 3026. (Ex. 24.)
7. At its July 28, 2014, public meeting, the Commission took final action to approve the application. The Commission determined that the project satisfies all applicable requirements of the CG Overlay District and that special exception approval of the requested parking reduction is appropriate.

### **Project Overview**

8. The Property is rectangular in configuration and includes approximately 15,567 square feet of land area in the southern portion of Square 699. Square 699 is bounded by M Street, S.E., on the south, Half Street, S.E., on the west, Cushing Place, S.E., on the east, and L Street, S.E., on the south. The Property has frontage on M Street, Half Street, and Cushing Place. It is bounded to its north by property owned by the United States (Lot 825), which is improved with a one/two-story warehouse building. The Property is currently utilized primarily as a temporary seasonal surface parking lot for baseball games with occasional daily parking.
9. The Applicant intends to construct an 11-story extended-stay hotel building with ground-floor retail uses on the Property. The building will measure approximately 139,813 square feet of gross floor area for an overall density of approximately 8.98 floor area ratio ("FAR") and will rise to a maximum height of 110 feet. The building also will include one below-grade parking level, providing a total of 40 automobile parking spaces and 12 bicycle parking spaces. The parking garage and loading facilities for the building will be accessed from Cushing Place, bounding the east side of the Property, consistent with the Lower Anacostia Waterfront/Near Southwest Area Element of the Comprehensive Plan, which directs that Cushing Place be considered an "alley" rather than a "street" for the purpose of regulating future driveway locations. (10 DCMR § 1913.7.)
10. As stated by the Applicant, the building's design draws its inspiration from the surrounding neighborhood and combines the richness of many of the period buildings in

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the area with a modern feel. The design provides distinct compositions on each of its façades.

11. As shown in the Final Architectural Drawings, the materials palette for the building is a combination of masonry, in varying colors and textures, steel and aluminum, and extensive use of glazing.
12. The building will incorporate a number of elements to enhance its sustainability, and the Applicant represented that it expects the finished building would qualify for at least LEED Silver NC 2009 certification. To that end, included in the Final Architectural Drawings, the Applicant submitted a draft LEED checklist identifying those elements and features the Applicant may pursue in satisfaction of its sustainability commitment, including an expansive green roof, located at both the roof level and penthouse roof level.

#### **Description of the Surrounding Area and Zoning Classification**

13. Office buildings with ground-floor retail uses are located along M Street, S.E., to the immediate east and west of the Property, across Cushing Place and Half Street, respectively. An entrance to the Navy Yard Metrorail Station is located immediately to the south of the Property, across M Street, at the ground level of the office building located at 55 M Street, S.E.
14. The Property is located in a Medium-High Density Commercial (C-3-C) zoning district and is included in the CG Overlay District. The Property also is located within the Capitol South Receiving Zone for transferable development rights ("TDR"), pursuant to § 1709.18 of the Zoning Regulations. As such, with TDR, construction on the Property is subject to the maximum height and bulk limits established in § 1709.21, which in the case of the Property is a building height of 110 feet and a building density of 9.0 FAR.

#### **Capitol Gateway Overlay District Design Requirements**

##### **The Project Meets the Requirements of § 1604**

15. The application must satisfy the requirements of §1604 of the Zoning Regulations because the new building will have frontage on M Street, S.E., within the CG Overlay District. The Commission finds that the project meets the requirements of § 1604.
16. The building complies with the requirement that no driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building. As shown in the Final Architectural Drawings, the below-grade parking garage and the building's loading facilities will be accessed from Cushing Place, S.E. (§ 1604.2.)

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17. As shown in the Final Architectural Drawings, the building complies with the requirement that the streetwall of each new building or structure located on M Street, S.E., shall be set back for its entire height and frontage along M Street not less than 15 feet measured from the face of the adjacent curb. (§ 1604.3)
18. As shown in the Final Architectural Drawings, the building complies with the requirement that each new building shall devote not less than 35% of the ground-floor gross floor area to retail, service, entertainment, and arts uses and that such preferred uses shall occupy 100% of the building's street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control. (§ 1604.4.)
19. As shown in the Final Architectural Drawings, the building complies with the requirement that not less than 50% of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low-emissivity glass... and to entrances to commercial uses of the building. (§ 1604.6.)
20. As shown in the Final Architectural Drawings, the building complies with the requirement that the minimum floor-to-ceiling clear height for portions of the ground level devoted to preferred uses shall be 14 feet. (§ 1604.7.)

The Project Meets the Requirements of § 1610

21. Subsection 1610.1(b) of the Zoning Regulations provides that new construction on a lot that abuts M Street, S.E., requires the review and approval of the Commission. Subsection 1610.3 of the CG Overlay District provisions provides that in addition to demonstrating that the proposed building meets the standards set forth in § 3104 of the Zoning Regulations, an applicant requesting approval under the CG Overlay District provisions must also prove that the proposed building meets the requirements of §§ 1610.3 (a) through 1610.3(f). Subsection 3104.1 of the Zoning Regulations provides that special exceptions should be granted when "the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." (11 DCMR § 3104.1.)
22. Subsection 1610.3 further provides that the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation of the proposed building must comply with the specific requirements set forth in that section, and must help achieve the objectives of the CG Overlay District as set forth in § 1600.2 of the Zoning Regulations. The Commission finds that the proposed building meets the requirements of § 1610 and is consistent with all of the applicable purposes of the CG Overlay District.

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23. The proposed building's height and density are allowed at this location, and the proposed use is consistent with the Property's designation on the Future Land Use Map. The hotel and retail uses contemplated by the project will help foster an appropriate mix of uses within the square and the surrounding area. (§ 1600.2(a).)
24. The proposed building is an extended-stay hotel that is planned to include significant space devoted to retail or other preferred uses on the ground floor, including approximately 14-foot floor to ceiling heights. This space will accommodate precisely the types of retail, service, and entertainment uses encouraged by the CG Overlay District (§ 1600.2(b).)
25. The CG Overlay District requires that suitable ground-level retail and service uses and adequate sidewalk width be provided along M Street, S.E., near the Navy Yard Metrorail station. The proposed hotel with ground-level retail uses satisfies this requirement. (§ 1600.2(e).)
26. The proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the neighboring property in accordance with the Zoning Regulations and Zoning Map. The Commission finds that the project assures development of the area with a mixture of uses and a suitable height, bulk, and design. (§ 1610.3(a).)
27. The proposed building will help achieve the desired mix of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses. The Commission finds that the ground-level retail uses contemplated for the building along its M Street frontage, with expansive floor to floor heights and façade treatment intended to emphasize the potential preferred uses and human scale, will help achieve the goals of the CG Overlay District. (§ 1610.3 (b).)
28. The Commission finds that the height, bulk, and architectural design of the proposed building, as shown in the Final Architectural Drawings, will be in harmony with the context of the surrounding neighborhood and will have no affect on the existing street grid. (§ 1610.3 (c).)
29. The Commission finds that the proposed building has been sited to minimize conflicts between vehicles and pedestrians. Access to the building's loading and parking facilities along Cushing Place will help minimize potential conflicts between vehicles and pedestrians. The Applicant's transportation assessment (Exhibit 15C) confirms that the project minimizes negative impacts to public space. (§ 1610.3 (d).)

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30. The Commission finds that the proposed building's façades have been designed to minimize unarticulated walls adjacent to public spaces through façade articulation. As shown in the Final Architectural Drawings, the Applicant responded to concerns from the Commission regarding the corner tower element at the southwest corner of the building and has refined the articulation of that element. (§ 1610.3 (e).)
31. The proposed building will be designed with sustainability features including at least 50 points on the conceptual LEED scorecard, which qualifies as LEED Silver, and will have no significant adverse impacts on the natural environment. (§ 1610.3(f).)
32. This application was referred to the Office of Planning ("OP") and the District Department of Transportation ("DDOT") for review. (§ 774.6.)

**Special Exception for Reduction of Parking Spaces (§ 2108)**

33. Subsection 1610.7 of the Zoning Regulations states that the Commission may hear and decide any additional requests for special exception or variance relief needed for the Property and that such requests shall be advertised, heard, and decided together with the application for review and approval for compliance with the CG Overlay District provisions. Pursuant to this provision, the Applicant requests special exception approval from the Commission to reduce the amount of parking spaces required for nonresidential uses, as set forth in § 2108 of the Zoning Regulations.
34. According to the schedule of required parking established in § 2101, the hotel and ground-floor retail uses in the building generate a parking requirement of 53 spaces, whereas, the Applicant will only provide 40 spaces in the single-level below-grade parking garage. In the case of the Property, the proposed reduction of 13 spaces (from 53 to 40) represents a 25% reduction in the amount of required vehicle parking.
35. Subsection 2108.2 authorizes a reduction of up to 25% of required parking in accordance with the special exception provisions of § 3104 and upon consideration of certain criteria enumerated in § 2108.3 of the Regulations. These criteria include location of the property, expected capacity of the building, quantity of parking which can be expected to be available, and proximity to public transportation, particularly Metrorail stations.
36. The proposed hotel represents an appropriate use and location for the requested parking reduction. The Property is located immediately across M Street, S.E., from the Half Street entrance to the Navy Yard Metrorail station. Further, the building has been designed and will be operated as an extended-stay hotel, which is anticipated to generate minimal vehicular trips and parking demand according to the transportation assessment conducted by the Applicant's traffic expert. (Ex. 15C.) As confirmed in that transportation assessment, sufficient parking will be provided in the building and through



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off-site facilities near the Property that can reasonably be expected to be available consistent with § 2108.3. In addition, the Applicant is providing bicycle parking within the garage for hotel guests and employees, as well as at street level along M and Half Streets, for visitors to the building.

37. The Navy Yard Metrorail Station is located immediately across M Street, S.E., from the Property. The Applicant anticipates that the 40 parking spaces provided in the building's garage will be adequate to address the parking needs of the building in light of the proposed hotel use and urban location immediately across M Street, S.E., from the Metrorail station. For all these reasons, the Commission finds that special exception approval of the requested parking reduction is appropriate.

#### **Office of Planning Report**

38. By report dated July 7, 2014 and received by the Office of Zoning on July 11, 2014, OP recommended approval of the application, noting its compliance with the applicable requirements of the CG Overlay District and appropriateness of the special exception request with regard to the reduction in required parking. In its report, OP requested that the Applicant address: more detailed renderings of the proposed signage at the street level and on the higher levels of the façades; clarification of the proposed tower element; and further facade articulation for the north, at-risk wall. (Ex. 18.)
39. In response to OP's request for additional information regarding details of proposed signage, the Applicant included an additional drawing sheet providing illustrated examples of the various types of signage proposed for the building. (Ex. 25, Sheet 28.)
40. Responding to questions from OP as well as the Commission regarding the proposed tower element at the corner southwest corner of the building, the Applicant undertook further study of that element following the public hearing and provided a revised proposal that further emphasized the tower nature of the embellishment. The Commission finds the revised tower embellishment to be a preferable alternative to the original proposal. (Ex. 25, Sheets 26-27.)
41. In response to OP's suggestion regarding additional articulation of the at-risk north elevation, the Applicant's expert in architecture provided testimony explaining that the elevation had been broken into components given the U-shaped footprint of the building, that additional fenestration could not be provided along that elevation given its at-risk nature and potential negative impacts upon the hotel use, and that the Applicant had provided a slight layering of planes and mixture of different types and colors of masonry and banding along the building components along the property line, all in efforts to maximize the articulation of that elevation. The Commission finds that, in light of the

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conditions described, the Applicant has provided a satisfactory design solution for the at-risk north elevation.

42. The OP report indicated that the project would fit in with the urban feel of this part of the city and would not impede views to any major monuments, buildings or the waterfront, that the CG Overlay District seeks to create an active pedestrian and transit-oriented environment and a vibrant entertainment district, especially in the area north of the ballpark, and that the project should help achieve those aims.

### **DDOT Report**

43. By report dated July 7, 2014, DDOT provided its analysis regarding the capacity and safety of the project. DDOT indicated that it has no objection to the requested approval. (Ex. 17.)
44. DDOT noted that the project is not anticipated to generate a significant number of vehicle trips during the morning and evening peak hours. DDOT offered no objection to the Applicant's requested parking reduction.
45. As with all of its major development review cases, DDOT has required the Applicant to mitigate the impacts of development in order to positively contribute to the District's transportation network. To that end, the Applicant has committed to implement the Transportation Demand Management ("TDM") strategies set forth in the DDOT report, consisting of: (1) installing a live display in the building's lobby with transit schedules, car-sharing and bike-sharing information; (2) registering as a hotel partner with Capital Bikeshare in order to provide 24-hour key access, bike helmets, and free bike maps to hotel guests using Capital Bikeshare; and (3) purchasing full day passes for DC Circulator for use by hotel guests.
46. In addition to the TDM elements noted in the DDOT report, the Commission notes that the Applicant has committed to the following additional operations management elements, as set forth in the transportation assessment provided by the Applicant, namely: (1) A member of the hotel staff will be designated as the Transportation Coordinator. The Transportation Coordinator will be responsible for ensuring that the number of valet attendants will adequately accommodate the demand in the designated drop-off/pick-up area on Half Street; (2) The Transportation Coordinator will ensure that taxis do not stand in the drop-off/pick-up area. Parking attendants or valets will assist guests wishing to take a taxi by hailing a cab to be picked up in the drop-off/pick-up lane; and (3) Tour bus operators will be required to notify the hotel of the date and approximate time of their arrival. The Transportation Coordinator will obtain temporary "No Parking" signs for the east side of M Street for the time period when buses are expected to arrive and depart. Once drop-off is complete, buses will be directed to park at designated parking areas for

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Motor Coaches at Buzzard's Point, Union Station, or RFK Stadium. The Commission finds these measures to be appropriate and responsive to comments raised in the ANC resolution.

47. In response to questions raised by the Commission regarding the ANC's request for inclusion of a Capital Bikeshare station in the public space immediately adjacent to the Property, DDOT reported that a new Capital Bikeshare station is planned to be located at the intersection of 1<sup>st</sup> and M Streets, S.E.
48. DDOT noted that the proposed loading for the building will require backing maneuvers on Cushing Place, S.E., and that the existing site constraints and unusual classification of Cushing Place, which currently functions as an alley due to its narrow right-of-way, can be mitigated with an appropriate loading management plan that DDOT will continue to work with the Applicant to finalize as part of the public space permitting process. To that end, the Applicant has committed to implement a loading management plan consisting of: (1) A member of the hotel staff will be designated as a dock manager whose duties may be part of other duties assigned to the individual). He or she will coordinate all loading activities of the building (including hotel and retail deliveries and trash disposal). The dock manager will be responsible for informing retail tenants of the guidelines and procedures for loading and delivery operations; (2) To the extent possible, deliveries will be scheduled during non-peak times (i.e. outside of the hours from 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. and not on days of scheduled Washington Nationals home games); (3) Vendors and service providers will be notified that all trucks must enter the site from the south on Cushing Place (via M Street) and exit the site to the north on Cushing Place (to L Street); and (4) The dock manager will assist vehicles entering and exiting the loading area. The Commission finds these measures appropriate to address loading operations for the building.

#### **ANC 6D**

49. By letter from ANC 6D dated June 20, 2014, and received by the Office of Zoning on June 23, 2014, the ANC reported that at its duly noticed meeting on June 9, 2014, the ANC voted 6-0 in favor of the application with additional recommendations per the resolution attached to its letter. (Ex. 14.)
50. The recommendations provided by the ANC as part of its resolution in support included a desire for additional detailing on the brick portion of the eastern part of the building's M Street façade; a desire for the hotel to provide low-impact landscaping, actively promote a bus anti-idling policy, provide bicycle racks in front of retail spaces, and fund a Capital Bikeshare station on the Property; and support for the hiring of residents in ANC 6D and the District whenever possible for construction and ongoing jobs.

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51. The Applicant noted the recommendations included as part of the ANC resolution in support of the application and described for the Commission its discussions with the ANC as part of multiple meetings with ANC and revisions made to an earlier materials palette given ANC comments. The Commission is satisfied that this revision to the materials palette addresses the ANC's stated concern regarding the eastern part of the M Street façade. The Applicant confirmed its commitment to: address any bus idling as part of its operations management; work with DDOT as part of the public space permitting process regarding bicycle racks and low-impact landscaping, and to host a job fair for new positions relating to the hotel operation. The Commission has included a condition in this Order requiring the Applicant to honor the Applicant's commitments related to bus idling. The Commission is satisfied that the Applicant's commitments regarding bicycle racks, landscaping, and the job fair are adequate to address the ANC's concerns.

#### CONCLUSIONS OF LAW

1. The application was submitted pursuant to 11 DCMR §§ 1604, 1610, 2108, and 3104 for review and approval by the Commission.
2. The Commission provided proper and timely notice of the public hearing on the application by publication in the *D.C. Register* and by mail to ANC 6D, the Office of Planning, and owners of property within 200 feet of the site.
3. Pursuant to 11 DCMR §§ 1604.1 and 1610.1, the Commission required the Applicant to satisfy all applicable requirements set forth in 11 DCMR §§ 1604.2 through 1604.9 and §§ 1610.2 through 1610.7. Pursuant to § 1610.7, the Commission also required the Applicant to meet the requirements for special exception approval set forth in 11 DCMR §§ 2108 and 3104.1. The Commission concludes that the Applicant has met its burden.
4. The proposed development is within the applicable height, bulk, and density standards for the CG/C-3-C Zone District and will not tend to affect adversely the use of neighboring property. The overall project is also in harmony with the general intent and purpose of the Zoning Regulations and Map.
5. The Commission concludes that the proposed project will further the objectives of the CG Overlay District as set forth in § 1600.2 and will promote the desired mix of uses set forth therein. The design of the proposed building meets the purposes of the Capitol Gateway Overlay and meets the specific design requirements of § 1604 of the Zoning Regulations.
6. No person or parties appeared at the public hearing in opposition to the application.

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7. The Commission is required under § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1021; D.C. Official Code § 1-309.10(d) (2001)) to give great weight to the affected ANC's recommendation. The ANC voted 6-0-0 in support of the proposed project and submitted its report supporting the project on June 23, 2014. Attached to the report was the ANC's resolution, which listed the ANC's issues and concerns. As noted above in findings of fact 50 and 51, the Commission carefully considered these issues and concerns and is convinced that they have been sufficiently addressed.
8. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP's recommendations. For the reasons stated above, the Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.
9. Based upon the record before the Commission, including witness testimony, the reports submitted by OP, DDOT, and ANC 6D, and the Applicant's submissions, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR §§ 1604, 1610, 3104 and 2108.

### DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application consistent with this Order. This approval is subject to the following guidelines, standards, and conditions:

1. The approval of the proposed development shall apply to Lot 29 in Square 699.
2. The project shall be built in accordance with the Final Architectural Drawings, dated July 21, 2014, as modified by the guidelines, conditions, and standards below. (Ex. 25.)
3. The Applicant shall implement the following transportation demand management, operational management, and loading management measures:
  - (a) Transportation Demand Management:
    - (1) Installing a live display in the building's lobby with transit schedules, car-sharing and bike-sharing information;
    - (2) Registering as a hotel partner with Capital Bikeshare in order to provide 24-hour key access, bike helmets, and free bike maps to hotel guests using Capital Bikeshare; and

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- (3) Purchasing full day passes for DC Circulator for use by hotel guests;
  - (b) Operational Management:
    - (1) A member of the hotel staff will be designated as the Transportation Coordinator. The Transportation Coordinator will be responsible for ensuring that the number of valet attendants will adequately accommodate the demand in the designated drop-off/pick-up area on Half Street;
    - (2) The Transportation Coordinator will ensure that taxis do not stand in the drop-off/pick-up area. Parking attendants or valets will assist guests wishing to take a taxi by hailing a cab to be picked up in the drop-off/pick-up lane; and
    - (3) Tour bus operators will be required to notify the hotel of the date and approximate time of their arrival. The Transportation Coordinator will obtain temporary "No Parking" signs for the east side of M Street for the time period when buses are expected to arrive and depart. Once drop-off is complete, buses will be directed to park at designated parking areas for Motor Coaches at Buzzard's Point, Union Station, or RFK Stadium; and
  - (c) Loading Management:
    - (1) A member of the hotel staff will be designated as a dock manager duties may be part of other duties assigned to the individual). He or she will coordinate all loading activities of the building (including hotel and retail deliveries and trash disposal). The loading coordinator will be responsible for informing retail tenants of the guidelines and procedures for loading and delivery operations;
    - (2) To the extent possible, deliveries will be scheduled during non-peak times (i.e. outside of the hours from 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 PM and not on days of scheduled Washington Nationals home games);
    - (3) Vendors and service providers will be notified that all trucks must enter the site from the south on Cushing Place (via M Street) and exit the site to the north on Cushing Place (to L Street); and
    - (4) The dock manager will assist vehicles entering and exiting the loading area.
4. This Order shall be valid for a period of two years from its effective date. Within such time, an application must be filed for a building permit for the construction of the project. Construction of the project must commence within three years of the effective date of the Order. If the Applicant or its successors in interest should fail to file for a building permit or to commence construction of the approved project within these time periods, the Zoning Commission may extend the time periods using the procedures and standards set forth at 11 DCMR §§ 2408.10 through 2408.12.

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5. 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 with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.1 *et seq.* (the "Act"), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identification and 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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violations will be subject to disciplinary action.

On July 28, 2014, upon the motion of Commissioner Miller, as seconded by Marcie I. Cohen 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, and Michael G. Turnbull to adopt).

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 September 12, 2014.

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