

***District of Columbia*****REGISTER****HIGHLIGHTS**

- D.C. Council schedules a public hearing about the Chief Financial Officer of the District of Columbia plans for the city and to present the Strategic Plan for the Office of the Chief Financial Officer
- D.C. Council schedules a public hearing on Metropolitan Police Department policies and procedures regarding stopping and detaining individuals
- D.C. Council announces funding availability for the Comprehensive Rail Plan for the District of Columbia
- University of the District of Columbia sets standards for tuition adjustment rates for degree granting programs beginning in the spring semester of 2015
- University of the District of Columbia plans to establish uniformity regarding background checks and delineate parameters for conducting these checks for faculty, volunteers, and student employees
- Office of the Chief Financial Officer announces motor fuel tax remains unchanged in the District of Columbia effective October 1, 2014

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

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

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

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

- | | |
|---------|--|
| B20-907 | Dedication of a Public Alley in Square 752, S.O. 14-15491, Act of 2014

Intro. 9-16-14 by Councilmember Wells and referred to the Committee of the Whole |
| B20-908 | Grandparent Caregivers Program Subsidy Transfer Amendment Act of 2014

Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services |
| B20-910 | Fiscal Year 2015 Tax Revenue Anticipation Notes Act of 2014

Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue |
| B20-915 | Tenant Opportunity to Purchase Bona Fide Offer Clarification Amendment Act of 2014

Intro. 9-17-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development |
-

B20-916 Omnibus Health Regulation Technical Amendments Act of 2014
Intro. 9-19-14 by Councilmember Alexander and referred to the Committee on Health

B20-917 Retail Service Station and Neighborhood Services Protection Amendment Act of 2014
Intro. 9-22-14 by Councilmembers Cheh, Evans, Wells, and Catania, and Chairman Mendelson and referred to the Committee on Transportation and the Environment

RESOLUTIONS

PR20-1005 Board of Architecture and Interior Designers Lucy S. Adams Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-1006 Board of Pharmacy Eddie Curry Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-1007 Board of Veterinary Medicine Dr. Leanne Lipton Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-1008 Board of Medicine Dr. Robyn Macsata Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-1009 Board of Industrial Trades Keith Jones Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

- PR20-1010 Real Estate Commission Ulani D. Prater Gulstone Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR20-1011 Real Estate Commission Ms. Monique Nichol Owens Confirmation of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR20-1012 Commission on African-American Affairs Dianne Dale Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR20-1013 Commission on African-American Affairs Reverend Anthony Motley Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR20-1014 Commission on African-American Affairs Michael L. Chambers, II Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR20-1015 District of Columbia Board of Dentistry John R. Bailey Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR20-1016 Board of Physical Therapy Timothy Vidale Confirmation Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-

PR20-1028 Breath Alcohol Testing Program Rulemaking Approval Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary and Public Safety

PR20-1029 Long Term Bicycle Parking Rulemaking Approval Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

PR20-1030 Department of Motor Vehicles Change of Address Resolution of 2014
Intro. 9-16-14 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

PR20-1033 District of Columbia Board of Nursing Margaret A. Green Confirmation
Resolution of 2014
Intro. 9-19-14 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health

Council of the District of Columbia
Committee on Economic Development
Notice of Public Hearing
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

REVISED

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

ANNOUNCE A PUBLIC HEARING

On

B20-052, Rent Control Voluntary Agreement Procedure Amendment Act of 2013

B20-074, Residential Lease Omnibus Amendment Act of 2013

B20-830, the Rent Control Amendment Act of 2014

B20-837, the Rent Control Improvement and Protection Amendment Act of 2014

B20-895, the Rent Control Hardship Petition Amendment Act of 2014

**Bill 20-915, the Tenant Opportunity to Purchase Bona Fide Offer Clarification
Amendment Act of 2014**

OCTOBER 14, 2014

11:00 AM

ROOM 500

**JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.**

On October 14, 2014, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development, will hold a public hearing to consider legislation regarding landlord-tenant law.

Bill 20-052, the Rent Control Voluntary Agreement Procedure Amendment Act of 2013, would require a 21-day period for affected tenants to have an opportunity to submit testimony on a proposed voluntary agreement, provide additional criteria for the Rent Administrator to deny a voluntary agreement, and eliminate automatic approval of voluntary agreements.

Bill 20-074, the Residential Lease Omnibus Amendment Act of 2013, would require that mandatory fees or services be included in the maximum rent charged, extend tenants' opportunity to purchase for a twelve month period if a unit owner takes possession for personal occupancy, establish a reasonable standard for the purpose, time, and notice of a landlord's

inspection of a unit, bar lease terms that require more than 30-days' notice of a tenant's intent to vacate a unit, and bar lease terms that unreasonably restrict a tenant's ability to sublet a unit.

Bill 20-830, the Rent Control Amendment Act of 2014, would prohibit rent increases when a housing provider fails to give elderly or disabled tenants notice of their rights, to have a registered agent, or requiring unnecessary proof of a tenant's elderly or disabled status. The bill would also cap rent increases for elderly or disabled tenants to the lesser of 5%, the Consumer Price Index, or the Social Security Cost of Living Adjustment and cap rent increases for other tenants at the Consumer Price Index up to 10%. Finally, Bill 20-830 clarifies the process for proving a tenant's elderly and disabled status.

Bill 20-837, the Rent Control Improvement and Protection Amendment Act of 2014, extends the time period for the Rent Administrator to review a hardship petition, lowers the statutory rate of return to 8%, changes the standard for calculating a rate of return, provides additional protections for the review of voluntary agreements, and establishes new penalties for violations of tenant law.

Bill 20-895, the Rent Control Hardship Petition Amendment Act of 2014, requires the creation of an online search database of rental documents, bars the selective or delayed implementation of rent increases, lowers the statutory rate of return to 8%, changes the standard for calculating a rate of return, eliminates conditional approval of hardship petitions, makes changes to the capital improvement petition process, and provide additional protections for the review of voluntary agreements.

Bill 20-915, the Tenant Opportunity to Purchase Bona Fide Offer Clarification Amendment Act of 2014, clarifies the meaning of "bona fide offer" under the Tenant Opportunity to Purchase Act of 1980. It also expands the tenant opportunity to purchase right when the owner of a housing accommodation issues a notice of discontinuance of housing use pursuant to section 8 of the federal Housing Act of 1937.

The public hearing will begin at 11:00 AM in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Individuals and representatives of community organizations wishing to testify should contact Judah Gluckman, Legislative Counsel to the Committee on Economic Development, at (202) 724-8025, or jgluckman@dccouncil.us and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business October 13, 2014. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard. Please provide the Committee 20 copies of any written testimony.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted by the close of business on October 28, 2014, to the Committee on Economic Development, Council of the District of Columbia, Suite 110 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

This hearing notice has been revised to reflect the addition of Bill 20-915 to the agenda.

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

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

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

ANNOUNCES A PUBLIC HEARING ON:

Bill 20-539, the “St. Matthews Evangelical Lutheran Church Community Garden Equitable Real Property Tax Relief Act of 2013”

Bill 20-589, the “SeVerna, LLC, Real Property Tax Exemption and Real Property Tax Relief Amendment Act of 2013”

Bill 20-690, the “N Street Village, Inc. Tax and TOPA Exemption Amendment Act of 2014”

Bill 20-832, the “Douglas Knoll, Golden Rule, 1728 W Street and Wagner Gainesville Real Property Tax Exemption Act of 2014”

Bill 20-910 the “Fiscal Year 2015 Tax Revenue Anticipation Notes of 2014”

Thursday, October 16, 2014

10:00 a.m., Room 120 - 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 hearing to be held on October 16, 2014 at 10:00 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 20-539, the “St. Matthews Evangelical Lutheran Church Community Garden Equitable Real Property Tax Relief Act of 2013” would provide equitable real property tax relief to St. Matthews Evangelical Lutheran Church Community Garden, a tax-exempt religious organization, so long as it is used as a community garden.

Bill 20-589, the “SeVerna, LLC, Real Property Tax Exemption and Real Property Tax Relief Amendment Act of 2013” would amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of, and to provide equitable real property tax relief to SeVerna, LLC.

Bill 20-690, the “N Street Village, Inc. Tax and TOPA Exemption Amendment Act of 2014” would exempt from real property tax, transfer and recordation taxes, and tenant opportunity to purchase requirements the property owned by N Street Village, Inc. at 1301 14th Street, N.W.

Bill 20-832, the “Douglas Knoll, Golden Rule, 1728 W Street and Wagner Gainesville Real Property Tax Exemption Act of 2014” would amend section 47-1065 of the District of Columbia Official Code to extend the real property tax exemption period for certain property owned by Golden Rule Plaza, Inc., Douglas Knoll Cooperative Limited Partnership, 1728 W Street Limited Partnership and Wagner Gainesville Limited Partnership.

Bill 20-910 the “Fiscal Year 2015 Tax Revenue Anticipation Notes of 2014” would authorize the issuance of District of Columbia general obligation tax revenue anticipation notes, in an amount not to exceed \$600 million, to finance general governmental expenses for the fiscal year ending September 30, 2015.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Legislative Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Wednesday, October 15, 2014. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia; 1350 Pennsylvania Ave., N.W.; Suite 114; Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC HEARING**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

ANNOUNCES A PUBLIC HEARING ON

B20-825, the “Youth Offender Accountability and Rehabilitation Act of 2014”

**Wednesday, Oct. 22, 2014
11 am**

**Room 412
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 hearing on Wednesday, October 22, 2014, beginning at 11 am in Room 412 of the John A. Wilson Building. The purpose of this hearing is to receive public comment on the Bill 20-825.

Bill 20-825 would amend Title 16 of the DC Official Code to provide for the transfer of minor defendants to the Family Court; to include minor defendants transferred to the Family Court in the definition of “child”; to retain the Family Court’s jurisdiction over minors transferred for criminal prosecution; to require additional data collection by the Criminal Justice Coordinating Council; and to require that detention orders include instructions for how to detain a defendant under the age of 18. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0825>.

The Committee invites the public to testify. Individuals who wish to testify should contact Nicole Goines at 724-7808 or ngoines@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Monday, October 20, 2014. 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. Those persons unable to testify at the public hearing are encouraged to submit written statements for the official record. Written statements should be submitted by 5 p.m. on Thursday, October 30, 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.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

ANNOUNCES A PUBLIC HEARING ON

**Bill 20-890, the “Firefighter Retirement While Under Disciplinary Investigation
Act of 2014”**

and

Bill 20-710, the “Limitations of Guardianship Amendment Act of 2014”

Wednesday, Oct. 15, 2014

1 pm

John A. Wilson Building, Room 412

1350 Pennsylvania Avenue, NW, Washington, DC 20004

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, announces a public hearing on October 15, 2014, beginning at 1 pm in Room 412 of the John A. Wilson Building, for the purpose of receiving testimony on Bills 20-890 and 20-710.

Bill 20-890 would change the retirement procedure for a member of Fire and Emergency Medical Services who retires from the Department when facing disciplinary charges, such that a member who retires or resigns while under disciplinary investigation will be deemed to be in conditional retirement pending completion of the disciplinary investigation. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0890>.

Bill 20-710 would amend Title 21 of the DC Official Code to protect the well-being of incapacitated individuals from unreasonable confinement or involuntary seclusion by a temporary, limited, and general guardian; to require all individuals seeking to be appointed as a guardian or conservator to submit and pay for a local and national criminal history record check and to file a statement with the court indicating whether the nominee has been convicted of, pled nolo contendere to, or received a deferred sentence for a felony or misdemeanor; to require the courts to limit the duration of any limited guardianship order to no more than three years and general guardianship order to no more than five years and have the party seeking guardianship to initiate a new petition based on clear and convincing evidence on the need for a guardianship order. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0710>.

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, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 pm on Monday, October 13, 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 pm on Friday, October 24, 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.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

ANNOUNCES A PUBLIC HEARING ON

Bill 20-930, the “License to Carry a Pistol Amendment Act of 2014”

Thursday, October 16, 2014

10:30 am

**John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, announces a public hearing on Thursday, October 16, 2014, beginning at 10:30 am in the Council Chamber, Room 500, of the John A. Wilson Building. The purpose of this public hearing is to receive public testimony on Bill 20-930.

Bill 20-930 would amend the “Firearms Control Regulations Act of 1975” to permit individuals to register a firearm for self-defense in their place of business, to provide a Freedom of Information Act exception, to specify application requirements for applying to carry a concealed pistol, to specify the duration of such licenses and certain requirements for renewal of licenses, to outline duties of licensees, to provide for revocation of licenses, to create a criminal offense of carrying while impaired, to specify prohibitions on licensees, to establish a Concealed Pistol Licensing Review Board and specify the term and other requirements for the Board, to specify penalties, to require the Mayor to issue rules, and to make other technical changes. Bill 20-930 would also amend “An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia” to provide penalties, to prescribe rules of evidence, and to permit the Chief of Police to issue licenses to carry a concealed pistol to District residents and non-residents provided certain conditions are met. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0930>.

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, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 pm on Tuesday, October 14, 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 pm on Thursday, October 30, 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.

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

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

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

ANNOUNCES A PUBLIC HEARING:

**The Chief Financial Officer and His Plans for the City
Monday, October 20, 2014
11:00 a.m.**

**Room 500 – Council Chambers, 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 hearing to be held on Monday, October 20, 2014 at 11:00 a.m., in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

The purpose of this hearing 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 under “OCFO Reports”.

The Committee invites the public to testify at the oversight hearing. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 11:00 a.m. on Friday, October 17, 2014. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: 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 the Judiciary and Public Safety
Notice of Public Oversight Hearing
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

REVISED

**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, 2nd floor, Washington, DC 20059**

**RECONVENING
Monday, October 27, 2014
11:30 am
Room 412, 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 6th St NW, Washington, DC, 20059. The hearing will reconvene Monday, October 27, 2014 at 11:30 am in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004. **This notice has been revised to reflect a date change for the reconvened hearing from October 16, 2014 to October 27, 2014.**

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, 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 Thursday, October 23, 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, November 10, 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.

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

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

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

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

AND

**“AN UPDATE ON THE 500 FAMILIES. 100 DAYS. QUALITY DC HOUSING NOW
CAMPAIGN”**

FRIDAY, OCTOBER 3, 2014 AT 11:00 A.M.

**ACTIVITY ROOM, 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) and “An Update on the 500 Families. 100 Days. Quality DC Housing Now Campaign.” The roundtable will be held on Friday, October 3, 2014, at 11:00 a.m., in the Activity Room of the Main Building at D.C. General Shelter. **This revised notice reflects a rescheduled hearing date and the addition of a topic of oversight.**

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.

In April 2014, Mayor Vincent Gray launched the “500 Families.100 Days. Quality DC Housing Now Campaign”, a key part of his Crisis Response Plan to address the demand for housing for homeless families. Through this citywide campaign, the Department of Human Services, in collaboration with The Community Partnership for the Prevention of Homelessness and Transitional Housing Corporation, had plans to identify and lease 500 units of housing in 100 days for families currently in the DC General Shelter and area hotels. This roundtable will also provide DHS with the opportunity to update the Council on the progress made towards accomplishing the goals of this initiative.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by e-mail at mcameron@dccouncil.us or by telephone at (202) 724-8191 by Thursday, October 2, 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., Monday, October 13, 2014, when the official record will close.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B20-912, “Rent Control Hardship Petition Limitation Temporary Amendment Act of 2014”, **B20-914**, “Georgia Avenue Great Streets Neighborhood Retail Priority Area Temporary Amendment Act of 2014”, **B20-923**, “Tenant Opportunity to Purchase Temporary Amendment Act of 2014” **B20-927**, “License to Carry a Pistol Temporary Amendment Act of 2014”, and **B20-929**, “DCPS Football for Special Needs Students Regulation Temporary Act of 2014” were adopted on first reading on September 23, 2013. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on October 7, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA**Notice of Funds Availability****Comprehensive Rail Plan****Overview**

The Council of the District of Columbia is seeking grant applications from regional organizations to develop a comprehensive rail plan (“Plan”) for the District of Columbia. The Plan will be consistent with policies, priorities, and performance measures set by the District and other regional transportation planning organizations and will address a broad spectrum of rail issues, including:

- 1) identification of the District’s freight and passenger rail objectives;
- 2) an inventory of the rail system’s transportation infrastructure;
- 3) an analysis of rail-related economic and environment impacts;
- 4) an assessment of intermodal infrastructure, safety, and security issues; and
- 5) a long-range investment program for current and future passenger and freight rail infrastructure that will accommodate regional rail transit needs.

To produce the Plan, the selected applicant will consult and coordinate with various industry stakeholders, including freight and passenger rail owners and operators, governmental and non-governmental entities (including municipalities and regional planning organizations), the general public, elected officials, and interest groups to produce a long-range strategic rail plan that fosters growth throughout the District’s rail network.

The final product will be a document that the Council will use to inform its oversight and policymaking regarding advancements in the District’s rail transportation network. The Plan may serve either as a “state rail plan” as defined in the Passenger Rail Investment and Improvement Act of 2008, or as a planning document to inform future policy making.

Eligibility: Regional organizations (non-profit or private) located in the Washington-Baltimore metropolitan statistical area with expertise in governmental planning, transportation/transit issues and infrastructure investment 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 developing transportation/transit studies and/or plans for other jurisdictions or organizations; and 2) a record of working collaboratively with and/or partnering with at least two (2) of the following: a) state and local governments, b) private corporations, and c) non-profit organizations.

Length of Award: The grant period will be for twelve (12) months from the date of execution of a Grant Agreement with the Council. At the discretion of the Council, a maximum of one (1) one-year option 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 available for this award is up to \$500,000 maximum, pending availability of funds. The funds for the Comprehensive Rail Plan

are made available through District of Columbia appropriations (See *Fiscal Year 2015 Budget Support Act of 2014*, D.C. Act 20-424, § 6082, enacted September 23, 2014)

Anticipated Number of Awards: The Council anticipates making up to one (1) award depending on funding availability and responsiveness of applicants.

How to Obtain the RFA: The Request for Application (RFA) will be released on **Monday, October 6, 2014**. The RFA will be available on the following website:

- The Council of the District of Columbia: www.dccouncil.us

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on Bill 20-917, the “Retail Service and Neighborhood Services Amendment Act of 2014.” The resolution was introduced on September 22, 2014. The Committee on Transportation and the Environment intends to consider this bill in October 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on Bill 20-930, the “License to Carry a Pistol Amendment Act of 2014” to allow for the bill to be the subject of a public hearing on October 16, 2014. The abbreviated notice of intent to consider is necessary to allow the Council to act in a timely manner due to the upcoming end of the council period.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 26, 2014
Petition Date: November 10, 2014
Roll Call Hearing Date: November 24, 2014
Protest Hearing Date: February 4, 2015

License No.: ABRA-096001
Licensee: Bon Appetit Management Co,
Trade Name: Bon Appetit Management Co,
License Class: Retailer's Class "C" Restaurant
Address: 3700 O Street, NW
Contact: Jerry Moore: 202-344-4765/202-344-4733

WARD 2 ANC 2E SMD 2E08

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 Roll Call 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 on February 4, 2015 at 4:30 pm.

NATURE OF OPERATION

Full service restaurant with bar service. Late night pick-up window. Seating capacity 119; total occupancy load is 200. Summer Garden with 36 seats.

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday: 12pm-1am, Monday through Wednesday: 11am-1am, Thursday through Saturday: 11am-2am

HOURS OF OPERATION

Sunday through Wednesday: 11am-1am, Thursday through Saturday: 11am-2am

HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Wednesday: 11am-11pm, Thursday through Saturday: 11am-12am

HOURS OF SALES/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGE FOR SUMMER GARDEN

Sunday: 12pm-11pm, Monday through Wednesday: 11am-11pm, Thursday through Saturday: 11am-12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-075185
License Class/Type: B Retail - Groce
SMD: 7D04

Applicant: Gaon Enterprises, Inc.
Trade Name: Thomas & Sons
Premise Address: 3425 BENNING RD NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am -12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

License Number: ABRA-074162
License Class/Type: B Retail - Groce
SMD: 5E10

Applicant: ZG Market, Inc.
Trade Name: Jubilee Market
Premise Address: 2316 4TH ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 11 pm	9:30 am -10 pm
MON:	9 am - 11 pm	9:30 am - 10 pm
TUE:	9 am - 11 pm	9:30 am - 10 pm
WED:	9 am - 11 pm	9:30 am - 10 pm
THU:	9 am - 11 pm	9:30 am - 10 pm
FRI:	9 am - 11 pm	9:30 am - 10 pm
SAT:	9 am - 11 pm	9:30 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-071324

Applicant: JK Market, Inc.

License Class/Type: B Retail - Groce

Trade Name: Paramount Market

SMD: 8A04

Premise Address: 2200 16TH ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	9 am -10 pm
MON:	8 am - 10 pm	9 am - 10 pm
TUE:	8 am - 10 pm	9 am - 10 pm
WED:	8 am - 10 pm	9 am - 10 pm
THU:	8 am - 10 pm	9 am - 10 pm
FRI:	8 am - 10 pm	9 am - 10 pm
SAT:	8 am - 10 pm	9 am - 10 pm

License Number: ABRA-071707

Applicant: Mass. Avenue Deli, Inc.

License Class/Type: B Retail - Groce

Trade Name: Mass Avenue & Mini Market

SMD:

Premise Address: 4000 MASSACHUSETTS AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 1 pm	9 am -1 pm
MON:	8 am - 7 pm	9 am - 7 pm
TUE:	8 am - 7 pm	9 am - 7 pm
WED:	8 am - 7 pm	9 am - 7 pm
THU:	8 am - 7 pm	9 am - 7 pm
FRI:	8 am - 7 pm	9 am - 7 pm
SAT:	8 am - 7 pm	9 am - 7 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-078514

Applicant: Eugene, Inc.

License Class/Type: B Retail - Groce

Trade Name: Roland's of Capitol Hill

SMD: 6B01

Premise Address: 333 PENNSYLVANIA AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 11 pm	10 am -10 pm
MON:	8 am - 11 pm	9 am - 10 pm
TUE:	8 am - 11 pm	9 am - 10 pm
WED:	8 am - 11 pm	9 am - 10 pm
THU:	8 am - 11 pm	9 am - 10 pm
FRI:	8 am - 11 pm	9 am - 10 pm
SAT:	8 am - 11 pm	9 am - 10 pm

License Number: ABRA-078015

Applicant: 727, Inc.

License Class/Type: B Retail - Groce

Trade Name: 727 Market

SMD: 1B09

Premise Address: 2820 GEORGIA AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 9 pm	9 am -9 pm
MON:	9 am - 9 pm	9 am - 9 pm
TUE:	9 am - 9 pm	9 am - 9 pm
WED:	9 am - 9 pm	9 am - 9 pm
THU:	9 am - 9 pm	9 am - 9 pm
FRI:	9 am - 9 pm	9 am - 9 pm
SAT:	9 am - 9 pm	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-078414

Applicant: TC, LLC

License Class/Type: B Retail - Groce

Trade Name: Marvelous Market

SMD: 2A03

Premise Address: 2424 PENNSYLVANIA AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 10 pm	9 am -10 pm
MON:	7 am - 10 pm	9 am - 10 pm
TUE:	7 am - 10 pm	9 am - 10 pm
WED:	7 am - 10 pm	9 am - 10 pm
THU:	7 am - 10 pm	9 am - 10 pm
FRI:	7 am - 10 pm	9 am - 10 pm
SAT:	7 am - 10 pm	9 am - 10 pm

License Number: ABRA-060593

Applicant: Hudai Yavalar

License Class/Type: B Retail - Groce

Trade Name: Le Petite Corner Store

SMD: 2E02

Premise Address: 1643 34TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 7 pm	9 am -7 pm
MON:	7 am - 9:30 pm	9 am - 9:30 pm
TUE:	7 am - 9:30 pm	9 am - 9:30 pm
WED:	7 am - 9:30 pm	9 am - 9:30 pm
THU:	7 am - 9:30 pm	9 am - 9:30 pm
FRI:	7 am - 10 pm	9 am - 10 pm
SAT:	7 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-060734

Applicant: Cha Corportaion

License Class/Type: B Retail - Groce

Trade Name: Lobby Mart

SMD: 2C03

Premise Address: 501 3RD ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	6:30am - 10:00pm	7:00am -10:00pm
MON:	6:30 am - 10:00pm	7:00am - 10:00pm
TUE:	6:30 am - 10:00pm	7:00am - 10:00pm
WED:	6:30 am - 10:00pm	7:00am - 10:00pm
THU:	6:30 am - 10:00pm	7:00am - 10:00pm
FRI:	6:30 am - 10:00pm	7:00am - 10:00pm
SAT:	6:30 am - 10:00pm	7:00am - 10:00pm

License Number: ABRA-011714

Applicant: Langdon Market, Inc.

License Class/Type: B Retail - Groce

Trade Name: Langdon Market

SMD: 5C07

Premise Address: 2409 FRANKLIN ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	CLOSED - CLOSED	CLOSED -CLOSED
MON:	7 am - 7 pm	7 am - 7 pm
TUE:	7 am - 7 pm	7 am - 7 pm
WED:	7 am - 7 pm	7 am - 7 pm
THU:	7 am - 7 pm	7 am - 7 pm
FRI:	7 am - 7 pm	7 am - 7 pm
SAT:	7 am - 7 pm	7 am - 7 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-083125
License Class/Type: B Retail - Class
SMD: 1A08

Applicant: Shitu, Inc.
Trade Name: Gee's Market
Premise Address: 3583 WARDER ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 12 am	9 am -12 am
MON:	8 am - 12 am	9 am - 12 am
TUE:	8 am - 12 am	9 am - 12 am
WED:	8 am - 12 am	9 am - 12 am
THU:	8 am - 12 am	9 am - 12 am
FRI:	8 am - 12 am	9 am - 12 am
SAT:	8 am - 12 am	9 am - 12 am

License Number: ABRA-088611
License Class/Type: B Retail - Class
SMD: 6B04

Applicant: L STREET MARKET INC.
Trade Name: 7TH L Street Market
Premise Address: 700 L ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 7 pm	9 am -7 pm
MON:	7:30 am - 8 pm	9 am - 8 pm
TUE:	7:30 am - 8 pm	9 am - 8 pm
WED:	7:30 am - 8 pm	9 am - 8 pm
THU:	7:30 am - 8 pm	9 am - 8 pm
FRI:	7:30 am - 8 pm	9 am - 8 pm
SAT:	7:30 am - 8 pm	9 am - 8 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-089932

Applicant: ADDIS INCORPORATED

License Class/Type: B Retail - Groce

Trade Name: King Convenience Store

SMD: 8A05

Premise Address: 1535 U ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7am - 12am	7am -12am
MON:	7am - 12am	7am - 12am
TUE:	7am - 12am	7am - 12am
WED:	7am - 12am	7am - 12am
THU:	7am - 12am	7am - 12am
FRI:	7am - 12am	7am - 12am
SAT:	7am - 12am	7am - 12am

License Number: ABRA-003439

Applicant: Kim, Doo Young

License Class/Type: B Retail - Class

Trade Name: Cookie's Corner

SMD: 1B01

Premise Address: 1970 2ND ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	9am -12am
MON:	7 am - 12 am	9 am - 12 am
TUE:	7 am - 12 am	9 am - 12 am
WED:	7 am - 12 am	9 am - 12 am
THU:	7 am - 12 am	9 am - 12 am
FRI:	7 am - 12am	9 am - 12 am
SAT:	7am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-060236

Applicant: Albo Corp

License Class/Type: B Retail - Groce

Trade Name: Eleven Market -

SMD: 1B02

Premise Address: 1936 11TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 12 am	9 am -12 am
MON:	8 am - 12 am	8 am - 12 am
TUE:	8 am - 12 am	8 am - 12 am
WED:	8 am - 12 am	8 am - 12 am
THU:	8 am - 12 am	8 am - 12 am
FRI:	8 am - 12 am	8 am - 12 am
SAT:	8 am - 12 am	8 am - 12 am

License Number: ABRA-077293

Applicant: S&T Whitelaw, Inc.

License Class/Type: B Retail - Groce

Trade Name: Whitelaw Market

SMD: 1B12

Premise Address: 1846 13TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-087999
License Class/Type: B Retail - Class
SMD: 1C05

Applicant: BJ & M, Inc.
Trade Name: Argonne Market
Premise Address: 1629 COLUMBIA RD NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 8 pm	9 am - 8 pm
MON:	7 am - 8 pm	9 am - 8 pm
TUE:	7 am - 8 pm	9 am - 8 pm
WED:	7 am - 8 pm	9 am - 8 pm
THU:	7 am - 8 pm	9 am - 8 pm
FRI:	7 am - 8 pm	9 am - 8 pm
SAT:	7 am - 8 pm	9 am - 8 pm

License Number: ABRA-093257
License Class/Type: B Retail - Class
SMD: 1D01

Applicant: Argyle Market, LLC
Trade Name: Argyle Market, LLC
Premise Address: 3220 17TH ST NW 101

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	9 am - 12 am
MON:	7 am - 12 am	9 am - 12 am
TUE:	7 am - 12 am	9 am - 12 am
WED:	7 am - 12 am	9 am - 12 am
THU:	7 am - 12 am	9 am - 12 am
FRI:	7 am - 12 am	9 am - 12 am
SAT:	7 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-092449
License Class/Type: B Retail - Groce
SMD: 1D05

Applicant: Each Peach, LLC
Trade Name: Each Peach Market
Premise Address: 3068 MOUNT PLEASANT ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	9am - 10pm	9am -10pm
MON:	9am - 10pm	9am - 10pm
TUE:	9am - 10pm	9am - 10pm
WED:	9am - 10pm	9am - 10pm
THU:	9am - 10pm	9am - 10pm
FRI:	9am - 10pm	9am - 10pm
SAT:	9am - 10pm	9am - 10pm

License Number: ABRA-091391
License Class/Type: B Retail - Class
SMD: 2C01

Applicant: Walgreen Co.
Trade Name: Walgreens #15360
Premise Address: 801 7th ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	24 hours -	9 am -12 am
MON:	24 hours -	9 am - 12 am
TUE:	24 hours -	9 am - 12 am
WED:	24 hours -	9 am - 12 am
THU:	24 hours -	9 am - 12 am
FRI:	24 hours -	9 am - 12 am
SAT:	24 hours -	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-021578

Applicant: 1807 Corporation

License Class/Type: B Retail - Groce

Trade Name: Dupont Market

SMD: 2B01

Premise Address: 1807 18TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 10 pm	9 am -10 pm
MON:	7 am - 10 pm	9 am - 10 pm
TUE:	7 am - 10 pm	9 am - 10 pm
WED:	7 am - 10 pm	9 am - 10 pm
THU:	7 am - 10 pm	9 am - 10 pm
FRI:	7 am - 11 pm	9 am - 10 pm
SAT:	7 am - 11 pm	9 am - 10 pm

License Number: ABRA-014153

Applicant: Oasis Inc.

License Class/Type: B Retail - Groce

Trade Name: Oasis

SMD: 2B02

Premise Address: 2024 P ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 12 am	9 am -12 am
MON:	7 am - 12 am	9 am - 12 am
TUE:	7 am - 12 am	9 am - 12 am
WED:	7 am - 12 am	9 am - 12 am
THU:	7 am - 12 am	9 am - 12 am
FRI:	7 am - 12 am	9 am - 12 am
SAT:	8 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-060717
License Class/Type: B Retail - Groce
SMD: 2B05

Applicant: Moon Run Inc
Trade Name: 1500 Market
Premise Address: 1500 MASSACHUSETTS AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8:30 am - 10 pm	9 am -10 pm
MON:	8:30 am - 10 pm	9 am - 10 pm
TUE:	8:30 am - 10 pm	9 am - 10 pm
WED:	8:30 am - 10 pm	9 am - 10 pm
THU:	8:30 am - 10 pm	9 am - 10 pm
FRI:	8:30 am - 10 pm	9 am - 10 pm
SAT:	8:30 am - 10 pm	9 am - 10 pm

License Number: ABRA-092424
License Class/Type: B Retail - Groce
SMD: 2B05

Applicant: YHKims, Inc.
Trade Name: Marbi's Newstand
Premise Address: 1730 RHODE ISLAND AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	CLOSED -	CLOSED -
MON:	6:30 am - 6:30 pm	9:00 am - 6:30 pm
TUE:	6:30 am - 6:30 pm	9:00 am - 6:30 pm
WED:	6:30 am - 6"30 pm	9:00 am - 6:30 pm
THU:	6:30 am - 6:30 pm	9:00 am - 6:30 pm
FRI:	6:30 am - 6:30 pm	9:00 am - 6:30 pm
SAT:	closed - closed	closed - closed

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-019616

Applicant: Ng Shu Kwan

License Class/Type: B Retail - Groce

Trade Name: Chinatown Market

SMD: 2C01

Premise Address: 521 H ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 9 pm	11 am - 9 pm
MON:	9 am - 9 pm	11 am - 9 pm
TUE:	9 am - 9 pm	11 am - 9 pm
WED:	9 am - 9 pm	11 am - 9 pm
THU:	9 am - 9 pm	11 am - 9 pm
FRI:	9 am - 9 pm	11 am - 9 pm
SAT:	9 am - 9 pm	11 am - 9 pm

License Number: ABRA-084354

Applicant: Walgreens Co.

License Class/Type: B Retail - Groce

Trade Name: Walgreens #10311

SMD: 3C05

Premise Address: 3524 CONNECTICUT AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 10 pm	7 am - 10 pm
MON:	7 am - 10 pm	7 am - 10 pm
TUE:	7 am - 10 pm	7 am - 10 pm
WED:	7 am - 10 pm	7 am - 10 pm
THU:	7 am - 10 pm	7 am - 10 pm
FRI:	7 am - 10 pm	7 am - 10 pm
SAT:	7 am - 10 pm	7 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-000394

Applicant: Discount Drugs Wisconsin Inc

License Class/Type: B Retail - Groce

Trade Name: Rodman's Discount Drugs

SMD: 3E03

Premise Address: 5100 WISCONSIN AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	10 am - 7 pm	10 am - 7 pm
MON:	8 am - 10 pm	8 am - 10 pm
TUE:	8 am - 10 pm	8 am - 10 pm
WED:	8 am - 10 pm	8 am - 10 pm
THU:	8 am - 10 pm	8 am - 10 pm
FRI:	8 am - 10 pm	8 am - 10 pm
SAT:	8 am - 10 pm	8 am - 10 pm

License Number: ABRA-083507

Applicant: District of Columbia CVS Pharmacy, LLC

License Class/Type: B Retail - Groce

Trade Name: CVS Pharmacy #2104

SMD: 3F05

Premise Address: 5013 CONNECTICUT AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	8 am - 10 pm
MON:	8 am - 10 pm	8 am - 10 pm
TUE:	8 am - 10 pm	8 am - 10 pm
WED:	8 am - 10 pm	8 am - 10 pm
THU:	8 am - 10 pm	8 am - 10 pm
FRI:	8 am - 10 pm	8 am - 10 pm
SAT:	8 am - 10 pm	8 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-023503

Applicant: Rufael, Incorporation

License Class/Type: B Retail - Groce

Trade Name: Missouri Avenue Market

SMD: 4A06

Premise Address: 5900 GEORGIA AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am -12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

License Number: ABRA-074267

Applicant: Jays and J, Inc.

License Class/Type: B Retail - Groce

Trade Name: Compact Market

SMD: 5D02

Premise Address: 1613 MONTELLO AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-094207

Applicant: SIMPLY SMILES, LLC

License Class/Type: B Retail - Groce

Trade Name: Simply Smiles

SMD: 6D03

Premise Address: 333 E ST SW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 11 pm	9 am -10 pm
MON:	8 am - 11 pm	9 am - 10 pm
TUE:	8 am - 11 pm	9 am - 10 pm
WED:	8 am - 11 pm	9 am - 10 pm
THU:	8 am - 11 pm	9 am - 10 pm
FRI:	8 am - 11 pm	9 am - 10 pm
SAT:	8 am - 11 pm	9 am - 10 pm

License Number: ABRA-001111

Applicant: Charles Lucas Everett, Jr

License Class/Type: B Retail - Groce

Trade Name: Variety Market

SMD: 6E02

Premise Address: 1511 7TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-023329
License Class/Type: B Retail - Groce
SMD: 7C06

Applicant: Han & Sook Inc
Trade Name: A-1 Grocery
Premise Address: 615 DIVISION AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 9 pm	9 am - 9 pm
MON:	9 am - 9 pm	9 am - 9 pm
TUE:	9 am - 9 pm	9 am - 9 pm
WED:	9 am - 9 pm	9 am - 9 pm
THU:	9 am - 9 pm	9 am - 9 pm
FRI:	9 am - 9 pm	9 am - 9 pm
SAT:	9 am - 9 pm	9 am - 9 pm

License Number: ABRA-094776
License Class/Type: B Retail - Groce
SMD: 7F02

Applicant: Texas Convenience Store, Inc.
Trade Name: Texas Grocery Store
Premise Address: 4350 TEXAS AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7:30 am - 9:30 pm	7:30 am - 9:30 pm
MON:	7:30 am - 9:30 pm	7:30 am - 9:30 pm
TUE:	7:30 am - 9:30 pm	7:30 am - 9:30 pm
WED:	7:30 am - 9:30 pm	7:30 am - 9:30 pm
THU:	7:30 am - 9:30 pm	7:30 am - 9:30 pm
FRI:	7:30 am - 9:30 pm	7:30 am - 9:30 pm
SAT:	7:30 am - 9:30 pm	7:30 am - 9:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/26/2014
PETITION DATE: 11/10/2014
HEARING DATE: 11/24/2014

License Number: ABRA-095905
License Class/Type: B Retail - Groce
SMD: 8C03

Applicant: S & B MARKET, LLC
Trade Name: MLK MINI MARKET
Premise Address: 3333 MARTIN LUTHER KING JR AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 9 pm	9 am - 9 pm
MON:	7 am - 9 pm	9 am - 9 pm
TUE:	7 am - 9 pm	9 am - 9 pm
WED:	7 am - 9 pm	9 am - 9 pm
THU:	7 am - 9 pm	9 am - 9 pm
FRI:	7 am - 9 pm	9 am - 9 pm
SAT:	7 am - 9 pm	9 am - 9 pm

License Number: ABRA-093871
License Class/Type: B Retail - Groce
SMD: 8D01

Applicant: G & H, Inc.
Trade Name: Chesapeake Big Market
Premise Address: 601 CHESAPEAKE ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am - 12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 26, 2014
Petition Date: November 10, 2014
Hearing Date: November 24, 2014

License No.: ABRA-088102
Licensee: Chicken Tortilla, Inc.
Trade Name: Ocopa
License Class: Retailer's Class "C" Restaurant
Address: 1324 H Street, NE

Contact: Eddie Migues (202)-497-9492

WARD 6

ANC 6A

SMD 6A06

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request is to have a Summer Garden. The Summer Garden capacity is 24. The premise capacity is 38.

PROPOSED HOURS OF OPERATION /SUMMER GARDEN

Sunday through Saturday 8 am- 2 am

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION/ SUMMER GARDEN

Sunday through Saturday 11 am- 1:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 26, 2014
 Petition Date: November 10, 2014
 Hearing Date: November 24, 2014
 Protest Hearing Date: February 4, 2015

License No.: ABRA-025750
 Licensee: The Studio Theatre, Inc.
 Trade Name: Studio Theatre
 License Class: Retailer’s Class “D” Multi-Purpose
 Address: 1333 P Street NW
 Contact: David R. Muse 202-232-7267

WARD 2

ANC 2F

SMD 2F02

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 November 19, 2014 at 1:30 pm.

NATURE OF OPERATION

Class Change from retailer class “D” Multi-Purpose(DX) to “C” Multi-Purpose(CX).
 Total capacity is 405.

HOURS OF OPERATION

Sunday through Saturday 9 am - 12 am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Thursday 10 am -12 am, Friday and Saturday 10 am -1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 26, 2014
Petition Date: November 10, 2014
Hearing Date: November 24, 2014
Protest Hearing Date: February 4, 2015

License No.: ABRA-086613
Licensee: The Capital Wine School, LLC
Trade Name: The Capital Wine School
License Class: Retailer's "D" Tavern
Address: 5207 Wisconsin Avenue, NW Suite #7
Contact Information: Andrew Kline (202)686-7600

WARD 3

ANC 3E

SMD 3E04

Notice is hereby given that this licensee has applied for a substantial change to the 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 hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, D.C. 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 February 4, 2015

Licensee requests the following substantial changes to its nature of operation:

- Class change from a Retailer's D Tavern to a Retailer's C Tavern

Current Hours of Alcoholic Beverage Operations

Sunday through Saturday, 9 am-11 pm

Current Hours of Alcoholic Beverage Sales, Service, and Consumption

Sunday 10 am - 11 pm

Monday through Saturday, 9 am-11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 26, 2014
Petition Date: November 10, 2014
Hearing Date: November 24, 2014
Protest Hearing Date: February 4, 2015

License No.: ABRA-096572
Licensee: SEB, Inc,
Trade Name: Uncle Chip's
License Class: Retail Class "C" Tavern
Address: 1514 North Capitol Street, NW.
Contact: Shannon E. Boyle 202 999-4990

WARD 5

ANC 5E

SMD 5E05

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 February 4, 2015.

NATURE OF OPERATION

New tavern serving bakery items. Social Meeting place. Occupancy load is 8. Sidewalk Cafe.

HOURS OF OPERATON

Sunday through Saturday 7 am – 10 pm

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Saturday 8 am – 10 pm

HOURS OF OPERATON FOR SIDEWALK CAFÉ (18 SEATS)

Sunday through Saturday 7 am – 10 pm

HOURS OF SALES/SERVICE/CONSUMPTION OF SIDEWALK CAFE (18 SEATS)

Sunday through Saturday 8 am – 10 pm

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

TIME AND PLACE: **Thursday, December 18, 2014, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 14-07 (1250 4th ST EDENS, LLC - Consolidated PUD & Related Map Amendment @ Square 3587, Parcels 129/95 and 129/96 - 1270 4th Street, N.E.)

THIS CASE IS OF INTEREST TO ANC 5D

On May 5, 2014, the Office of Zoning received an application from 1250 4th ST EDENS, LLC (the "Applicant"). The Applicant is requesting approval of a consolidated planned unit development ("PUD") and related map amendment from C-M-1 to C-3-C.

The Office of Planning provided its report on June 20, 2014, which recommended that the case be set down by the Zoning Commission. The case was set down for hearing by the Zoning Commission on June 30, 2014.

The property that is the subject of this application consists of approximately 51,000 square feet of land. The property is bounded by a vacant parking lot to the north, an industrial building to the south, 4th Street N.E. to the east, and an alley to the west. This property is legally identified as Square 3587, Parcels 129/95 and 129/96.

The C-3-C Zone District permits matter-of-right development for major business and employment centers of medium/high density development, including office, retail, housing, and mixed-uses to a maximum lot occupancy of 100%, a maximum PUD floor area ratio of 8.0 for residential and for other permitted uses, and a maximum PUD height of 130 feet.

The Applicant proposes to develop a new mixed-use development on the site, consisting of approximately 39,600 square feet of retail and approximately 368,400 square feet of residential. The project will contain a total of approximately 408,000 gross square feet, for a density of 8.0 FAR and a building height of approximately 110 feet. The project will also include an underground parking garage with approximately 400-550 parking spaces.

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

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.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-07
PAGE 2

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), 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 |

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 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to 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 RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: **Thursday, January 29, 2015, @ 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 @ 9th 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 9th 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

¹ This case was previously scheduled for November 17, 2014.

Z.C. NOTICE OF RESCHEDULED PUBLIC HEARING
Z.C. CASE NO. 14-09
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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.

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. **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.

**Z.C. NOTICE OF RESCHEDULED PUBLIC HEARING
Z.C. CASE NO. 14-09
PAGE 3**

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th 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: **Monday, January 5, 2015, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 14-12 (EAJ 1309 5th Street, LLC – First-Stage and Consolidated PUD & Related Map Amendment @ Square 3591, Lot 800 - 1309-1329 5th Street, N.E.)

THIS CASE IS OF INTEREST TO ANC 5D

On July 10, 2014, the Office of Zoning received an application from EAJ 1309 5th Street, LLC (the “Applicant”). The Applicant is requesting approval of a first-stage and a consolidated planned unit development (“PUD”) and related map amendment from C-M-1 to C-3-C.

The Office of Planning provided its report on July 18, 2014, which recommended that the case be set down by the Zoning Commission. The case was set down for hearing by the Zoning Commission on July 28, 2014.

The property that is the subject of this application consists of approximately 85,820 square feet of land. The property is bounded by a surface lot to the south, a vacant lot used for maintenance storage to the north, 6th Street, N.E. to the east, and 5th Street, N.E. to the west. This property is legally identified as Square 3591, Lot 800.

The C-3-C Zone District permits matter-of-right development for major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum lot occupancy of 100%, a maximum PUD floor area ratio (“FAR”) of 8.0 for residential and for other permitted uses, and a maximum PUD height of 130 feet.

The Applicant proposes a development that is comprised of two buildings on the property that will be constructed in two phases if approved by the Zoning Commission. In total, up to approximately 541,400 gross square feet, or up to approximately 6.30 FAR, is proposed for the entire project.

For the first phase, the consolidated PUD, the Applicant proposes to construct a new structure above The Market building at Union Market, an existing two-story building on the south portion of the property. The new structure will include an approximately 38,000-42,000 gross square foot theater above the existing Market building, and an approximately 104,000-112,000 gross square foot, four-story office component atop the theater. Once complete, this building will have a total floor area of approximately 204,400-216,400 gross square feet and a building height of approximately 120 feet.

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Z.C. CASE NO. 14-12
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For the second phase, the first-stage PUD, the Applicant proposes to construct a new building containing between approximately 25,000-35,000 gross square feet of retail use and approximately 260,000-290,000 gross square feet of office or residential use on the north portion of the property. This building will have a total floor area of approximately 285,000-325,000 gross square feet and a building height of approximately 120 feet. This building will contain approximately 300-475 parking spaces below grade.

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

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), 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 |

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 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to

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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.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2012 Repl.)), hereby gives notice of corrections to the Notices of Final Rulemaking issued by the Department of Consumer and Regulatory Affairs (DCRA) and published in the *D.C. Register* on March 28, 2014, Part 2, at 61 DCR 2782 and 61 DCR 3336, as amended by Notices of Emergency Rulemaking and Proposed Rulemaking published in the *D.C. Register* on May 9, 2014 at 61 DCR 4760.

The rulemakings adopt the District of Columbia Construction Codes Supplement of 2013, Title 12 of the District of Columbia Municipal Regulations (DCMR).

This Errata Notice's correction to the final rulemaking published in the *D.C. Register* on March 28, 2014, as amended by Notices of Emergency Rulemaking and Proposed Rulemaking published in the *D.C. Register* on May 9, 2014, is non-substantive in nature and does not alter the intent, application, or purpose of the rules. The rules are effective upon the original publication date of March 28, 2014.

District of Columbia Green Construction Code Supplement of 2013, 12 DCMR Subtitle K is amended as follows:

Insert a reference to “405.1.5 and 405.1.6” in Section 405.1 of the 2013 District of Columbia Green Construction Code to read as follows:

405 MANAGEMENT OF VEGETATION, SOILS AND EROSION CONTROL

Strike Section 405.1 of the International Green Construction Code in its entirety and insert new Section 405.1 in the Green Construction Code in its place to read as follows:

405.1 Soil and water quality protection. Soil and water quality shall be protected in accordance with Section 405.1.4.

Strike Sections 405.1.1, 405.1.2, ~~and~~ 405.1.3, 405.1.5 and 405.1.6 of the International Green Construction Code in their entirety without substitution.

Strike Section 405.1.4 of the International Green Construction Code in its entirety and insert new Section 405.1.4 in the Green Construction Code in its place to read as follows:

405.1.4 Soil reuse and restoration. Soils that are being placed or replaced on a *building site* shall be prepared, amended and placed in a manner that establishes or restores the ability of the soil to support the vegetation that has been protected and that will be

planted. Soil reuse and restoration shall be in accordance with Sections 405.1.4.1 and 405.1.4.2.

405.1.4.1 Preparation. Before placing stockpiled or imported topsoils, compliance with all of the following shall occur:

1. Areas shall be cleared of debris including, but not limited to, *building* materials, plaster, paints, road base type materials, petroleum based chemicals, and other harmful materials;
2. Areas of construction-compacted subsoil shall be scarified; and
3. The first lift of replaced soil shall be mixed into this scarification zone to improve the transition between the subsoil and overlying soil horizons.

Exceptions: Scarification is prohibited in all of the following locations:

1. Where scarification would damage existing tree roots.
2. On inaccessible slopes.
3. On or adjacent to trenching and drainage installations.
4. On areas intended by the design to be compacted such as abutments, footings, inslopes.
5. *Brownfields.*
6. Other locations where scarification would damage existing structures, utilities and vegetation being preserved.

405.1.4.2 Restoration. Soils disturbed during construction shall be restored in areas that will not be covered by buildings, structures or hardscapes. Soil restoration shall comply with the following:

1. **Organic matter.** To provide appropriate organic matter for plant growth and for water storage and infiltration, soils shall be amended with a mature, stable compost material so that not less than the top 6 inches (152.4 mm) of soil contains not less than 3 percent organic matter. Sphagnum peat or organic amendments that contain sphagnum peat shall not be used. Soil organic matter shall be determined in accordance with ASTM D 2974. Organic materials selected for onsite amendment or for blending of imported soils shall be renewable within a 50-year cycle.

Exception: Where the reference soil for a building site has an organic level depth other than 6 inches, soils shall be amended to organic matter levels and organic matter depth that are comparable to the site’s reference soil.

2. **Additional soil restoration criteria.** In addition to compliance with Item 1, soil restoration shall comply with not less than three of the following criteria:

1. **Compaction.** Bulk densities within the root zone shall not exceed the densities specified in Table 405.1.4 and shall be measured using a soil cone penetrometer in accordance with ASAE S313.3. The root zone shall be not less than 6 inches (152.4 mm), nor less than the site’s reference soil, whichever results in the greater depth of measurement. Data derived from a soil cone penetrometer shall be reported in accordance with ASAE EP542.
2. **Infiltration rates.** Infiltration rates or saturated hydraulic conductivity of the restored soils shall be comparable to the site’s reference soil. Infiltration rates shall be determined in accordance with ASTM D 3385 or ASTM D 5093. For sloped areas where the methods provided in the referenced standards cannot be used successfully, alternate methods *approved* by the *code official* shall be permitted provided that the same method is used to test both reference soil and onsite soil.
3. **Soil biological function.** Where remediated soils are used, the biological function of the soils’ mineralizable nitrogen shall be permitted as a proxy assessment of biological activity.
4. **Soil chemical characteristics.** Soil chemical characteristics appropriate for plant growth shall be restored. The pH, cation exchange capacity and nutrient profiles of the original undisturbed soil or the site’s reference soil shall be matched in restored soils. Salinity suitable for regionally appropriate vegetation shall be established. Soil amendments and fertilizers shall be selected from those which minimize nutrient loading to waterways or groundwater.

**TABLE 405.1.4
MAXIMUM CONE PENETROMETER READINGS**

SURFACE RESISTANCE (PSI)		SUBSURFACE RESISTANCE (PSI)	
All Textures Sand	Sand (includes loamy sand, sandy loam,	Silt (includes loam, silt loam, silty	Clay (includes clay loam)

	sandy clay loam, and sandy clay)	clay loam, and silty clay)	
110	260	260	225

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

OFFICE OF HUMAN RIGHTS

NOTICE OF FINAL RULEMAKING

The Director of the Office of Human Rights (“OHR Director”), pursuant to the authority set forth in Sections 2(3)(C) and 6(b)(6) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.* (2012 Repl.)) (“Language Access Act”), and Mayor’s Order 2007-127, dated May 31, 2007, hereby gives notice of his intent to adopt an amendment to Chapter 12 (Language Access Act) of Title 4 (Human Rights and Relations) of the District of Columbia Municipal Regulations (“DCMR”).

The amendment will delete the existing Chapter 12 (Language Access Act) of Title 4 in its entirety and add a new Chapter 12 (Language Access Act), to provide guidance and assistance to District agencies and members of the public with the implementation of the Language Access Act, for individuals with limited English proficiency or no English proficiency, who are encountered or served by the District of Columbia government.

The first Notice of Proposed Rulemaking was published in the *D.C. Register* on May 17, 2013 at 60 DCR 7023. The OHR Director received comments from the Consultative Agencies listed in § 1209 of the Language Access Act and the D.C. Language Access Coalition, many of which were subsequently incorporated. The Notice of Second Proposed Rulemaking was published on February 7, 2014 at 61 DCR 1011, and the office again received suggestions from the Language Access Coalition and one other constituent. These suggestions were minimal, technical, and non-substantive, and have been incorporated into this Notice of Final Rulemaking.

These final rules were adopted on September 5, 2014 and will be effective upon publication of this notice in the *D.C. Register*.

A new Chapter 12, LANGUAGE ACCESS ACT, of Title 4, HUMAN RIGHTS AND RELATIONS, of the DCMR is added to read as follows:

CHAPTER 12 LANGUAGE ACCESS ACT

1200 SCOPE

The provisions of this chapter shall apply to all District government agencies that constitute “covered entities” and “covered entities with major public contact” as defined in Sections 2(2) and 2(3) of the Language Access Act of 2004 (D.C. Official Code § 2-1931(2) and § 2-1931(3)) (“the Act”).

1201 PURPOSE

1201.1 In order for covered entities to meet their obligations under the Act and to provide enforcement of the Act, the Office of Human Rights adopts this chapter to:

- (a) Define the roles and responsibilities of parties assigned to oversee and implement the Act;
- (b) Provide assistance with data collection on the languages spoken by limited-English proficient or non-English proficient (“LEP/NEP”) populations as required under the Act;
- (c) Provide assistance and guidance to covered entities regarding reporting requirements, and to covered entities with major public contact in implementing Biennial Language Access Plans (“BLAPs”) pursuant to § 1212; and
- (d) Set forth guidelines for the investigation of complaints filed under the Act and for enforcement of the Act.

1202 ROLE OF THE OFFICE OF HUMAN RIGHTS

1202.1 The Office of Human Rights (“OHR”) shall provide covered entities with oversight, central coordination, and technical assistance in their implementation of the provisions of the Act.

1202.2 OHR shall ensure that the delivery of services by covered entities meets acceptable standards of translation and interpretation by providing information to the Office of Contracting and Procurement (“OCP”) to assist in the development of a quality procurement process.

1202.3 OHR shall ensure that staff members of covered entities in public contact positions are trained regarding their legal obligations to serve limited-English proficient or non-English proficient (“LEP/NEP”) customers under the Act. These trainings shall include information on how to improve accessibility for LEP/NEP customers, including, but not limited to, the use of professional and qualified multilingual telephonic interpretation services and how to appropriately direct LEP/NEP customers to such services.

1202.4 OHR shall collect and publish statistical information regarding language access public complaints received by OHR, including those not assigned to an investigator. The statistical information shall be included in the Language Access Report required by § 1203.2.

1203 ROLE OF THE DIRECTOR OF THE OFFICE OF HUMAN RIGHTS

1203.1 The Director of the Office of Human Rights (“OHR Director”) shall designate an employee of OHR as the Language Access Director (“LA Director”) to coordinate activities under the Act. The LA Director shall carry out all job functions under the direction and supervision of the OHR Director. The OHR Director may also designate additional staff to assist the Language Access Director.

- 1203.2 The OHR Director shall prepare an annual Language Access Report and deliver it to the Mayor, the Office of the City Administrator (“OCA”), the Language Access Coalition, and the Consultative Agencies on the deficiencies found, progress made, and overall compliance with the Act for each covered entity. The report shall be delivered no later than ninety (90) days after the end of the fiscal year, and shall include:
- (a) Results of the annual implementation reports required by § 1205.3;
 - (b) A summary of language-access-related data reported throughout the fiscal year to OHR by covered entities with major public contact; and
 - (c) A summary of the results of audits and field tests conducted by OHR pursuant to § 1227.
- 1203.3 The OHR Director’s annual Language Access Report shall be made available to the public within thirty (30) days of a request.

1204 ROLE OF THE LANGUAGE ACCESS DIRECTOR

- 1204.1 The Language Access Director (“LA Director”) shall be responsible for coordinating activities of covered entities under the Act and for carrying out the language access responsibilities of the Office of Human Rights (“OHR”), as described in § 1202.1.
- 1204.2 The LA Director shall oversee the language access complaint procedures for the OHR.
- 1204.3 The LA Director shall conduct education and outreach regarding the Act to covered entities and community-based organizations directly serving limited-English proficient or non-English proficient (“LEP/NEP”) residents.
- 1204.5 The LA Director shall provide training resources to personnel in public contact positions for covered entities regarding compliance with the Act. The LA Director will deliver this training and/or ensure that Language Access Coordinators deliver this training to personnel either in person or via web-based resources. In addition, all District personnel shall have access to in-person or web-based training regarding compliance with the Act.
- 1204.6 The LA Director shall provide all covered entities with a policy manual that contains baseline policies and procedures that ensure agency-wide compliance with the Act.
- 1204.7 The LA Director shall issue an annual survey to all covered entities that are not designated as covered entities with major public contact. The survey shall request

implementation reports addressing agency encounters with LEP/NEP constituents and available resources and/or systems in place to serve LEP/NEP customers, as required by § 1205.3.

- 1204.8 The LA Director shall review and monitor each Biennial Language Access Plan (“BLAP”) required by § 1212 for compliance with the Act. If a BLAP fails to comply with the Act, the LA Director shall assist the agency in revising the BLAP and shall set a deadline for submission of the revised BLAP.
- 1204.9 The LA Director shall review covered entities’ implementation reports and provide an annual synopsis to the OHR Director on the deficiencies found and progress made in implementing the Act. The synopsis shall be included in the annual Language Access Report required by § 1203.2.
- 1204.10 The LA Director shall monitor the performance and responsibilities of the Language Access Coordinators as described in § 1207, and of the Language Access Points of Contact as described in § 1205.17.
- 1204.11 The LA Director shall consult with the D.C. Language Access Coalition as specified in § 1208 and the Consultative Agencies listed in § 1209 regarding the implementation of the Language Access Act.
- 1204.12 The LA Director shall advise the District’s Department of Human Resources and the personnel authorities of covered entities who have independent hiring authority on issues related to the recruitment and hiring of bilingual public contact personnel.
- 1204.13 The LA Director shall serve as the Language Access Coordinator for OHR and shall fulfill the responsibilities listed in § 1207 for that agency.

1205 ROLES OF COVERED ENTITIES

- 1205.1 Pursuant to Section 2(2) of the Act, all District government agencies, departments, or programs that furnish information or render services, programs, or activities directly to the public or that contract with other entities, either directly or indirectly, to conduct programs, services or activities to the public are covered entities.
- 1205.2 Each covered entity shall provide written translation of vital documents into any non-English language spoken by a limited-English proficient or non-English proficient (“LEP/NEP”) population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be encountered, by the covered entity.
- 1205.3 At the end of each fiscal year, each covered entity shall submit an implementation report reflecting its assessment of non-English languages spoken by LEP/NEP

populations constituting three percent (3%) or five hundred (500) individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity, as well as resources available to these LEP/NEP populations.

- (a) Each covered entity shall also submit the data it relied on to make the determination of each non-English language spoken by an LEP/NEP population constituting three percent (3%) or five hundred (500) individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity. This data shall include, but not be limited to, resources cited in Section 3(c)(1) of the Act (D.C. Official Code § 2-1932(c)(1)).
- (b) The covered entity shall provide the determination to the Language Access Director (LA Director) no later than thirty (30) days after the end of the fiscal year.
- (c) The LA Director shall evaluate whether the data submitted by the covered entity supports the covered entity's determination, and whether the data relied upon by the covered entity is sufficient and appropriate. If the LA Director concludes that a covered entity's determination is not supported by sufficient and appropriate data, the LA Director shall make a revised determination of any non-English language spoken by a LEP/NEP population that constitutes three percent (3%) or five hundred (500) individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity. In making this determination the LA Director shall rely upon resources cited in Section 3(c)(1) of the Act (D.C. Official Code § 2-1932(c)(1)).
- (d) The covered entity may appeal a determination of the Language Access Director to the Director of the Office of Human Rights ("OHR Director").

1205.4 The covered entity shall ensure that all vital documents that are translated into a non-English language spoken by a LEP/NEP population are widely distributed within the agency, accessible at points of entry, and available online, to the extent that the same vital documents in the English language are widely distributed within the agency, accessible at points of entry, or available online.

1205.5 Each covered entity shall provide oral language services to LEP/NEP individuals who seek to access or participate in the services, programs, or activities offered by the covered entity, as further described in this chapter.

1205.6 The covered entity shall determine the type of oral language services it must provide in order for the LEP/NEP customers it serves to access or participate in the services, programs, or activities offered by the covered entity, based on the

following factors, as set forth in Section 3(b) of the Act (D.C. Official Code § 2-1932(b)):

- (a) The number or proportion of LEP/NEP persons of the population served or encountered, or likely to be serve or encountered, by the covered entity;
- (b) The frequency with which LEP/NEP individuals come into contact with the covered entity;
- (c) The importance of the service provided by the covered entity; and
- (d) The resources available to the covered entity.

1205.7 Each covered entity shall provide oral language services to LEP/NEP customers who seek to access or participate in public meetings conducted by the covered entity, if the request is made at least five (5) business days in advance of the public meeting. Requests for oral language services in advance of public meetings shall be made to the covered entity's Language Access Coordinator ("LAC") or Language Access Point of Contact ("LAPOC") in person, by telephone, or by electronic mail.

1205.8 To the extent that a covered entity requires additional personnel to provide the type of oral language services needed, it shall, in consultation with its personnel authority, give preference to hiring qualified bilingual personnel into existing budgeted vacant public contact positions.

1205.9 In order to assist in providing oral language services to LEP/NEP customers, each covered entity shall maintain a current account (either directly or through a District-wide or multi-agency contract) with a professional and qualified multilingual telephonic interpretation service that provides immediate oral language services to LEP/NEP customers.

1205.10 When the services described in § 1205.9 are not reasonably sufficient to ensure access to the services provided by the covered entity, the covered entity shall provide qualified and experienced in-person interpretation services to LEP/NEP customers.

1205.11 Each covered entity shall update databases, applications, and tracking systems to contain fields that will capture and/or produce data about the specific languages spoken and the number of LEP/NEP customers speaking a given language in the population(s) served.

1205.12 Each covered entity shall work closely with OHR and the LA Director to ensure that all staff members of covered entities in public contact positions are trained regarding their legal obligations for serving LEP/NEP customers under the Act.

- 1205.13 Each covered entity shall place appropriate signs or posters communicating the availability of language accessible services at a conspicuous location within customer service locations (including mobile locations) operated by the covered entity. The signs or posters shall be in the language(s) identified as those spoken by three percent (3%) or five hundred (500) individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity.
- 1205.14 Each covered entity shall provide oral language services to LEP/NEP customers who participate directly in administrative hearings conducted by the covered entity, whether or not the customer is accompanied by an advocate or attorney.
- 1205.15 If the covered entity offers oral interpretation and/or written translation to a LEP/NEP customer and the customer refuses the interpretation or translation services, then the covered entity shall provide an OHR-promulgated waiver form to the customer. The customer must sign this form in order to waive his/her rights under the Act. The form shall be in the language of the customer and shall confirm that the LEP/NEP customer is voluntarily waiving his or her right to free interpretation and/or translation services provided by the covered entity. The covered entity may provide an oral translation of the written text of the waiver form if a written translation is not available in the customer's language or if the customer is unable to read his or her native language.
- 1205.16 Each covered entity shall:
- (a) Ensure that contractors hired by the covered entity to carry out services, programs, or activities directly to the public collect data required by this section regarding contact with LEP/NEP customers and report this data to the covered entity on a quarterly basis, provide oral interpretation services and translate vital documents according to the same standards required of the covered entity, and train personnel on all compliance requirements;
 - (b) Ensure that any grantee that provides services under a covered entity's mandate complies with the requirements of the Act;
 - (c) Require that contractors and grantees certify in writing that the compliance requirements required by paragraphs (a) and (b) of this subsection will be satisfied by their subcontractors and sub-grantees; and
 - (d) Ensure that contractors and grantees receive language access compliance training or guidance in accordance with standards set forth by OHR. Any required training shall be provided by OHR, unless the agency agrees to provide the training and OHR approves the provision of training by the agency.

1205.17 Each covered entity that is not designated as a covered entity with major public contact shall designate a Language Access Point of Contact (“LAPOC”). The LAPOC shall serve as a language access information coordinator and assist in implementing all of the covered entity’s requirements under the Act and these regulations. The LAPOC shall also:

- (a) Receive, maintain, update, and disseminate information regarding language access resources for the covered entity, including, but not limited to, annual distribution of the covered entity’s language access policy;
- (b) Complete the annual implementation report for the covered entity consistent with the requirements in § 1205.3;
- (c) Attend an annual training on Language Access Act obligations and resources made available by OHR; and
- (d) Receive reports of alleged violations of the Language Access Act from individuals, Consultative Agencies, or other organizations, and shall provide the reports to the LA Director as they are received.

1205.18 Each covered entity that is not designated as a covered entity with major public contact shall respond to the annual survey issued by the LA Director pursuant to § 1204.7.

1206 ROLES OF COVERED ENTITIES WITH MAJOR PUBLIC CONTACT

1206.1 Pursuant to Section 2(3)(A) of the Act, covered entities with major public contact are covered entities whose primary responsibility consists of meeting, contracting, and dealing with the public. “Dealing” with the public refers to providing direct services to and interacting with the public.

1206.2 Covered entities with major public contact are:

- (a) The agencies listed in Section 2(3)(B) of the Act, which are as follows:
 - Alcoholic Beverage Regulation Administration;
 - Child and Family Services Agency
 - Department of Behavioral Health;
 - Department of Consumer and Regulatory Affairs
 - Department of Corrections
 - Department of Employment Services
 - Department of Health;
 - Department of Housing and Community Development;
 - Department of Human Resources;
 - Department of Human Services;
 - Department of Motor Vehicles;

Department of Parks and Recreation;
 Department of Public Works;
 District of Columbia general ambulatory and emergency care centers;
 District of Columbia Housing Authority;
 District of Columbia Public Library;
 District of Columbia Public Schools;
 Fire and Emergency Medical Services Department;
 Homeland Security and Emergency Management Agency;
 Metropolitan Police Department;
 Office on Aging;
 Office of Contracting and Procurement;
 Office of Human Rights;
 Office of Planning;
 Office of Tax and Revenue; and
 Office of the People’s Counsel.

- (b) Pursuant to Section 2(3)(B) of the Act, agencies designated by the Language Access Director (“LA Director”) under the direction of the Director of the Office of Human Rights (“OHR Director”), which are as follows:

Department of General Services;
 Department of Health Care Finance;
 Department of Small and Local Business Development;
 Department of the Environment;
 Department of Transportation;
 Department of Youth Rehabilitation Services;
 Department on Disability Services;
 District of Columbia Lottery and Charitable Games Control Board;
 District of Columbia Public Charter Schools;
 Office of Administrative Hearings;
 Office of the Attorney General-Child Support Services Division;
 Office of the State Superintendent of Education;
 Office of the Tenant Advocate;
 Office of Unified Communications; and
 Office of Zoning.

1206.3 In addition to the requirements contained in this section, each covered entity with major public contact must meet all of the responsibilities for covered entities under the Act and § 1205 (other than those responsibilities that are specifically limited to covered entities without major public contact).

1206.4 Each covered entity with major public contact shall establish and implement a complete Biennial Language Access Plan (“BLAP”) required by § 1212 that is

approved by the LA Director and published in the *D.C. Register* every two (2) years.

- 1206.5 Each covered entity with major public contact shall designate a Language Access Coordinator (LAC) who shall carry out the responsibilities described in § 1207. Each covered entity with major public contact may also work with the LA Director to establish a language access team. The functions of a language access team may include, but are not limited to, designating the covered entity's LAC, providing translated vital documents, ascertaining served and likely to be served populations, providing for the training needs of the covered entity, and investigating complaints of non-compliance with the Act.
- 1206.6 Each covered entity with major public contact shall have all staff members in public contact positions attend either web-based or in-person training, provided by OHR, on the requirements for serving limited-English proficient or non-English proficient ("LEP/NEP") customers under the Act and on the use of professional and qualified multilingual telephonic interpretation services and how to appropriately direct LEP/NEP customers to such services.
- 1206.7 Each covered entity with major public contact shall develop a plan to conduct outreach to LEP/NEP communities to disseminate information about the language access benefits and services offered by the covered entity as well as LEP/NEP goals stated in the covered entity's BLAP. Outreach activities may include, but are not limited to, the following:
- (a) Conducting public meetings with reasonable advance notice to the public in locations where LEP/NEP populations are known to congregate, such as schools, community centers, or places of worship;
 - (b) Organizing events (such as fairs, community meetings, forums, and educational workshops) in LEP/NEP communities;
 - (c) Deploying mobile units to visit community centers, community based organizations, or schools;
 - (d) Disseminating information through in-language or ethnic media outlets (including local television, newspapers, and radio);
 - (e) Deploying outreach personnel to perform regular walk-throughs in LEP/NEP communities;
 - (f) Partnering with community-based organizations for the implementation of projects and/or delivery of services;
 - (g) Distributing flyers, brochures, and other printed material in diverse languages and at diverse locations;

- (h) Disseminating information through covered entities’ websites;
- (i) Issuing press releases in diverse languages and directing those press releases to media outlets serving LEP/NEP communities;
- (j) Implementing a topic-specific campaign to raise awareness of a particular service or project in an LEP/NEP community;
- (k) Sponsoring educational, informational, cultural, and/or social events in LEP/NEP communities;
- (l) Participating in LEP/NEP community events and/or meetings;
- (m) Inviting LEP/NEP community members to visit agency service site(s) and government facilities;
- (n) Cosponsoring community events with community-based organizations that serve LEP/NEP communities;
- (o) Participating in and/or cosponsoring events that target the District’s LEP/NEP communities with other District government agencies; and
- (p) Organizing regular needs assessment meetings with LEP/NEP community-based organizations.

1207 ROLE OF LANGUAGE ACCESS COORDINATORS

- 1207.1 Each Language Access Coordinator (“LAC”) shall coordinate and assist in implementing the requirements of the Act and these regulations that apply to covered entities with major public contact.
- 1207.2 Each LAC shall report directly to his or her agency director, or the director’s designee, on issues related to compliance with the Act and implementation of the Act, including budget issues related to the delivery of language access services required by the Act.
- 1207.3 Each LAC shall establish and be responsible for ensuring implementation of the agency’s Biennial Language Access Plan (“BLAP”).
- 1207.4 The LAC shall submit a quarterly report, as described in § 1214, to the LA Director regarding the agency’s implementation of its BLAP.
- 1207.5 Each LAC shall receive reports of alleged violations of the Language Access Act from individuals, Consultative Agencies, or other organizations, and shall provide the reports to the LA Director as they are received.

1208 ROLE OF D.C. LANGUAGE ACCESS COALITION

- 1208.1 The D.C. Language Access Coalition (“LA Coalition”) shall serve in an external non-governmental role consulting on the implementation of the Act.
- 1208.2 The Language Access Director (“LA Director”) shall consult with the LA Coalition on the following:
- (a) Data collection;
 - (b) Development and modification of BLAPs;
 - (c) Identification of additional covered entities to be designated under the Act as covered entities with major public contact; and
 - (d) Overall implementation of the Language Access Act.
- 1208.3 Consultation pursuant to § 1208.2 requires that the LA Director:
- (a) Notify the LA Coalition of activities that would significantly impact the implementation of the Act with sufficient notice so as to allow the LA Coalition to provide meaningful input; and
 - (b) Give reasonable consideration to the LA Coalition’s input, which may, where appropriate, lead to changes to decisions.

1209 ROLE OF THE CONSULTATIVE AGENCIES

- 1209.1 The following agencies shall serve as consultative bodies to the Language Access Director (“LA Director”) and the Director of the Office of Human Rights (“OHR Director”) to develop and update covered entities’ Biennial Language Access Plans (BLAPs) and assist in the implementation of the Act: the Office on African Affairs, Office of Asian and Pacific Islander Affairs, and the Office on Latino Affairs (collectively, the “Consultative Agencies”).
- 1209.2 The Consultative Agencies shall furnish demographic data on their respective communities to the LA Director, who shall provide the data to Language Access Coordinators (“LACs”) and Language Access Point of Contacts (“LAPOCs”).
- 1209.3 The Consultative Agencies shall provide outreach to limited-English proficient or non-English proficient (“LEP/NEP”) communities in the District on the Act and assist the LACs to develop and implement outreach efforts.
- 1209.4 The Consultative Agencies shall assist OHR in the development of quality control instruments in their respective languages.

1209.5 The Consultative Agencies shall provide technical assistance to the Department of Human Resources and the personnel authorities of covered entities with independent hiring authority (collectively, “personnel authorities”) regarding issues related to the recruitment and hiring of bilingual public contact personnel.

1209.6 The Consultative Agencies shall assist their constituents with language access concerns by first referring the concern to the LAC or LAPOC of the covered entity in question. If the concern is not addressed by the covered entity, the consultative agency shall refer the concern to the LA Director.

1210 ROLE OF PERSONNEL AUTHORITIES FOR COVERED ENTITIES

1210.1 The personnel authority for each covered entity shall develop strategies for recruiting and maintaining bilingual personnel, including assessing the non-English language abilities of all future and current District personnel who both self-identify as bilingual and apply for or currently fill an employment position designated as “bilingual” or “bilingual preferred.”

1210.2 Pursuant to § 1205.8, the personnel authority shall assist the staff of covered entities in assessing the covered entity’s budgeted vacant public contact positions and classifying identified positions as “bilingual” or “bilingual preferred.”

1211 BASELINE ASSESSMENTS

1211.1 Prior to implementing its first Biennial Language Access Plan (“BLAP”), each covered entity with major public contact shall complete a baseline assessment of its compliance with the Act. The baseline assessment shall include a description of current service interaction with limited-English proficient or non-English proficient (“LEP/NEP”) communities, current outreach activities to LEP/NEP communities, resources available to personnel serving LEP/NEP customers (such as translation and interpretation services and translated documents), and the number and position titles of current staff that self-identify as bilingual. The baseline assessment information shall be provided to the Language Access Director (“LA Director”) and included in the covered entity’s initial BLAP.

1211.2 Upon the completion of each two (2)-year BLAP cycle, each covered entity with major public contact shall update the information in the prior assessment with current information. The updated information shall be included in the covered entity’s BLAP.

1211.3 The Language Access Coordinator (LAC) for each covered entity with major public contact shall facilitate the work required for completing the baseline assessments within the agency, as well as complete and submit the assessments to the LA Director.

1211.4 The LA Director shall meet with each LAC and respective agency director or designee to review the agency's baseline assessment.

1212 BIENNIAL LANGUAGE ACCESS PLAN

1212.1 A covered entity with major public contact shall establish a Biennial Language Access Plan ("BLAP"). Each BLAP shall be established in consultation with:

- (a) The Language Access Director ("LA Director");
- (b) The D.C. Language Access Coalition;
- (c) The covered entity's Language Access Coordinator ("LAC");
- (d) The covered entity's Director; and
- (e) The Consultative Agencies.

1212.2 Each BLAP shall set forth, at a minimum, the following:

- (a) The types of oral language services that the covered entity will provide and a description of how the covered entity made this determination;
- (b) Which languages are spoken by a limited-English proficient or non-English proficient ("LEP/NEP") population that constitutes three percent (3%) or five hundred (500) individuals, whichever is less, of the population served or encountered or likely to be served or encountered by the covered entity, and how the covered entity made this determination;
- (c) The titles and types of each document that the covered entity will provide in translation and a description of how the covered entity made this determination;
- (d) The total number of public contact positions in the covered entity, the number of bilingual employees in public contact positions, and the languages spoken by the bilingual employees identified on the list;
- (e) The number, position, and location of bilingual employees the covered entity plans to hire in public contact positions;
- (f) The names, titles and contact information of members of the covered entity's language access team, if one has been established pursuant to § 1206.5;

- (g) An evaluation of the language access services provided, the language access data collection systems in place, and whether the goals stated in the previous BLAP were met;
- (h) A policy, administrative issuance, or procedures and guidelines that inform personnel of the protocols to follow when an LEP/NEP customer requests language assistance, and provide direction regarding other language access compliance requirements.
- (i) A plan to conduct outreach to the District's LEP/NEP communities served or likely to be served by the covered entity;
- (j) A plan to provide training to employees in public contact positions about the covered entity's legal obligations under the Act, and to develop cultural competency skills to support them in providing quality customer service to LEP/NEP customers; and
- (k) A description of the budgetary resources with which the covered entity will implement the BLAP.

1212.3 Each BLAP shall be subject to approval by the LA Director. The LA Director shall meet with each LAC and respective agency director to review draft agency BLAPs prior to approval of the BLAP. The LA Director shall consult resources including but not limited to those listed in Section 3(c)(1) of the Act (D.C. Official Code § 2-1932(c)(1) (2012 Repl.)) to verify the identification of the languages which are spoken by a LEP/NEP population that constitutes three percent (3%) or five hundred (500) individuals, whichever is less, of the population served or encountered, or likely to be served or encountered by the covered entity.

1212.4 A covered entity with major public contact shall complete its initial BLAP after completion of the baseline assessments, within a time period designated by the LA Director.

1212.5 Each BLAP shall be updated every two (2) fiscal years.

1212.6 The LA Director shall report to the Director of the Office of Human Rights ("OHR Director") the failure by any covered entity with major public contact to submit a BLAP in a timely manner. The OHR Director shall include a list of these failures in the OHR Director's annual Language Access Report to the Office of the City Administrator.

1213 QUARTERLY REPORTS

1213.1 Each covered entity with major public contact shall submit to the Language Access Director ("LA Director") a quarterly report describing its progress in

implementing the covered entity's Biennial Language Access Plan ("BLAP") within thirty (30) days after the end of each quarter of the fiscal year.

1213.2 Each quarterly report shall:

- (a) Provide the status of all tasks required of the covered entity with major public contact in accordance with its BLAP and requirements of the Act; and
- (b) Report the number of complaints received during the quarter in question and the steps taken to resolve each complaint.

1213.3 Failure to submit quarterly reports in a timely manner shall be reported to the Director of the Office of Human Rights ("OHR Director"), and such failure shall be included in the OHR Director's annual Language Access Report to the Office of the City Administrator ("OCA"), required by § 1203.2.

1214 ANNUAL REPORT OF COVERED ENTITIES WITH MAJOR PUBLIC CONTACT

1214.1 Each covered entity with major public contact shall submit to the Language Access Director ("LA Director") an annual language compliance and progress report. The report shall be submitted within sixty (60) days after the end of each fiscal year.

1214.2 The annual report shall be submitted in such a form as may be designated by the LA Director and shall contain the following information regarding entities with major public contact:

- (a) The total number of limited-English proficient or non-English proficient ("LEP/NEP") individuals served or encountered by the entity during the fiscal year (delineated by language);
- (b) The total number of all individuals served or encountered by the entity during the fiscal year;
- (c) A list of vital documents that have been translated into non-English languages by the entity and the specific non-English languages into which they have been translated;
- (d) A description of oral language services offered by or through the entity;
- (e) An itemized list of funds expended by the entity for language access purposes;

- (f) A list of the bilingual staff employed in public contact positions by the entity;
- (g) A list of the covered entity with major public contact's contractors and grantees, as described in § 1205.16, and the status of their compliance with the Act;
- (h) The number of waiver forms signed in accordance with the provisions in § 1205.15;
- (i) The number of language access complaints received during the course of the fiscal year and the steps taken to resolve those complaints; and
- (j) A description of actions taken by the entity to improve the delivery of services to LEP/NEP customers and a description of any remaining challenges in providing services to LEP/NEP customers.

1214.3 The LA Director shall report failures to fulfill the criteria set forth in § 1214.2 to the Director of the Office of Human Rights ("OHR Director"), and the OHR Director shall include a list of these failures in the OHR Director's annual Language Access Report to the OCA required by § 1203.2

1214.4 The LA Director shall provide copies of the annual reports of the covered entities with major public contact to the D.C. Language Access Coalition and the Consultative Agencies.

1214.5 Annual reports of the covered entities with major public contact shall be made available to the public within thirty (30) days of a request.

1215 INQUIRIES, REQUESTS FOR ASSISTANCE, AND PUBLIC COMPLAINTS OF NONCOMPLIANCE WITH THE LANGUAGE ACCESS ACT

1215.1 The Office of Human Rights ("OHR") shall receive and track all inquiries and requests for assistance or information concerning language access. Inquiries and requests for assistance may be submitted in writing or verbally by a limited-English proficient or non-English proficient ("LEP/NEP") customer or an individual or third party acting on the customer's behalf. Each inquiry or request shall be addressed and resolved by the Language Access Director ("LA Director") and documented in accordance with the OHR Standard Operating Procedures Manual.

1215.2 OHR shall post on its website the process for submitting an inquiry, request, or complaint, and shall also post an overview of its investigative process. OHR shall also provide this information to each individual who files a complaint with OHR.

1215.3 The filing of a public complaint alleging noncompliance with the Act does not supersede or preclude the filing of a complaint alleging intentional illegal discrimination under the D.C. Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.*). Discrimination complaints shall be filed in accordance with the procedures in Chapters 1 and 7 of Title 4 of the District of Columbia Municipal Regulations.

1216 FILING OF PUBLIC COMPLAINTS

1216.1 The procedures in this section apply to the filing of a public complaint alleging a violation of the Act.

1216.2 Any person or organization may file with the Office of Human Rights (“OHR”) a public complaint alleging a violation of the Act. The public complaint may be filed on behalf of a complainant by a person or organization with an interest in the welfare of the complainant.

1216.3 The public complaint may be submitted in writing on a complaint form promulgated by OHR, online via the OHR’s website, verbally to an OHR staff member by telephone or in person, or through a covered entity.

1216.4 If a covered entity receives a public complaint, the covered entity shall forward the complaint to the Language Access Director (“LA Director”).

1216.5 A public complaint may request an investigation into individual or systemic noncompliance with the Act.

1216.6 A public complaint shall be deemed filed when OHR receives a statement sufficiently precise to identify the parties and to describe generally the action or practice complained of.

1216.7 In addition to commencing the investigative process when requested by a complainant, the LA Director shall commence the investigative process on his or her own initiative whenever he or she has reason to believe that an agency covered under the Act, or an employee of such an agency, has failed to comply with the Act.

1216.8 A public complaint shall be processed by OHR in accordance with OHR’s Standard Operating Procedures Manual. The LA Director shall administer or supervise the investigation and resolution of the complaint.

1216.9 If the alleged act(s) of noncompliance was committed by OHR, the complaint shall be brought before the Office of the City Administrator (“OCA”), or an agency or person designated by OCA, for review and investigation.

1217 DISMISSAL FOR LACK OF JURISDICTION

- 1217.1 Prior to investigating a complaint, the Language Access Director (“LA Director”) shall determine, based on the face of the complaint, whether the following jurisdictional requirements have been met:
- (a) The public complaint has been filed with the Office of Human Rights (“OHR”) within one (1) year of the occurrence of the alleged act of noncompliance or the discovery of the alleged act of noncompliance, whichever occurs later;
 - (b) The respondent is identified as a covered entity, a covered entity with major public contact, or a grantee or contractor of a covered entity or a covered entity with major public contact; and
 - (c) The complaint alleges a violation of the Act.
- 1217.2 The LA Director shall perform the jurisdictional review required by this section within two (2) business days after he or she receives the complaint.
- 1217.3 If the LA Director determines that the jurisdictional requirements of Subsection 1217.1 have not been met, the LA Director shall issue an order dismissing the complaint without an investigation. The order shall be issued promptly after the jurisdictional review has been completed.
- 1217.4 No complaint shall be assigned to an investigator until the jurisdictional review required by this section has been completed.
- 1217.5 If at any time after an informal resolution process or investigation has begun the LA Director determines that the jurisdictional requirements of this section have not been met, the LA Director shall promptly issue an order dismissing the complaint on jurisdictional grounds.

1218 ADMINISTRATIVE DISMISSALS

- 1218.1 The Language Access Director (“LA Director”) shall dismiss a public complaint without prejudice for the following administrative reasons:
- (a) The complainant has failed to respond to the Office of Human Rights (“OHR”) or cannot be reached by OHR, and OHR does not have sufficient information from the complainant to pursue an investigation; or
 - (b) The complaint fails to state a claim of noncompliance with the Act.
- 1218.2 An Order dismissing a complaint for an administrative reason shall state the reason for the dismissal in writing, and shall be served on the parties.

1219 WITHDRAWAL OF COMPLAINTS

1219.1 A public complaint may be voluntarily withdrawn at the request of the complainant at any time before a final decision and order is issued pursuant to § 1223. The request to withdraw a complaint must be made in writing. The circumstances of a withdrawal may be investigated by the Language Access Director (“LA Director”).

1220 REOPENING OF WITHDRAWN OR ADMINISTRATIVELY DISMISSED COMPLAINTS

1220.1 A complainant may request that a complaint previously dismissed for an administrative reason or voluntarily withdrawn be reopened, provided that the complainant submits a written request within thirty (30) days after receiving the order dismissing the complaint and states specifically the reasons why the complaint should be reopened.

1220.2 The Language Access Director (“LA Director”), upon receipt of a request to reopen a complaint, may, within his or her discretion, reopen the case for good reason or in the interest of justice.

1220.3 The decision of the LA Director to reopen a complaint shall be served on all parties to the complaint.

1221 RESOLUTION OF COMPLAINTS PRIOR TO INVESTIGATION

1221.1 The Language Access Director (“LA Director”) shall attempt to resolve a public complaint with the covered entity against which the complaint was filed before assigning the complaint for investigation by:

- (a) Working with the covered entity to ensure the complainant, within a reasonable period of time, receives the information and language access services they are seeking from the covered entity or, alternatively, working to develop a solution that is acceptable to the complainant, the covered entity, and the LA Director; and
- (b) Allowing the covered entity to acknowledge its non-compliance with the Act rather than be subject to an investigation. In such cases, the LA Director shall find the covered entity in noncompliance, and shall use the information acquired during the Office of Human Rights (OHR) intake procedure to fashion and issue an order as described in Section 1223.

1221.2 If a complaint is not resolved pursuant to § 1221.1(a) or (b) within forty-five (45) days after the complaint was filed, the complaint shall be assigned to an OHR investigator.

1222 INVESTIGATION

- 1222.1 Upon assignment of the case to an investigator, the investigator shall serve a copy of the public complaint by electronic mail to the director and Language Access Point of Contact (“LAPOC”) or Language Access Coordinator (“LAC”) of the covered entity that is the subject of the complaint (the “Respondent”).
- 1222.2 The investigation may include site visits, interviews of witnesses, and inspection of Respondent’s records.
- 1222.3 After receiving all requested documents from the Respondent, the investigator shall provide the Complainant with copies of all documents and information submitted by Respondent, except for documents that the investigator deems to be privileged or confidential. The investigator shall provide Complainant with an opportunity to rebut information submitted by the Respondent.
- 1222.4 At the completion of the investigation, the investigator shall prepare a report setting forth his or her findings. The report shall include any supporting documents.

1223 DETERMINATION AND ORDER

- 1223.1 After receiving the investigator’s report, the Language Access Director (“LA Director”) shall review and analyze the case and prepare a preliminary decision and order. The preliminary decision and order shall include findings of fact and conclusions of law. If there is a finding of noncompliance with the Act, the preliminary decision and order shall also include requirements for appropriate remedial actions, if any, to be taken by the Respondent, including, where appropriate, providing language access services to the Complainant and/or other limited-English proficient or non-English proficient (“LEP/NEP”) individuals within a reasonable timeframe. The LA Director shall submit the preliminary decision and order to the General Counsel of the Office of Human Rights (“OHR”) for review.
- 1223.2 After consultation with the LA Director, the Office of Human Rights Director (“OHR Director”) shall issue a final decision and order that includes findings of fact and conclusions of law. In the event the final decision and order includes a finding of noncompliance with the Act, the LA Director shall:
- (a) Within sixty (60) days, schedule a meeting with Respondent to discuss the final decision and order and appropriate corrective actions; and
 - (b) Within sixty (60) days of the meeting with Respondent, issue an order enumerating required corrective actions.
- 1223.3 The final decision and order shall be issued within six (6) months of the date the complaint is filed.

1223.4 If Respondent does not take action required by the final decision and order within the timeframe designated in the final decision and order, Respondent's failure to act will be reported to the Office of the City Administrator ("OCA") or Office of the Mayor for further action.

1223.5 Each final decision and order shall state the parties' right to reconsideration and specify any relevant filing deadlines.

1224 RIGHTS AND RESPONSIBILITIES OF PARTIES

1224.1 All parties are entitled to, and shall receive, a fair and impartial investigation by the Language Access Director ("LA Director").

1224.2 All parties shall:

- (a) Cooperate with, and comply with all requests of, the LA Director or the Office of Human Rights ("OHR) during the investigation of the complaint; and
- (b) Furnish OHR with the following:
 - (1) All documents, records, names of witnesses, and any other necessary information needed to investigate the complaint; and
 - (2) Current contact information.

1224.3 Noncompliance by the covered entity against which the complaint is filed shall be reported to the OCA for further action.

1225 RECONSIDERATION

1225.1 A Complainant may request reconsideration of a determination of compliance, or a respondent may request reconsideration of a determination of non-compliance, by submitting a written application for reconsideration to the Director of the Office of Human Rights ("OHR Director"). The application shall state specifically the grounds upon which the request for reconsideration is based.

1225.2 An application for reconsideration shall be filed with the Language Access Director ("LA Director") within fifteen (15) calendar days after the party filing the application (the "moving party") receives the LA Director's final decision and order.

1225.3 After receiving an application for reconsideration, the LA Director shall send letters acknowledging receipt of the application to both the moving party and the non-moving party. The LA Director shall send with the letter to the non-moving party a

copy of the application for reconsideration, and the non-moving party shall be given fifteen (15) calendar days after receipt of the LA Director's letter to file a response.

- 1225.4 In considering whether to grant a motion for reconsideration, the OHR Director, in consultation with the LA Director, shall determine:
- (a) Whether the moving party has:
 - (1) Presented newly discovered, material facts that were not reasonably available during the OHR investigation; or
 - (2) Identified a material error in the decision and order; or
 - (3) Identified statements in the application which, if deemed true and accurate, would warrant modification of the final decision and order; or
 - (b) Whether the moving party has demonstrated that reconsideration is necessary in order to avoid an injustice.
- 1225.5 If, after review of a timely-filed application for reconsideration and the response to the application for reconsideration, the OHR Director, in consultation with the LA Director, concludes that the moving party has not satisfied the standards for reconsideration set forth in § 1225.4, the OHR Director shall deny the application for reconsideration.
- 1225.6 If the OHR Director, in consultation with the LA Director, concludes that the application for reconsideration has satisfied the standards for reconsideration set forth in § 1225.4, the complaint shall be reopened for further investigation.
- 1225.7 If, at the end of further investigation and after considering the record as a whole, the OHR Director, in consultation with the LA Director, concludes that the moving party has not presented sufficient evidence to warrant a modification to the final decision and order, the final decision and order shall be affirmed by a final decision and order on reconsideration, and the parties shall be notified in writing.
- 1225.8 If the OHR Director, in consultation with the LA Director, determines, after further investigation, that the final decision and order should be modified, the LA Director shall issue a final decision and order on reconsideration, which shall include a detailed written basis for the modification of the final decision and order. The final decision and order on reconsideration shall be transmitted to both parties within sixty (60) days of the date the application for reconsideration was filed.
- 1225.9 In the event the final decision and order on reconsideration includes a finding of noncompliance with the Act, it shall specify all required corrective actions.

1225.10 Each final decision and order on reconsideration shall state the parties' right to appeal the order and specify any relevant filing deadlines.

1226 APPEALS

1226.1 An appeal from a final decision and order or a final decision and order on reconsideration may be filed with the District of Columbia Office of Administrative Hearings (OAH).

1226.2 The moving party shall file an appeal with the OAH within thirty (30) calendar days after the date the Office of Human Rights' final decision and order or final decision and order on reconsideration is issued.

1226.3 OAH shall adjudicate the appeal consistent with its own policies, procedures, and standards of review.

1227 AUDITS AND FIELD TESTS

1227.1 The Office of Human Rights ("OHR") shall conduct audits and field tests of covered entities, as deemed necessary, to ascertain the agency's level of compliance with the Act.

1227.2 After OHR completes each audit or field test, it shall issue a report describing the results of the audit or field test to the covered entity being audited and the Language Access Director ("LA Director"). The report shall also include a list of corrective actions that the agency should take to correct any violations or potential violations of the Act.

1227.3 The OHR Director shall include a list of negative audit findings in the OHR Director's annual report to the OCA required by § 1203.2.

1227.4 The LA Director may investigate any specific instance of noncompliance cited in an audit or field test and may issue a decision and order pursuant to §§ 1221, 1222, and 1223.

1227.5 Audits and field tests of OHR may be conducted by an agency designated by the OCA.

1299 DEFINITIONS

1299.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act – the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.* (2012 Repl.)).

Administrative hearing – a hearing before a government agency or before an administrative law judge.

Biennial Language Access Plan (“BLAP”) – a two (2)-year mandatory compliance plan for each covered entity with major public contact that is to be revised and published in the *D.C. Register* biennially by the covered entity.

Bilingual employee – an employee who is certified as proficient in both the English language and a language other than English by the personnel authority of the covered entity in which the employee is employed.

Complainant – an individual, group of individuals, or organization(s) who files a public complaint alleging a violation of the Language Access Act against an agency.

Consultative Agencies – a collective term used to refer to the Office on African Affairs, Office on Asian and Pacific Islander Affairs, and Office of Latino Affairs. These agencies are referred to in Section 5(a)(2) of the Act (D.C. Official Code § 2-1934(a)(2)) as government offices that conduct outreach to communities with LEP/NEP populations.

Covered entity – a District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct such programs, services, or activities. The term “covered entity” does not include Advisory Neighborhood Commissions.

D.C. Language Access Coalition – the established alliance of diverse community-based organizations in the District that work with the District government to foster and promote the civil rights of immigrant and LEP/NEP communities by advocating for meaningful language access within the District.

Interpretation – oral/verbal conversion of the meaning of a dialogue from one language to another language and vice versa. There are three (3) types of interpretation:

- (a) Sight translation, in which an interpreter reads a document written in one language and translates it orally into another language;
- (b) Consecutive interpretation, in which an interpreter translates a speaker’s words orally after the speaker has stopped speaking; and
- (c) Simultaneous interpretation, in which an interpreter speaks simultaneously with the source language speaker.

Limited English Proficient (LEP) individual – an individual who does not speak English as his or her primary language and who has a limited ability to read, speak, write, or understand English.

Linguistic and cultural competency training – training that educates, informs, instructs, or provides guidance on how to provide readily available, culturally appropriate oral and written language services to LEP/NEP individuals through such means as bilingual/bicultural staff, trained interpreters, and qualified translators.

Non-English Proficient (NEP) individual – an individual who cannot speak or understand the English language at any meaningful level.

Oral language services – language translation or assistance services provided to enable LEP/NEP individuals to access or participate in programs or services offered by a covered entity. Oral language services include:

- (a) Commercial interpretation services, which are oral interpretation services provided by professional businesses;
- (b) Interpreters made available through community service organizations that are publicly funded for that purpose;
- (c) Multilingual telephonic interpretation services, which are over-the-phone oral interpretation services that provide professionally trained and qualified interpreters in various languages;
- (d) Staff interpreter services, in which an employee who has been proven competent in oral interpretation through certification, training, or assessments offers oral interpretation; and
- (e) Employment of bilingual or multi-lingual employees.

Personnel authority – the District of Columbia Department of Human Resources or, for covered entities with independent hiring authority, the individual or department responsible for hiring by the covered entity.

Public complaint – an administrative complaint filed with OHR or a covered entity alleging violation of the Act by a covered entity.

Public contact position – an employment position in a covered entity for which the primary responsibilities include greeting, meeting, serving, or providing information or services to the public. Public contact positions are positions that require personal contacts with the public.

Respondent – the agency against which a public complaint has been filed.

Translation – the written conversion of texts in the source language into texts written in another language, retaining the meaning and intent of the original source text and producing a culturally competent product.

Vital documents – applications and their instructions, notices, complaint forms, legal contracts, correspondence, and outreach materials published by a covered entity in a paper or electronic format including but not limited to those which inform individuals about their rights and responsibilities or eligibility requirements for benefits and participation, as well as documents that pertain to the health and safety of the public. The term “vital documents” shall include tax-related educational and outreach materials produced by the Office of Tax and Revenue, but shall not include tax forms and instructions.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**FORMAL CASE NO. 1112, IN THE MATTER OF THE AMENDMENT OF THE COMMISSION'S RULES REGARDING REGULATION OF LOCAL EXCHANGE CARRIERS**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice pursuant to Sections 34-802 and 2-505 of the District of Columbia Official Code¹ of its final rulemaking action adopting amendments to Chapter 13, "Rules Implementing the Public Utilities Reimbursement Fee Act of 1980," Chapter 25, "Certification of Local Exchange Service Providers," and Chapter 27, "Regulation of Telecommunications Service Providers" of Title 15, "Public Utilities and Cable Television," of the District of Columbia Municipal Regulations ("DCMR"). The Commission issued a Notice of Proposed Rulemaking ("NOPR") which was published in the *D.C. Register* on August 8, 2014, giving notice of the Commission's intent to adopt the amendments described above in no less than 30 days.² No comments were filed in response to the NOPR.

2. As indicated in the NOPR, the purpose of the amendments to Chapter 13 of the Commission's rules – "Determination of Reimbursements" – is to ensure that the assessment process is complete and accurate. Section 1301.2 is amended to clarify the Annual Survey filing requirements for utilities, competitive electric suppliers, competitive natural gas suppliers, and Competitive Local Exchange Carriers ("CLEC"). Sections 1301.3, 1301.4 and 1301.5 are added to impose appropriate penalties on any utility,³ competitive electric supplier,⁴ competitive natural gas supplier,⁵ or CLEC⁶ that fails to timely file their annual jurisdictional revenue figures or files incomplete or inaccurate Annual Survey information. Section 1301.6 is added to explain the penalty procedure.

¹ D.C. Official Code §§ 34-802 and 2-505 (2012 Repl.).

² 61 DCR 8154 (August 8, 2014).

³ Imposed pursuant to D.C. Official Code § 34-706(a) (2014 Supp.). This provision allows the Commission to impose a civil penalty on a utility for violation of a regulation or Commission order. The civil penalty imposed may not exceed \$5,000 per violation.

⁴ Imposed pursuant to D.C. Official Code §§ 34-1508(a)(2) and (b)(1) (2012 Repl.). These provisions, taken together, allow the Commission to impose a civil penalty on a competitive electric supplier for violation of any regulation or Commission order. The civil penalty imposed may not exceed \$10,000 per violation.

⁵ Imposed pursuant to D.C. Official Code §§ 34-1671.11(a)(2) and (d)(1) (2012 Repl.). These provisions, taken together, allow the Commission to impose a civil penalty on a competitive gas supplier for violation of any regulation or Commission order. The civil penalty imposed may not exceed \$10,000 per violation.

⁶ Imposed pursuant to D.C. Official Code §§ 34-2002(h-1)(2) and (h-2)(1) (2014 Supp.). These provisions, taken together, allow the Commission to impose a civil penalty on a competitive local exchange carrier for violation of any regulation or Commission order. The civil penalty imposed may not exceed \$10,000 per violation.

3. The amendments to Chapter 25 – “Certification of Local Exchange Service Providers” – amend Section 2501 – “Certification Required Prior to Providing Local Exchange Service” and Section 2514 – “Provision of Service Requirement” – in order to ensure that parties granted a certificate to provide telecommunications services to customers in the District of Columbia actually begin providing service to customers in the District of Columbia within five (5) years from the issuance of the certificate. Section 2515 – “Certification Revocation” – is added to provide the procedure for the revocation of a certificate in the event that a certificated party does not provide timely telecommunications services to customers in the District of Columbia.⁷

4. The amendment to Chapter 27 – “Regulation of Telecommunications Service Providers” – adds Section 2708 – “Relinquishment of Certificate” – in order to provide for the voluntary relinquishment of a certificate at any time for any certificated party who has no customers in the District of Columbia.

5. Accordingly, the Commission, at its regularly scheduled open meeting held on September 18, 2014, took final action to adopt the amendments as proposed in the NOPR published in the *D.C. Register* on August 8, 2014. The following rules will become effective upon publication of this Notice of Final Rulemaking (“NOFR”) in the *D.C. Register*.

6. Chapters 13, 25, and 27 are amended as follows:

1301 DETERMINATION OF REIMBURSEMENTS

1301.2 By March 15th of each year the Commission shall send to each utility, competitive electric supplier, competitive natural gas supplier, and CLEC an Annual Survey and Affidavit for assessment purposes. Each utility, competitive electric supplier, competitive natural gas supplier, and CLEC shall file its responses to the Annual Survey with the Commission by April 15th. Each response shall include a report of the responder’s gross jurisdictional revenues for the proceeding calendar year ending December 31st.

⁷ The five (5) year provision of service deadline and the certification revocation provision are adopted pursuant to D.C. Official Code §§ 34-2002(b) and 34-2002 (h-1)(1), respectively, which state:

§ 34-2002(b) Pursuant to the federal Telecommunications Act of 1996 (Public Law 104-104), the Public Service Commission shall establish a procedure to facilitate entry into the District for providers of all forms of telecommunications service in order to foster the availability of competitive telecommunications options to consumers in the District, and to encourage the development of a technological infrastructure which will afford District residents increased access to the information highway.

34-2002(h-1) For a violation of any provision of this chapter or a violation of any rule or order issued under this chapter, after notice and a hearing, the Commission may;

(1) Suspend or revoke the certification of a telecommunications service provider . . .

- 1301.3 Failure to respond to the Commission issued Annual Survey by April 15th shall result in a penalty of \$100.00 per day for each day that the filing is late.
- 1301.4 Responders who under-report their gross jurisdictional revenues in their Annual Survey, shall be subject to a penalty equal to twice the correct assessment amount, up to but not to exceed \$5,000, in addition to paying the correct assessment amount.
- 1301.5 Responders who file incomplete or incorrect information in their Annual Survey shall be subject to a penalty not to exceed \$5,000.
- 1301.6 Responders shall receive notice of any penalty that the Commission intends to impose and shall be given an opportunity for a hearing pursuant to D.C. Official Code §§ 34-706(c), 34-1508(a), 34-1671.11(a), or 34-2002(h-1).

2501 CERTIFICATION REQUIRED PRIOR TO PROVIDING LOCAL EXCHANGE SERVICE

- 2501.1 No party shall provide local exchange service to the public in the District of Columbia, regardless of the facilities used, without first receiving certification from the Commission to provide such service. All parties seeking a certificate must begin providing service to customers in the District of Columbia within five (5) years from the date that the certificate is issued in accordance with Section 2514 of this chapter.

2514 PROVISION OF SERVICE REQUIREMENT

- 2514.1 All parties granted a certificate to provide service under this chapter shall begin providing telecommunications service for hire to one or more customers in the District of Columbia within five (5) years from the date that the certificate is issued, or from the date that this rule is published in the *D.C. Register*, whichever is later.

2515 CERTIFICATE REVOCATION

- 2515.1 If a certificated party fails to begin to provide telecommunications service to customers in the District of Columbia within five (5) years from the issuance of its certificate, or from the date that this rule is published in the *D.C. Register*, whichever is later, then the Commission shall institute a formal certificate revocation proceeding and shall give the certificated party an opportunity for a hearing, either oral or in writing.
- 2515.2 The formal revocation proceeding shall commence with the issuance of a Show Cause Order directing the certificated party to show cause as to why their certificate should not be revoked for failure to provide service to any customers in the District of Columbia within the five (5) year period.

2515.3 A certificated party's response to the Show Cause Order shall be reviewed by the Commission or by a hearing officer designated to act on the Commission's behalf.

2515.4 A certificated party may, at its option, relinquish its certificate in accordance with 15 DCMR § 2708.

2708 RELINQUISHMENT OF CERTIFICATE

2708.1 A certificated party with no customers in the District of Columbia may, at any time, relinquish its certificate to provide telecommunications service in the District of Columbia by filing an affidavit, signed by a party authorized to act on behalf of the certificated party, with the Commission verifying:

- (a) The certificated party's name, address, telephone number, fax number, and any other name(s) under which the certificated party applied for or received the certificate to provide telecommunications service in the District of Columbia that is being relinquished;
- (b) That the certificated party is not providing telecommunications services to any customers in the District of Columbia;
- (c) That the certificated party owes no outstanding debts to the District of Columbia, or a description of the arrangements made for payment of any outstanding debts including taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia; and
- (d) That the certificated party understands that by relinquishing its certificate it may not provide local exchange service to any customers in the District of Columbia, regardless of the facilities used, and that in order to provide telecommunications services to any customers in the District of Columbia in the future, the certificated party must reapply for a certificate in accordance with Chapter 25 of the Commission's rules.

2708.2 The Commission shall act on any request to relinquish a certificate within fifteen (15) days of its filing.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2012 Repl.)), hereby gives notice of its intent to amend Chapter 1 (Board of Trustees) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rule is to reconfigure the Standing Committees of the Board of Trustees.

The substance of the proposed rules enacted herein was published in the *D.C. Register* on June 20, 2014 at 61 DCR 6230, for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2012 Repl.). The Board of Trustees adopted this rulemaking as final on September 16, 2014 and the rules will be effective upon publication in the *D.C. Register*.

Chapter 1, BOARD OF TRUSTEES, of Subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of Title 8, HIGHER EDUCATION, is amended as follows:

Section 110, COMMITTEES OF THE BOARD OF TRUSTEES, is amended as follows:

Subsection 110.1 is amended to read:

110 COMMITTEES OF THE BOARD OF TRUSTEES

110.1 The Standing Committees of the Board of Trustees shall be the following: Executive Committee; Audit, Budget and Finance Committee; Operations Committee; Student and Academic Affairs Committee; Community College Committee; and Committee of the Whole. The membership and jurisdiction of each committee shall be as follows:

- (a) The Executive Committee shall be comprised of the Officers of the Board. The Executive Committee shall have all of the power of the Board between meetings, but the Board may limit such power by Resolution. Interim actions taken by the Executive Committee must be submitted for ratification by the Board at its next regularly scheduled meeting. If a majority fails to confirm the validity of an Executive Committee action, that action shall be deemed void ab initio. Appropriate notice of Executive Committee actions must be given to all members of the Board and to the public within five (5) business days.

- (b) The Academic and Student Affairs Committee shall consist of a chairperson and at least two (2) other members. It shall ensure that the academic programs of the University are consistent with the institution's mission and strategies; that the faculty and students have adequate resources; that the academic budget reflects the institution's academic priorities; that the faculty personnel policies and procedures complement academic priorities; that the students' interest in the Board's policy-making activities are adequately represented; that the institution's academic programs are appropriate for its students; that technology is effectively used to enhance the academic programs of the University; that the institution assesses the effectiveness of its academic programs; and shall monitor philanthropic giving, fundraising and alumni affairs.
- (c) The Audit, Budget and Finance Committee shall consist of the Treasurer as Chairperson, and at least two (2) other members. It shall ensure that the financial operations of the University are in compliance with all applicable laws, regulations, and financial accounting standards; oversee annual and long-range operating budgets; ensure that accurate and complete financial records are maintained; review capital budgets for adherence to prescribed policy and guidance; present exceptions to the full Board for approval; recommend investment policies to the Board; manage asset classes; review investment expenses; oversee accounting and financial reporting; confer with the Office of the Inspector General of the District of Columbia (OIG) regarding significant investigations into financial matters; ensure that timely and accurate information is presented to the Board; provide oversight and guidance to the University's Internal Auditor in the performance of his or her duties; ensure that an annual audit is conducted; provide oversight responsibility for management's system of internal financial controls and the controls over external reporting, the internal and external audit processes, the regulatory compliance functions, institutional ethics and conflicts of interest, and the risk management process; present the financial statement to the full Board and communicate with and educate the Board on all aspects of the University's financial status.
- (d) The Operations Committee shall consist of a chairperson, and at least two (2) other members. The Operations Committee serves as the Board's principal forum for the consideration of matters relating to the University's business and administrative operations. It shall review and approve University policies; monitor personnel practices to ensure that the University is promoting fair and respectful practices and compliance with all applicable employment, labor, and workplace laws; determine the adequacy, condition, and use of existing facilities; review renewal or replacement decisions and oversee financing of capital projects; establish a budget for all capital projects which shall include a list of all capital projects planned for the fiscal year; review contracts as necessary or as required by law; review and discuss issues and proposals involving

government relations; receive periodic updates on the University's legal issues; and review University-wide policies and practices concerning communications and media, and public relations.

- (e) The Community College Committee shall consist of a chairperson and at least two (2) other members. The Community College Committee shall have jurisdiction over matters which specifically or exclusively affect the Community College.
- (f) The Committee of the Whole shall consist of all members of the Board and shall have jurisdiction concurrent with that of any committee. The Committee of the Whole may also have jurisdiction over matters not subject to the jurisdiction of any established standing committee.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3), (13) (2012 Repl.) hereby gives notice of its intent to amend Chapter 7 (Admissions and Academic Standards) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR) upon publication of this notice in the *D.C. Register*.

The purpose of the rule is to adjust tuition rates for degree granting programs beginning in the spring semester of 2015.

The substance of the rules adopted herein was published in the *D.C. Register* on the substance of the proposed rules enacted herein was published on June 27, 2014 in 61 DCR 6470 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2012 Repl.). The Board of Trustees adopted this rulemaking as final on September 16, 2014 and the rules will be effective upon publication in the *D.C. Register*.

Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of Title 8, HIGHER EDUCATION, is amended as follows:

Section 728, TUITION AND FEES: DEGREE-GRANTING PROGRAMS, is amended as follows:

728 TUITION AND FEES: DEGREE-GRANTING PROGRAMS

728.1 The following tuition and fees have been approved by the Board of Trustees consistent with D.C. Official Code § 38-1202.06(8):

728.2 COMMUNITY COLLEGE ASSOCIATE DEGREE-GRANTING PROGRAMS

	<u>Per Credit Hour</u>
Washington, D.C. Residents	\$102.50
Metropolitan Area Residents	\$172.20
All Other Residents	\$290.08

728.3 FLAGSHIP BACCALAUREATE DEGREE-GRANTING PROGRAMS

	<u>Per Credit Hour</u>
Washington, D.C. Residents	\$283.38
Metropolitan Area Residents	\$327.80
All Other Residents	\$594.30

728.4	<p>FLAGSHIP GRADUATE DEGREE-GRANTING PROGRAMS</p> <table border="0" style="width: 100%;"> <tr> <td></td> <td style="text-align: right;"><u>Per Credit Hour</u></td> </tr> <tr> <td>Washington, D.C. Residents</td> <td style="text-align: right;">\$448.91</td> </tr> <tr> <td>Metropolitan Area Residents</td> <td style="text-align: right;">\$508.12</td> </tr> <tr> <td>All Other Residents</td> <td style="text-align: right;">\$863.46</td> </tr> </table>		<u>Per Credit Hour</u>	Washington, D.C. Residents	\$448.91	Metropolitan Area Residents	\$508.12	All Other Residents	\$863.46
	<u>Per Credit Hour</u>								
Washington, D.C. Residents	\$448.91								
Metropolitan Area Residents	\$508.12								
All Other Residents	\$863.46								
728.5	<p>DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS FULL TIME PROGRAM STUDENTS (FALL & SPRING SEMESTERS ONLY)</p> <table border="0" style="width: 100%;"> <tr> <td></td> <td style="text-align: right;"><u>Per Semester</u></td> </tr> <tr> <td>Washington, D.C. Residents</td> <td style="text-align: right;">\$5,443.00</td> </tr> <tr> <td>All Other Residents</td> <td style="text-align: right;">\$10,886.00</td> </tr> </table>		<u>Per Semester</u>	Washington, D.C. Residents	\$5,443.00	All Other Residents	\$10,886.00		
	<u>Per Semester</u>								
Washington, D.C. Residents	\$5,443.00								
All Other Residents	\$10,886.00								
728.6	<p>DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS ALL OTHER STUDENTS</p> <table border="0" style="width: 100%;"> <tr> <td></td> <td style="text-align: right;"><u>Per Credit Hour</u></td> </tr> <tr> <td>Washington, D.C. Residents</td> <td style="text-align: right;">\$369.00</td> </tr> <tr> <td>All Other Residents</td> <td style="text-align: right;">\$738.00</td> </tr> </table>		<u>Per Credit Hour</u>	Washington, D.C. Residents	\$369.00	All Other Residents	\$738.00		
	<u>Per Credit Hour</u>								
Washington, D.C. Residents	\$369.00								
All Other Residents	\$738.00								
728.7	<p>Definitions</p> <p>(a) Full-Time Students. Any undergraduate or community student enrolled in at least twelve (12) credits hours per semester, or any graduate student enrolled in at least nine (9) credit hours per semester, shall be considered a full-time student for the purposes of calculation of tuition in accordance with this chapter. Full-time undergraduate and community college students shall be charged tuition for each semester in which they are enrolled in the amount of twelve (12) credit hours, regardless of the number of credit hours actually taken. Full-time graduate students shall be charged tuition for each semester in which they are enrolled in the amount of nine (9) credit hours, regardless of the number of credit hours actually taken.</p> <p>(b) Metropolitan Area Residents. Any individual who can establish residency in one of the following counties shall be considered a Metropolitan Area Resident: Montgomery County, Maryland; Prince George’s County, Maryland; Arlington County, Virginia; Alexandria County, Virginia; Fairfax County, Virginia. The standards used to establish residency shall be the same standards used to establish residency for District residents.</p>								
728.8	<p>(a) Each semester and summer of enrollment, each full-time undergraduate and graduate student, not including students at the community college, shall pay the following mandatory fees:</p> <table border="0" style="width: 100%; margin-left: 40px;"> <tr> <td style="width: 150px;">(1) Activity Fee:</td> <td style="text-align: right;">Increase \$10.00 per semester to \$35.00 per semester</td> </tr> </table>	(1) Activity Fee:	Increase \$10.00 per semester to \$35.00 per semester						
(1) Activity Fee:	Increase \$10.00 per semester to \$35.00 per semester								

- (2) Athletic Fee: Increase \$15.00 per semester to \$105.00 per semester
- (3) Health Services Fee: No increase, to remain at \$25.00 per semester
- (4) Technology Fee: Increase \$10.00 per semester to \$50.00 per semester
- (5) Student Center Fee: Increase \$20.00 per semester to \$95.00 per semester

(b) Each law school student shall pay the following mandatory fees:

- (1) Law School Student Activity Fee: \$210.00 per year
- (2) Law School Materials/Technology: Increase \$60.00 per semester to \$85.00 per semester

(c) Each full-time at the Community College shall pay a mandatory fee of \$300.00 for each semester in which they are enrolled, including the summer term.

(d) Students who are not full-time students shall be required to pay a fee of \$30.00 per credit hour for each semester in which they are enrolled, including the summer term.

728.9 The University shall charge the following miscellaneous fees:

- (a) Application Fee, Graduate \$50.00
- (b) Application Fee, International \$50.00
- (c) Application Fee, Undergraduate \$35.00
- (d) Change of Course Fee \$10.00
- (e) Credit by Special Exam (per credit hour) \$50.00
- (f) Duplicate I.D. Card Fee \$15.00
- (g) Enrollment/Orientation Fee \$100.00
- (h) Graduate Writing Proficiency Exam \$50.00

(i)	Commencement Fee	\$125.00
(j)	Laboratory Fee	\$50.00
(m)	Late Application Fee	\$100.00
(n)	Late Registration Fee	\$150.00
(o)	Law School Graduation Fee (3 yr only)	\$325.00
(p)	Returned Check Fee	\$50.00
(q)	Student Health Insurance	Varies
(r)	Transcript Fee (first transcript)	Free
(s)	Transcript Fee (each subsequent)	\$5.00
(t)	Tuition Management System	Varies

728.10 Each student who does not have health insurance coverage or other means of health care financing shall obtain health insurance designated by the University or join a health maintenance organization designated by the University.

728.11 A separate laboratory fee of Fifty Dollars (\$50.00) shall be charged for each laboratory course. The laboratory fees collected under this subsection shall be reserved for expenditures related to improvement and maintenance of University laboratories.

728.12 The technology fees assessed and collected under this section shall be reserved for expenditures related to improvement and maintenance of technology available to university students, faculty, and staff.

DEPARTMENT OF MOTOR VEHICLES**NOTICE OF PROPOSED 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, 8a of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03, 50-1401.01 and 50-1401.03 (2012 Repl. & 2014 Supp.)), Section 2 of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02 (2012 Repl. & 2014 Supp.)), and Section 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-289; D.C. Official Code § 50-921 (2012 Repl.)), hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 1 (Issuance of Drivers Licenses) and Chapter 4 (Motor Vehicle Title and Registration) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rules will amend the requirement for notifying the Department of Motor Vehicles of a change of address so that the time period will be sixty (60) days.

This rulemaking shall be submitted to the Council of the District of Columbia for a forty-five (45) day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. Pursuant to D.C. Official Code § 50-921 (2012 Repl.), the proposal shall be deemed approved except that if within the 45-day period a resolution of disapproval has been introduced by three (3) members of the Council, the regulations shall not be deemed approved.

Final rulemaking action may be taken thirty (30) days after the date of publication of this notice in the *D.C. Register*, or the completion of the forty-five (45) day Council review period for these rules, whichever is later.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 1, ISSUANCE OF DRIVER’S LICENSES, is amended as follows:

Section 109 (Duplicate or Modified Licenses and Special Identification Cards) is amended as follows:

Subsection 109.3 is amended to read as follows:

109.3 Whenever any person, after applying for a driver's license or special identification card, moves from the address set forth in the application, that person shall, within sixty (60) days thereafter, notify the Director in writing of both the old and new addresses.

Subsection 109.4 is amended to read as follows:

109.4 Whenever any person, after receiving a driver's license or special identification card, moves from the address set forth in the license or special identification card, that person shall, within sixty (60) days thereafter, notify the Director in writing of both the old and new addresses and of the number of the license or special identification card.

Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, is amended as follows:

Section 414 (Change of Address of Registrant) is amended as follows:

Subsection 414.1 is amended as to read as follows:

414.1 If a registrant changes his or her address, that registrant shall, not more than sixty (60) days after relocating to the new address, surrender the old registration card to the Director and apply for an updated registration card.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024 or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a)(7) (2014 Supp.)), hereby gives notice of its intent to amend Chapter 11 (General Personnel Policies) of Subtitle B (University of the District of Columbia), Title 8 (Higher Education), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rule is to modify the University performance management policies in order to provide industry standard methodology for annual performance appraisal.

The Board of Trustees also gives notice that it will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Section 1140, UNIVERSITY OF THE DISTRICT OF COLUMBIA PERFORMANCE APPRAISAL SYSTEM, of Chapter 11, GENERAL PERSONNEL POLICIES, of Subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of Title 8, HIGHER EDUCATION, is amended as follows:

- 1140.1 The University of the District of Columbia Performance Appraisal System (hereafter "UDCPAS") shall be applicable to all non-faculty University, Educational Service, Career Service, and Legal Service employees, including temporary appointments.
- 1140.2 The purpose of this chapter is to set forth the rules for the University's performance management program.
- 1140.3 Performance management integrates the processes the University uses to do all of the following:
- (a) Communicate and clarify organizational and individual work goals to all employees;
 - (b) Identify individual and, where applicable, team responsibilities and accountability for accomplishing work unit, and organizational goals;
 - (c) Identify and address developmental needs for individuals and, where applicable, teams;
 - (d) Provide feedback to employees about performance expectations and work accountability;

- (e) Assess and improve individual, team, and organizational performance;
- (f) Use appropriate measures of performance as the basis for recognizing and rewarding accomplishments; and
- (g) Use the results of the annual performance evaluation as a basis for appropriate human resources' actions, including training, promotion, demotion, administrative action, or other types of human resources' actions.

1140.4 The performance management program implemented by this chapter shall accomplish all of the following:

- (a) Create and set forth work expectations in relation to the strategic goals of a work unit, and, where applicable, the University as a whole;
- (b) Hold supervisors and employees accountable for performance, which shall include a direct relationship between the performance evaluation received and the receipt or reduction of any periodic salary, bonus increases or any other University benefit;
- (c) Objectively evaluate employees' work performance based on criteria that have been made known to the employees prior to the performance evaluation;
- (d) Improve employee performance through developmental plan and continuous employee skill development;
- (e) Recognize employees' accomplishments and identify employees' deficiencies so that appropriate rewards or assistance can be provided; and
- (f) Tie employee performance to work unit, and where applicable, University-wide outcomes.

1140.5 Each permanent and temporary employee covered by UDCPAS shall be evaluated annually.

1140.6 The performance appraisal cycle shall be from the beginning of each fiscal year (October 1st) to the end of the fiscal year (September 30th).

1141 PERFORMANCE RATINGS

1141.1 An overall performance rating shall be a culmination of the ratings assigned to each performance expectation. The overall performance rating indicates the level

of an employee's actual performance of assigned competencies and S.M.A.R.T Goals during the performance management period.

1141.2 The overall performance rating shall be derived from the score on competencies for fifty percent (50%); and S.M.A.R.T Goals for fifty percent (50%).

1141.3 The rating levels for the performance management program shall be as follows:

- (a) Level 5, *Role Model* – Performance serves as a benchmark for other employees in the workplace. Regarded by colleagues as a person with great depth and breadth of knowledge in area of expertise, ideas and is willing to share it with others. Contributions, initiatives, and productivity reflect the highest degree of performance.
- (b) Level 4, *Highly Effective Performer* – Performance consistently exceeds expectations in most areas and meets expectations in all other areas. Consistently adds value to the work of the University. Demonstrates willingness to offer sound recommendations for improvement and is involved in the implementation of them.
- (c) Level 3, *Valued Performer* – Performance expectations consistently meet and may occasionally exceed expectations, and therefore, meets the minimum requirements of the position. Contributions are essential to ensuring that University goals are met.
- (d) Level 2, *Marginal Performer*– Performance of most expectations needs improvement. Adequate performance of the expectations for the position requires further development of skills. Potential to improve is evident and demonstrates a willingness to improve skills.
- (e) Level 1, *Inadequate Performer* – Performance of expectations is consistently inadequate, and therefore fails to meet the minimum requirements of the position. Potential to improve is not evident.

1142 PERFORMANCE PLANS

1142.1 A Performance Plan shall set forth the performance expectations and development objectives that each covered employee is expected to accomplish during the performance management period.

1142.2 Except as otherwise provided in this chapter, each supervisor shall complete a Performance Plan outlining what is expected of each covered employee, as follows:

- (a) Within thirty (30) days of the beginning of each performance management period;

- (b) Within thirty (30) days of the date an employee is promoted, appointed, transferred, reassigned, or demoted to a new position or a position with significantly different duties and responsibilities;
- (c) Within thirty (30) days of the date an employee is officially detailed when the detail is for a period of more than ninety (90) days;
- (d) An employee who has been reassigned to a position with different duties and responsibilities within ninety (90) days of the end of the performance management period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the position to which reassigned; or
- (e) An employee who has been promoted or demoted during the ninety (90) days prior to the end of the performance management period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the new position.

1142.3 A Performance Plan shall include all of the following:

- (a) Competencies;
- (b) S.M.A.R.T (*Specific, Measurable, Attainable, Realistic, Time-Related*) Goals; and
- (c) An Individual Development Plan.

1142.4 Modifications to the Performance Plan can only be made up to June 30th (ninety (90) calendar days before the end of the performance management period).

1143 COMPETENCIES

1143.1 Competencies are a type of performance expectation that consists of the critical knowledge, abilities, skills, and personal characteristics necessary for satisfactory performance in a particular position. Competencies are linked to the specific duties performed in a particular work unit, but focus strongly on each employee individually.

1143.2 At the beginning of each performance management period, a supervisor or a reviewer, in the absence of the supervisor, shall discuss with the employee how each competency relates to the employee's job. At the end of the performance management period, the supervisor or a reviewer, in the absence of the supervisor, shall evaluate each competency based on the employee's performance during the period.

1143.3 There are five (5) core competencies for all employees covered by this chapter:

- (a) Accountability;
- (b) Communication;
- (c) Customer Service;
- (d) Goal Attainment; and
- (e) Job Knowledge.

1143.4 There are three (3) additional core competencies applicable to supervisors:

- (a) Leadership;
- (b) Management of Others; and
- (c) Operational and Strategic Planning.

1143.5 The supervisor may choose up to three (3) additional competencies, or develop an additional three (3) competencies in collaboration with the employee. The recommended additional competencies include but are not limited to the following:

- (a) Flexibility/Adaptability;
- (b) Initiative;
- (c) Innovation;
- (d) Mechanical Ability;
- (e) Negotiation;
- (f) Problem Solving;
- (g) Productivity;
- (h) Teamwork;
- (i) Technical Ability; and
- (j) Use of Technology;

1144 S.M.A.R.T GOALS

- 1144.1 S.M.A.R.T Goals are a type of performance expectation that consists of goals that are “Specific, Measurable, Attainable, Realistic, and Time-Related.” A Performance Plan shall include at least three (3) and not more than five (5) S.M.A.R.T Goals.
- 1144.2 S.M.A.R.T Goals set in the Performance Plan shall be weighted, with the sum of all goal weightings equal to one hundred percent (100%).
- 1144.3 S.M.A.R.T Goals set in the performance plan shall include a timeframe for the accomplishment of each goal.
- 1144.4 At the beginning of each performance management period, a supervisor or the reviewer, in the absence of the supervisor, shall discuss with the employee how each S.M.A.R.T Goal relates to the employee’s job. At the end of a performance management period, the supervisor or the reviewer, in the absence of the supervisor, shall evaluate each S.M.A.R.T Goal based on the employee’s performance during the period.

1145 INDIVIDUAL DEVELOPMENT PLAN

- 1145.1 At the beginning of the performance management period, a supervisor, or the reviewer in the absence of the supervisor, shall prepare an Individual Development Plan for an employee, identifying areas for growth and development. The Individual Development Plan shall be prepared in collaboration with the employee. The Individual Performance Plan shall include at least one (1) and no more than three (3) objectives.
- 1145.2 Each Individual Development Plan is for developmental purposes only, and shall not be part of the evaluation at the end of the performance management period.
- 1145.3 Each Individual Development Plan may include but is not limited to the following objectives:
- (a) Specific objectives designed to improve the knowledge, skills, and abilities of the employee;
 - (b) Specific objectives for areas of ongoing professional development; or
 - (c) Objectives that address areas in which the employee received a review of “Marginal Performer” or below during the preceding review year.
- 1145.4 Each Individual Development Plan shall include a timeframe for the accomplishment of each objective.

1146 MID-YEAR PROGRESS DISCUSSION

- 1146.1 Each employee entitled to an annual performance evaluation under Section 1148 of this chapter may participate in a mid-year progress discussion no less than three (3) months prior to the end of the performance management period. When used, the mid-year progress discussion is initiated by the employee's immediate supervisor or the reviewer, in the absence of the immediate supervisor; and serves as a mechanism for providing feedback to an employee and identifying areas that need improvement.
- 1146.2 The mid-year progress discussion shall be mandatory in the case of probationary employees. The mid-year progress discussion shall not impinge on a recommendation to terminate the probationary employee during his or her probationary period.
- 1146.3 An annual performance evaluation shall not be based solely on a mid-year progress discussion. An employee's performance during the entire review period must be used to determine how well the employee performed each performance expectation and the overall performance rating.

1147 PERFORMANCE IMPROVEMENT PLAN

- 1147.1 The provisions of this section shall apply to all employees described in Subsection 1140.1 of this chapter.
- 1147.2 A Performance Improvement Plan (PIP) is a performance management tool designed to offer the employee placed on it an opportunity to demonstrate improvement in his or her performance.
- 1147.3 The purpose of a Performance Improvement Plan is to offer the employee placed on it an opportunity to demonstrate improvement. A Performance Improvement Plan issued to an employee shall last for a period of thirty (30) to ninety (90) days, and shall:
- (a) Identify the specific performance areas in which the employee is deficient; and
 - (b) Provide concrete, measurable action steps the employee needs to take to improve in those areas.
- 1147.4 A supervisor or, in the absence of that individual, the reviewer, shall complete a PIP when employee performance has been observed by the supervisor as being deficient. The last date on which a PIP may be issued is June 30 of each year.
- 1147.5 Within ten (10) calendar days of the end of the PIP period, the employee's immediate supervisor or, in the absence of that individual, the reviewer, shall make a determination as to whether the employee has met the requirements of the

PIP. If the determination is that the employee has met the requirements of the Performance Improvement Plan, the employee's immediate supervisor, or in the absence of that individual, the reviewer, shall so inform the employee, in writing. If the determination is that the employee failed to meet the requirements of the Performance Improvement Plan, the employee's immediate supervisor or in the absence of that individual, the reviewer, as appropriate, shall issue a written decision to the employee to:

- (a) Extend the Performance Improvement Plan for an additional thirty (30) and not to exceed ninety days total, to further observe the employee's performance;
- (b) Reassign, reduce in grade, or remove the employee.

1147.6 Failure on the part of the supervisor, or, in the absence of that individual, the reviewer, to issue a written decision within the specified time period will result in the employee's performance having met the PIP requirements.

1148 ELIGIBILITY TO RECEIVE AN ANNUAL PERFORMANCE EVALUATION

1148.1 In order to be eligible to receive an annual performance evaluation, a Performance Plan shall be in place for at least ninety (90) calendar days prior to conducting an annual performance evaluation based on that performance plan at the end of the performance management period.

1148.2 An employee who has been reassigned, promoted or demoted during the ninety (90) days prior to the end of the performance management period shall receive a performance evaluation for that period.

1148.3 The performance evaluation pursuant to Subsection 1148.2 of this section shall be issued by the employee's previous supervisor as specified in those sections.

1148.4 An employee who was reinstated or restored to duty during the ninety (90) days prior to the end of the performance management period shall be rated at the end of the next performance management period.

1148.5 An employee reinstated, restored, newly appointed, or transferred shall automatically be considered as having been assigned a rating of Valued Performer, which shall remain the official rating of record until such time as replaced by another official rating.

1149 ANNUAL PERFORMANCE EVALUATION

- 1149.1 An annual Performance Evaluation shall be issued to each eligible employee within three months of the end of the performance management period, the exact date of which will be established by the appropriate personnel authority.
- 1149.2 The annual Performance Evaluation shall be based on the employee's Performance Plan for that performance management period.
- 1149.3 Except as provided in Subsection 1149.5 of this section, each employee entitled to be rated under Section 1148 of this chapter shall be rated, based on his or her position of record, by his or her immediate supervisor or the reviewer, in the absence of the supervisor. In the absence of both the immediate supervisor and the reviewer, the Vice President of Human Resources shall designate a higher-level official to complete the Performance Evaluation. In the absence of an electronic official performance evaluation, the employee's performance shall be deemed to be at the "Valued Performer" level.
- 1149.4 A supervisor leaving his or her position at any time within the last ninety (90) calendar days of the performance management period shall conduct a Performance Evaluation for each employee covered by this chapter prior to his or her departure.
- 1149.5 An employee serving on detail for more than ninety (90) days at the end of the performance management period shall be rated by the employee's immediate supervisor of the position to which detailed, with input from the supervisor of the employee's position of record.
- 1149.6 In instances where employees perform shift work or have multiple supervisors during the year, input or completion of the employee's performance evaluation shall be provided by the appropriate supervisor(s).
- 1149.7 The annual Performance Evaluation for an employee who is on approved extended leave at the end of the performance management period (during the period in which performance evaluations are finalized) shall be postponed until the employee returns to his or her official position of record.
- 1149.8 A signature on the annual Performance Evaluation is considered official when submitted electronically using an electronic system used to facilitate the performance planning and evaluation process outlined in this chapter.

1150 SELF-EVALUATION

- 1150.1 At his or her discretion, each employee eligible to receive an evaluation may submit a self evaluation to his or her supervisor as input into the performance evaluation process.

1151 EMPLOYEE REQUEST FOR REVIEW

- 1151.1 The provisions of this section shall apply to all employees described in Subsection 1140.1 of this chapter.
- 1151.2 Employees' requests for review of performance ratings shall be handled by an internal Reconsideration and Resolution Committee (RRC) to formally review overall performance ratings of *Inadequate Performer* (Level 1) and *Marginal Performer* (Level 2). A "paper review" will be conducted for overall ratings of *Valued Performer* (Level 3), and *Highly Effective Performer* (Level 4).
- 1151.3 An employee may, within ten (10) calendar days of participating in a performance rating year-end discussion with the supervisor, request a review of the rating by submitting the request for review to the Vice President of Human Resources for the University.
- 1151.4 An employee's request for review of an official annual performance rating shall be in writing, and shall be submitted in accordance with procedures issued by the appropriate personnel authority.
- 1151.5 Pursuant to Section 603(a) of the CMPA (D.C. Official Code § 1-606.03 (a)), an employee may appeal a final University decision affecting a performance rating which results in removal of the employee with the Office of Employee Appeals.
- 1151.6 Upon receipt of a request for review, the Vice President of Human Resources shall take either of the following actions:
- (a) Dismiss the employee's request for review on technical grounds (*i.e.*, procedural or regulatory violation) and sustain the performance rating; or
 - (b) Accept the employee's request for review, and refer the request to the University's RRC for review and disposition.

1152 PROBATIONARY EMPLOYEES

- 1152.1 An employee serving a probationary period shall be subject to the performance management program established by this chapter. A Performance Plan shall be provided to each probationary employee, on which the probationer shall be evaluated.
- 1152.2 An acceptable performance rating during a probationary period in and of itself does not constitute passing of the probationary period or automatic movement to a permanent status.
- 1152.3 Neither the mid-year progress discussion nor the annual performance evaluation received by the probationary employee is appealable.

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PERFORMANCE MANAGEMENT DEFINITIONS

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

Annual performance evaluation – a process for determining how well an individual employee has performed the performance expectations established in the performance plan for the review period.

Competency – a type of performance expectation that consists of the critical knowledge, abilities, skills and personal characteristics necessary for satisfactory performance. They are linked to the specific duties performed in a particular work unit but focus strongly on the individual employee.

Individual development plan (IDP) – a development tool that identifies training and learning activities that will help an employee enhance the knowledge, skills, and abilities needed to perform work duties and prepare the employee for future career advancement.

Mid-year progress discussion – a formal meeting between a supervisor and employee to discuss the employee's performance and development at the midpoint of the review period.

Performance expectations – S.M.A.R.T. goals and competencies that describe what and how work is to be performed. Performance expectations are established by the supervisor and employee at the beginning of a review period.

Performance improvement plan (PIP) – A performance management tool designed to offer the employee an opportunity to demonstrate improvement in his or her performance.

Performance management – the systematic process by which the University involves its employees, as individuals and members of a group, to ensure the accomplishment of the University's mission and goals.

Performance management period – the length of time covering the performance planning and evaluation process. It goes from the beginning to the end of the fiscal year.

Performance plan – the formalized process of identifying and communicating the organizational, work unit, and individual goals expected of the employee. The Performance Plan consists of the following: Competencies, S.M.A.R.T Goals, and an Individual Development Plan.

Performance rating – the value assigned to each performance expectation and the employee's overall performance based on a supervisor's or, in the

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absence of the supervisor the reviewer's, assessment of an employee's performance during the review period.

Probationary employee – an Educational Service, Career Service, or Legal Service employee occupying a position subject to the completion of a probationary period, to include employees in term appointments. An employee who receives an initial regular appointment serves a probationary period of one (1) year.

Rating official – the final rating authority in the annual performance evaluation process, who is either the employee's supervisor, or, in the absence of the supervisor the reviewer.

Request for review – the process in which an employee requests a formal review of the overall performance rating received during the review period.

Reviewer – a supervisor or supervisor designee responsible for reviewing and approving the annual performance evaluation completed by a rating official.

Self-evaluation – the process in which the employee provides a self-assessment of the employee's performance based on the established performance expectations during the review period.

S.M.A.R.T. goals – a type of performance expectation that consists of goals that are *Specific, Measurable, Attainable, Realistic, and Time-Related*.

Supervisor – an individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust employee grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. For the purposes of this policy, "supervisor" also means "manager".

1199 DEFINITIONS

1199.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Acting appointment - assignment to a greater or lesser position for a period of one (1) year or less with the right to return to the former or a similar position without loss of pay or rank.

Administrative employee - a professional, technical, or para-professional employee of the University who has responsibilities associated with planning, development, implementation, and managing the educational or administrative functions of the University.

Approving Official - The second level supervisor of the employee whose performance is to be appraised.

Conversion - the voluntary movement of an employee who occupies a position in one employment service to another position in a different employment service, or a change from Tier II to Tier I in the Educational Service.

Critical Function - Any component of an employee's job that is of sufficient importance that performance below the minimum standard established by management requires remedial action and denial of a within-grade increase, and may be the basis for removing or reducing the grade level of that employee. Such action may be taken without regard to performance on other components of the job.

Demotion - the reduction of an employee's classification level, pay level, or both due to unsatisfactory performance, decreased workload, abolishment of position, or change in organizational structure.

Detail - the temporary assignment of an employee to a different position for a specified period, with the employee returning to regular duties at the end of the detail.

Job Function - Any component of a position, such as a task, duty, or responsibility, the performance of which contributes meaningfully to success and failure in the position.

Promotion - the movement of a staff member from one position to another position with greater duties and responsibilities or for which a higher salary grade or rate of pay is designated; or the assignment of duties and responsibilities to the staff member's current position which results in the formal reclassification of the position to a classification for which a higher salary grade or rate is designated.

Rating Official - The supervisor of the employee whose performance is to be appraised.

Reassignment - the movement of an employee in the same position to a new work location or to a new position within the same pay grade but not necessarily within the same job classification or the same work location.

Reclassification - an official change in a position classification due to a change in the duties and responsibilities of the position.

Regular appointment - an appointment made to fill a position on a permanent basis. An employee who receives an initial regular appointment serves a probationary period of one (1) year.

Sponsored program appointment - an appointment that is made for employees hired on non-appropriated funds that are subject to special terms and conditions in accordance with chapter 17 of this subtitle.

Temporary appointment - an appointment that is limited to, and does not exceed, three hundred and sixty-four (364) days.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel, Building 39, Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to smills@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: Performance Management" in the subject line. Copies of the proposed rules may be accessed electronically at www.dcregs.dc.gov.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a)(7) (2014 Supp.)), hereby gives notice of its intent to add Chapter 19 (Background Check and Suitability) to Subtitle B (University of the District of Columbia), Title 8 (Higher Education), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rule is to establish uniformity regarding background checks and delineate parameters for conducting these checks for faculty, adjunct faculty, staff, volunteers, and applicable student employees.

The Board of Trustees also gives notice that it will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 19, BACKGROUND CHECK AND SUITABILITY, of Subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of Title 8, HIGHER EDUCATION, is added as follows:

1900 APPLICABILITY

- 1900.1 Any individual initially appointed to the University and any individual reappointed after a break in service of ninety (90) or more days shall adhere to the provisions of this chapter except for adjunct faculty appointments. Returning adjunct faculty members shall be subject to a background check after a break in service of thirteen (13) months or more.
- 1900.2 The provisions in the chapter shall be applicable to the candidate who will be offered employment in any position on all University campuses, including, but not limited to, regular faculty, adjunct faculty, staff, and executive appointments. The provisions in the chapter shall also be applicable to all employees, student employees, and volunteers who encounter or have access to children or youth by virtue of their position. Hereafter, all persons subject to the provisions of the chapter are referred to as “employees” unless otherwise noted.
- 1900.3 Employees currently employed with the University in non-sensitive positions, as defined in this chapter, shall not be subject to the provisions of this chapter, unless they move into a sensitive position as defined in Section 1903. Employees currently employed with the University in sensitive positions, as defined in this chapter, shall be subject to periodic background checks in accordance with Section 1903.

1901 SUITABILITY POLICY

- 1901.1 It shall be the policy of the University to consider persons for employment who are suitable in efficiency, character, conduct, and reputation; and who have the knowledge and ability to perform the duties of the position sought. Pre-employment background checks and contingent background checks, which include criminal background checks (hereafter collectively “background checks”), shall be conducted as specified in this chapter for the purpose of ascertaining candidates’ fitness and suitability in these areas.
- 1901.2 Any individual subject to the provisions of this chapter, including those occupying sensitive positions, who refuses to consent to any applicable provisions of this chapter shall not be hired or shall have his or her employment terminated.
- 1901.3 Only the Vice President of Human Resources can authorize a person to commence employment prior to, and contingent upon, the completion of a background check. Examples of authorizations by the Vice President of Human Resources include, but are not limited to, faculty and adjunct faculty appointments due to an immediate operational need. Any employee authorized to commence employment in accordance with this section shall still be subject to a background check and all provisions of this chapter.
- 1901.4 Any employee who allows faculty, staff, students, and/or volunteers to work or serve in any capacity at the University without a background check and in violation of this policy or without written approval from the Vice President of Human Resources shall be subject to disciplinary action up to and including termination by the President or designee.
- 1901.5 No person who advocates the overthrow of the governments of the United States, the District of Columbia, or both by unconstitutional means shall be considered suitable for employment at the University.

1902 GENERAL PROVISIONS ON SUITABILITY

- 1902.1 Except as otherwise provided by law or regulation, any provisions negotiated between the University and a labor organization shall not take precedence over the provisions of this chapter.
- 1902.2 In securing information about individuals as part of background checks under this chapter, each individual shall be afforded the necessary rights and protections, including those described in Section 1907.
- 1902.3 (a) Except as otherwise noted in this chapter, background checks shall be initiated after the University’s Office of Human Resources has extended an offer to the final candidate who will fill a vacancy. The offer shall be

contingent upon successful completion of a background check in accordance with the provisions of this chapter. Except as otherwise specified in this chapter with regard to sensitive positions, to the extent practicable, the check should be completed before actual employment commences.

- (b) Upon completing the background check, the University's Office of Human Resources shall complete a review of information received to determine whether a final job offer should be extended; or, if the person has commenced working in a non-sensitive position or in a sensitive position with the express approval of the Vice President of Human Resources pending the completion of the background check, whether he or she should be retained or whether employment should be terminated.

1902.4 Except as otherwise noted in this chapter, candidates who will be offered an appointment to a University position, including full time and adjunct faculty positions, may receive offers of employment that are contingent upon successful completion of a background check. For the purposes of this chapter, any job offer made under these circumstances is conditional and non-binding on the University until completion of the background check process.

1902.5 The University reserves the right to take action against employees who are determined as not suitable for their current position, as described in Section 1907.

1903 SUITABILITY: SENSITIVE POSITIONS

1903.1 Candidates offered an appointment to positions identified as sensitive shall be subject to a pre-employment background check, including a criminal background check.

1903.2 Employees in positions identified as sensitive shall be subject to background checks every three (3) years within ninety (90) days of the anniversary of their appointment date.

1903.3 The following is a list of sensitive positions. The list is subject to change in accordance with operational needs.

- (a) 4H Programs (all positions)
- (b) Residence Life (all positions)
- (c) Athletics (all coaches, instructors, life guards, and trainers)
- (d) Child Development Center (all positions)
- (e) Counseling and Student Development (all positions)

- (f) TRIO and College Programs (all positions)
- (g) Office of Public Safety (all positions)
- (h) Cooperative Extension Services (all positions)
- (i) Speech and Hearing Clinic (all positions)
- (j) Jumpstart (all positions)
- (k) The Center for Nutrition, Diet and Health (all positions dealing with children and youth ages seventeen (17) and under)
- (l) Summer Bridge Program (all positions)
- (m) Extension Agents
- (n) Family Nurse Practitioner
- (o) Student Activities Specialist
- (p) Student Outreach Coordinator
- (q) Student Success Specialists
- (r) Recruitment Specialists

1903.4 Background checks for sensitive positions shall be completed after a contingent offer has been provided to the candidate. Actual employment shall not commence before the results of the background check for the sensitive position are received. Any exceptions to the required background check shall be granted only by the Vice President, Human Resources in accordance with Subsection 1901.3 of this chapter. If an exception is granted, the candidate’s employment offer would be contingent upon successful completion of a background check.

1904 SUITABILITY: NON-SENSITIVE POSITIONS

1904.1 Candidates being appointed to positions not identified as sensitive per Section 1903 shall be subject to a pre-employment background check, including a criminal background check.

1904.2 Candidates being appointed to non-sensitive positions may receive an offer of employment and commence employment while their background check is being completed. Offer letters for non-sensitive positions shall state that the selected candidate’s employment offer is contingent upon successful completion of a background check.

1905 SUITABILITY: FINANCIAL SERVICES EMPLOYEES

- 1905.1 Financial services employees are University employees who have financial management responsibility and/or oversight; financial decision making authority; work in the areas of procurement and/or contracting; and/or all employees who handle cash, checks, and other legal tender that is the property of the University.
- 1905.2 Employees in financial services positions must be particularly suitable in character, conduct and reputation, because they have access to money, financial accounts, and to systems that house financial, proprietary, or sensitive personal data. Any misconduct, illegal action, or inaction on their part could compromise the University and the University community. For those reasons, these individuals shall be required to consent to a financial background check in accordance with applicable Federal and District laws and in addition to the background checks specified in this chapter.
- 1905.3 The financial background check shall include credit information consistent with the guidelines set forth by the Fair Credit Reporting Act (FCRA), federal tax filings, and other financial information pertaining to the suitability for the position as allowable by law. The University shall obtain a candidate's written authorization before obtaining a credit report.
- 1905.4 Employees in positions associated with financial services shall be subject to background checks every five (5) years within ninety (90) days of the anniversary of their appointment date.

1906 PRE-EMPLOYMENT BACKGROUND CHECKS

- 1906.1 The University's Office of Human Resources shall retain a licensed, bonded, and insured vendor to conduct all background checks in accordance with all Federal, State, and Local laws and regulations.
- 1906.2 During the background check, information verified by the vendor may include, but is not limited to:
- (a) Prior employment checks
 - (b) Possession of a college degree from an accredited school and in the appropriate professional field shall be verified, including semester hours or other measures of credit completed, periods of attendance, type of degree and date conferred, if the degree is required as a job-related qualification standard; or was substituted for experience in qualifying the person for the position;

- (c) Possession of a professional or other type of license and/or certification if it is a prerequisite for employment
- (d) Financial background information for financial services personnel only; and
- (e) In addition to the pre-employment checks required in this subsection, every candidate who will be offered a position shall be subject to the completion of at least three (3) reference checks. The reference checks specified in this subsection shall be made with the candidate'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 University's Office of Human Resources.

1906.3 As of the effective date of this regulation, all positions sought to be filled at the University shall be subject to background checks. The vacancy announcements for all positions shall include a statement informing applicants of the background check requirement.

1906.4 Unless otherwise provided by law, regulation, or this chapter, in filling a position subject to background check for any reason (*i.e.* promotion, demotion, reassignment, detail, interim, or other need), a check need not be conducted if the candidate who will be offered a non-sensitive position is already employed with the University. However, if the position being filled is a sensitive position, a background check must be completed unless the employee being offered the sensitive position has a background check on file that was completed within three (3) years of the employment offer.

1906.5 Unless otherwise provided pursuant to law or regulation, when a candidate is disqualified based on the results of the background check, the University's Office of Human Resources, at its discretion, may continue to rely on that determination with regard to subsequent applications for employment for a period of not more than three (3) years from the date of determination of disqualification, after which a new background check shall be required.

1906.6 Upon expiration of the three (3) year period under Subsection 1906.5 of this section, a new background check shall be conducted and a re-determination made before the person may be appointed to any position.

1906.7 The University may conduct an additional background check at anytime during one's employment or volunteer service for cause, including but not limited to notice of an arrest, charge, or conviction.

1907 SUITABILITY ACTIONS AGAINST CANDIDATES IDENTIFIED FOR HIRE

- 1907.1 The University's Office of Human Resources, in conjunction with the hiring manager, shall determine whether a person being considered for employment is or has been involved in any act that constitutes a reasonable basis for concluding that the person would not faithfully discharge the duties of the position for which he or she is being considered.
- 1907.2 The reasons which may be used in making a determination of disqualification of a candidate due to unsuitability may include, but shall not be limited to, the following:
- (a) Delinquency or misconduct in prior employment;
 - (b) Criminal, dishonest, or other conduct of a nature that would cause discredit to the District government;
 - (c) A false statement of any material fact, or engagement in deception or fraud in the examination or appointment process;
 - (d) Illegal use of drugs; or
 - (e) Any other legal disqualification for appointment.
- 1907.3 In making its determination of disqualification of a candidate due to unsuitability, the University's Office of Human Resources shall consider the following additional factors, to the extent that these factors are deemed pertinent to the individual case:
- (a) The kind of position for which the person is being considered or in which the person is employed, including its sensitivity;
 - (b) The nature and seriousness of the conduct, occurrence, or information;
 - (c) The circumstances surrounding the conduct or occurrence;
 - (d) The recency of the conduct or information;
 - (e) The age of the candidate at the time of the conduct or occurrence;
 - (f) Contributing social or environmental conditions;
 - (g) The absence or presence of rehabilitation or efforts toward rehabilitation; or
 - (h) In the case of criminal conduct, its relevance or relationship to the duties of the position.

- 1907.4 Employees and candidates who are subject to background checks shall have the opportunity to address issues and/or concerns identified in the background check. Before taking a suitability disqualification action against a candidate under this chapter, the person shall be given an opportunity to explain the derogatory information found, in writing, within fifteen (15) days of the notification. The candidate shall provide information to explain any discrepancies, omissions, misinformation, or mitigating circumstances that may exist which are unknown to the University's Office of Human Resources.
- 1907.5 The University shall initiate suitability action against candidates pursuant to this section and chapter when:
- (a) The University makes a determination that the candidate provided a materially false statement; engaged in deception or fraud in his or her examination or appointment with the University; or engaged in the falsification of official personnel records;
 - (b) Derogatory information about the candidate, of a nature that constitutes an immediate hazard to the University, to the candidate concerned, to other employees, to the University community, or to the detriment of the public health, safety, or welfare, is disclosed by a credible source or independently discovered by the University's Office of Human Resources;
 - (c) Derogatory information about a candidate, of a nature that may impact the candidate's suitability to continue performing the duties of his or her position, is disclosed by a credible source or independently discovered by the University's Office of Human Resources; or
 - (d) A determination is made to terminate the employment of an employee because:
 - (1) The employee has failed a criminal background check in accordance with Subsections 1907.2 and 1907.3; or
 - (2) As specified in D.C. Official Code § 4-1501.05a the employee has been convicted of, has pleaded *nolo contendere*, is on probation before judgment or placement of a case upon a stet docket for an offense related to their employment or that may impose undue harm against the University; or has been found not guilty by reason of insanity for a sexual offense involving a minor.
- 1907.6 In the circumstances described in Subsection 1907.5 of this section, the University's Office of Human Resources may:
- (a) Take disciplinary action including requiring that the employee be removed from University service;

- (b) In addition to requiring the employee's removal, cancel any reinstatement eligibility, as applicable; or
- (c) In addition to the actions in accordance with Subsection 1906.6 (a) and (b) of this section, deny the employee examination for and appointment to a position with the University for a period of not more than three (3) years from the date of the determination of unsuitability.

1907.7 In the circumstance described in Subsection 1907.5(d) of this section, the University's Office of Human Resources shall propose the administrative action to remove an employee who fails the criminal background check. The provisions in Subsection 1907.6(b) and (c) of this section shall also apply to an employee terminated pursuant to Subsection 1907.5(d) of this section.

1907.8 If a determination is made that a violation of suitability does not rise to the standard described in Subsection 1907.5(a) of this section, the University's Office of Human Resources may require the employing department to take an adverse administrative action against the employee that is less than termination. Any adverse action issued in this context shall be in accordance with the relevant provisions of any applicable collective bargaining agreement.

1907.9 The University's Office of Human Resources shall ensure to the fullest extent possible that any suitability action taken against an employee pursuant to Subsection 1907.5 of this section is based on information or documentation that is accurate, timely, relevant, and complete.

1907.10 If there is derogatory information reported on a current employee or applicable student employee, the Vice President of Human Resources (and Vice President of Student Affairs if applicable) shall make a final decision.

1908 SUITABILITY RECORDS

1908.1 The University will ensure that all background checks are held in compliance with all federal and state statutes. The only information that will be collected shall pertain to the quality and quantity of work performed by the applicant, the applicant's attendance record, education, and other issues that can impact the workplace.

1908.2 The University of the District of Columbia shall use its best efforts to ensure that all information obtained from the reference and background check process will only be used as part of the employment process and kept strictly confidential. Only Office of Human Resources staff will have access to pre-employment and contingent background check results.

- 1908.3 Records and files created and maintained pursuant to background checks shall be subject to the following:
- (a) Information related to suitability investigations and suitability actions shall be kept in strict confidence in accordance with this section;
 - (b) Sources of information shall not be disclosed except as specifically authorized in this chapter;
 - (c) Reports of investigations conducted by a University's Office of Human Resources shall not be disclosed to the person 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;
 - (d) The restrictions contained in Subsection 1908.3(c) of this section shall not apply to the following:
 - (1) Information of public record; and
 - (2) Information from University personnel records which could be obtained on request by the subject employee; and
 - (e) Other sources of information in reports of investigation may be disclosed to the subject of the investigation only if the University's Office of Human Resources 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.

1999 DEFINITIONS

1999.1 When used in this chapter, the following terms have the meaning ascribed:

Applicant – a person who has filed a résumé or written or electronic (web-based) application for employment; or a person who has made an affirmative effort through written application, résumé, or a verbal request to serve in a volunteer position with the University.

Arrest – The taking of a person into custody, so that he or she may be held to answer for a criminal charge.

Background check – thorough inquiry into the past and present conduct and behavior of an applicant to determine his or her suitability for appointment or continuing employment with the University.

Candidate – the best qualified applicant selected by the hiring manager to be offered the opportunity to fill a vacant position with the University.

Charge – A formal accusation of an offense as a preliminary step to prosecution.

Children - persons ages twelve (12) and under

Conviction – A judgment on a verdict or a plea of guilty or *nolo contendere*, and/or a finding of guilt.

Days – calendar days, unless otherwise indicated.

Employee – for the purposes of this chapter all faculty members, adjunct faculty, and staff, as well as students who work in sensitive position, and who receives compensation for the performance of such service.

Nolo Contendere – For the purposes of this policy, the imposition of Probation Before Judgment (“PBJ”) shall be reported in the same manner as a conviction.

Offense – Conduct that is classified as a felony or a misdemeanor. For purposes of this policy, the term “offense” also includes any traffic offense that involves either the use of alcohol or drugs or for which incarceration is a potential penalty.

Office of Human Resources (UDC) – an individual or entity with the authority to administer all or part of personnel management programs.

Probation Before Judgment – For the purposes of this policy, the imposition of Probation Before Judgment shall be reported in the same manner as a conviction.

Sensitive position – for the purposes of this chapter, tasks of an applicant, candidate who will be offered employment, employee, or volunteer that may require the provision of direct services that affect the health, safety, and welfare of children or youth.

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

Volunteer – for the purposes of this chapter, any person who performs work without any monetary or other financial compensation, in an area regularly staffed by employees in sensitive positions, or anyone who volunteers his or her services as a host of a child or youth participating in direct or indirect University programs involving children and/or youth.

Youth – persons between thirteen (13) and seventeen (17) years of age, inclusive.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel, Building 39, Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to smills@udc.edu. Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking: Background Check and Suitability” in the subject line. Copies of the proposed rules may be accessed electronically at www.dcregs.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-217
September 17, 2014

SUBJECT: Removal of building restriction lines along the former public streets of Dahlia, Dogwood, Elder, 13th, 14th, and 15th Streets, N.W. between Alaska Avenue, Fern Street, Georgia Avenue in Squares 2734, 2735, 2778, 2779, 2780, 2952 and 2953 (known currently as Parcels 319/2, 319/3 and 319/5) in Washington, D.C. (the "Closed Streets")

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 An Act providing for the establishment of a uniform building line on streets in the District of Columbia less than ninety feet in width, approved June 21, 1906, as amended, 34 Stat. 384, ch. 3505, D.C. Official Code §§ 6-401 to 6-406 (2012 Repl.), it is hereby **ORDERED** that:

1. **Removal of Building Restriction Lines:**

- a. The building restriction lines on the Closed Streets are eliminated.
- b. The Surveyor of the District of Columbia is authorized to (i) prepare a plat revising S.O. 71-290 to show the removal of the building restriction lines established on the Closed Streets, and (ii) record this revised plat in the official records of the Surveyor's Office.


2. **Background and Purpose:**

- a. The Mayor is authorized to establish and remove building restriction lines and the Council of the District of Columbia may establish and remove such lines with the approval of the Mayor.
- b. The District of Columbia Council, by Resolution 72-11, closed the Closed Streets as reflected on the plat recorded in the Office of the Surveyor of the District of Columbia on Book 158, page 21 as S.O. 71-290, but did not remove the building restriction lines originally established on the Closed Streets.

- c. It has been determined that the public interest requires the removal of these building restriction lines because in the absence of a public street the lines serve no purpose, but instead are now a title encumbrance preventing the redevelopment of the Walter Reed Army Medical Campus, as approved by the Council of the District of Columbia by the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Approval Act of 2012, effective October 16, 2012, D.C. Law 19-175, D.C. Official Code § 10-1901 *et seq.* and pursuant to Resolution 20-105, the Walter Reed Army Medical Center Small Area Plan Approval Resolution of 2013, effective April 30, 2013.
- 3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency.
- 4. **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 2014-218
September 19, 2014

SUBJECT: Designation of Special Event Area for Fiesta DC/Festival Latino 2014

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 pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. On Sunday, September 21, 2014, the following public space areas shall be designated as a Special Event Areas to accommodate activities associated with the Fiesta DC/Festival Latino 2014:
 - a. Commencing at 3:00 a.m. and continuing until 11:59 p.m. the following streets shall be closed to all vehicular traffic: Pennsylvania Avenue N.W. between 9th and 14th Streets N.W.; 10th Street N.W. between E Street, N.W. and Constitution Avenue, N.W.; 11th Street N.W. between E Street, N.W. and Constitution Avenue N.W.; 12th Street N.W. between E Street N.W. and Constitution Avenue N.W.; and 13th Street N.W. between E Street N.W. and Pennsylvania Avenue N.W.
 - b. Commencing at 6:00 a.m. and continuing until 2:00 p.m., 7th Street between Constitution Avenue N.W. and Independence Avenue S.W. shall be closed to all vehicular traffic.
 - c. Commencing at 8:00 a.m. and continuing until 4:00 p.m., Constitution Avenue between 7th Street, N.W. and 14th Street N.W. shall be closed to all vehicular traffic.
2. The designated areas shall be operated and overseen by the Fiesta DC, Inc.
3. This Order is authorization for the use of the designated streets and curb lanes only, and the named operator shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.

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



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, OCTOBER 1, 2014
2000 14TH 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 # 13-PRO-00173 and # 14-PRO-00057; Caribbean Vibes, Inc., t/a Club Timehri, 2439 18th Street NW, License #77730, Retailer CT, ANC 1C	
Application to Renew the License, Termination of Settlement Agreement	
Show Cause Hearing (Status)	9:30 AM
Case # 14-CMP-00107; Beg Investments, LLC, t/a Twelve Restaurant & Lounge, 1123 H Street NE, License #76366, Retailer CT, ANC 6A	
Failed to Obtain an Entertainment Endorsement	
Show Cause Hearing*	10:00 AM
Case # 12-CMP-00144(NCBO); Lion's Gate, Inc, t/a Lion's Fine Wine & Spirits, 3614 Georgia Ave NW, License #88221, Retailer A, ANC 1A	
Failed to Comply with Board Order No. 2014-001	
Show Cause Hearing*	10:00 AM
Case # 14-251-00055; Meseret Ali & Yonas Chere, t/a Merkato Ethiopian Restaurant, 1909 9th Street NW, License #89019, Retailer CR, ANC 1B	
Operating After Board Approved Hours, Interfered with an Investigation	
Show Cause Hearing*	10:30 AM
Case # 14-251-00048; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW	
License #92380, Retailer CR, ANC 1C	
Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose	

Board's Calendar
October 1, 2014

Show Cause Hearing* **10:45 AM**
Case # 14-251-00085; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Allowed the use of Tobacco Products inside of the Establishment, Allowed a Controlled Substance to be used in the Establishment

Show Cause Hearing* **11:00 AM**
Case # 14-251-00089; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Permitted Alcohol Consumption Outside of the Establishment, Substantial Change In Operation Without Board Approval, Violation of Settlement Agreement, Allowed the use of Tobacco Products inside of the Establishment, Allowed a Controlled Substance to be used in the Establishment, Failed to take responsibility for Security

Show Cause Hearing* **11:15 AM**
Case # 14-CMP-00103; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Violation of Settlement Agreement

Show Cause Hearing* **11:30 AM**
Case # 14-CMP-00110; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Violation of Settlement Agreement

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Protest Hearing* **1:30 PM**
Case # 14-PRO-00060; Giant of Maryland, LLC, t/a Giant #2379, 3336 Wisconsin Ave, NW, License #95376, Retailer DR, ANC 3C
Application for a New License
This Hearing is cancelled du to the dismissal of ANC 3C. See Board Order No. 2014-349.

Protest Hearing* **1:30 PM**
Case # 14-PRO-00003; LMW, LLC, t/a Little Miss Whiskey's Golden Dollar 1104 H Street NE, License #79090, Retailer CT, ANC 6A
Petition to Terminate the Settlement Agreement

Board's Calendar
October 1, 2014

Protest Hearing* **4:30 PM**
Case # 14-PRO-00058, Four Kicks, LLC, t/a Lunchbox, 5335 Wisconsin Ave
NW, License #95410, Retailer CR, ANC 3E
Application for a New License

Protest Hearing* **4:30 PM**
Case # 14-PRO-00004; RNR, LLC, t/a Rock N Roll Hotel, 1353 H Street NE
License #72777, Retailer CT, ANC 6A
Termination of Settlement Agreement
This Hearing has been continued to November 5, 2014 at 4:30 pm.

Protest Hearing* **4:30 PM**
Case # 14-PRO-00008; Kiel, LLC, t/a MOVA, 2204 14th Street NW, License
#87030, Retailer CT , ANC 1B
Application to Renew the License
This Hearing has been continued to November 12, 2014 at 4:30 pm.

***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, OCTOBER 1, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On October 1, 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-CMP-00497 El Nuevo Migueleno, 1721 COLUMBIA RD NW Retailer C Restaurant, License#: ABRA-075403

2. Case#14-251-00198 El Camino Real Restaurant I I, 5217 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-074996

3. Case#14-CMP-00451 Plum Blossom, 1915 18TH ST NW Retailer C Restaurant, License#: ABRA-076620

4. Case#14-CMP-00496 Plum Blossom, 1915 18TH ST NW Retailer C Restaurant, License#: ABRA-076620

5. Case#14-AUD-00059 El Pulgarcito of America, LLC, 5313 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-076672

6. Case#14-251-00224 Marvin, 2007 14TH ST NW Retailer C Tavern, License#: ABRA-076166

7. Case#14-251-00225 Midtown, 1219 CONNECTICUT AVE NW Retailer C Nightclub, License#: ABRA-072087

8. Case#14-CMP-00498 Italian Pizza Kitchen, 4438 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-079296

9. Case#14-CC-00119 727 Market, 2820 GEORGIA AVE NW Retailer B Retail - Grocery, License#: ABRA-078015

10. Case#14-CC-00161 Skip's Liquors, 405 61ST ST NE Retailer A Retail - Liquor Store, License#: ABRA-078204

11. Case#14-CC-00110 La Loma, 316 MASSACHUSETTS AVE NE A Retailer C Restaurant, License#: ABRA-026051

12. Case#14-AUD-00069 Kitty O'Shea's DC, 4624 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-090464

13. Case#14-CC-00172 Cafe Divan, 1834 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-060603

14. Case#14-AUD-00068 Ritz Carlton Georgetown, 3100 SOUTH ST ST NW Retailer C Hotel, License#: ABRA-060660

15. Case#14-CC-00168 Uneeda Market, 4400 GEORGIA AVE NW Retailer B Retail - Grocery, License#: ABRA-060662

16. Case#14-CC-00092 Market Of Columbia Plaza, 516 23RD ST NW Retailer A Retail - Liquor Store, License#: ABRA-023557

17. Case#14-CC-00140 Barmy Wine and Liquors, 1912 L ST NW Retailer A Retail - Liquor Store, License#: ABRA-023822

18. Case#14-CC-00132 Cleveland Park Liquors, 3423 CONNECTICUT AVE NW Retailer A Retail - Liquor Store, License#: ABRA-016969

19. Case#14-CC-00169 Ace Beverage, 3301 NEW MEXICO AVE NW A Retailer A Retail - Liquor Store, License#: ABRA-014553

20. Case#14-CC-00055 World Wine and Spirits, 1453 PENNSYLVANIA AVE SE Retailer A Retail - Liquor Store, License#: ABRA-094605

21. Case#14-CC-00160 P & C Market, 1023 EAST CAPITOL ST SE Retailer B Retail - Class B, License#: ABRA-080716

22. Case#14-CC-00118 Capitol Hill Wine & Spirits, 323 PENNSYLVANIA AVE SE Retailer A Retail - Liquor Store, License#: ABRA-081749

23. Case#14-CC-00173 CORNER MARKET, 1447 Howard RD SE Retailer A Retail - Liquor Store, License#: ABRA-086200

24. Case#14-CC-00131 Touchdown, 1334 U ST NW B Retailer C Tavern, License#: ABRA-086233

25. Case#14-CC-00133 Logan Circle Liquors, 1018 RHODE ISLAND AVE NW Retailer A Retail - Liquor Store, License#: ABRA-086950

26. Case#14-PRO-00008 Mova, 2204 14TH ST NW Retailer C Tavern, License#: ABRA-087030

27. Case#14-PRO-00004 Rock N Roll Hotel, 1353 H ST NE Retailer C Tavern, License#: ABRA-072777

28. Case#14-PRO-00058 Lunchbox, 5335 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-095410

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

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

1. Review of Settlement Agreement dated September 15, 2014 between ANC 1B and Cloud Restaurant and Lounge. *Cloud Restaurant and Lounge*, 1919 9th Street, NW, Retailer C, License No.: 093572.

2. Review of Settlement Agreement dated August 22, 2014 between ANC 1B and Gallagher and Graham LLC. *Gallagher and Graham LLC*, 1939 12th Street, NW, Retailer A, License No.: 095818.

3. Review of Settlement Agreement dated September 17, 2014 between ANC 2B and 18th Street Lounge. *18th Street Lounge*, 1212 18th Street, NW, Retailer C, License No.: 021211.

4. Review of Amendment to Settlement Agreement dated September 16, 2014 between ANC 2F and Logan Tavern. *Logan Tavern*, 1423 P Street, NW, Retailer CR, License No.: 060706.

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

1. Review Application for Safekeeping of License. ANC 1D. SMD 1D04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Tonic**, 315 Mount Pleasant Street NW, Retailer CR, License No. 060786.

2. Review Application for Safekeeping of License. ANC 4C. SMD 4C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Carolina Palace**, 3700 14th Street NW, Retailer CR, License No. 021055.

3. Review Application for Safekeeping of License. ANC 2B. SMD 2B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **The Fab Lounge**, 1805 Connecticut Avenue NW, Retailer CT, License No. 070719.

4. Review Application for Safekeeping of License. ANC 5B. SMD 5B04. No outstanding fines/citations. No outstanding violations. Pending Show Cause Hearing. No Settlement Agreement. **Optimism**, 3301 12th Street NE, Retailer CT, License No. 083552.

5. Review Application for Class Change from CR to CT. ANC 2B. SMD 2B09. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Selam Restaurant**, 1524-1526 U Street NW, Retailer CR, License No. 060080.

6. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday 10am to 2am, Monday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Sunday 10am to 1:45am, Monday-Thursday 8am to 1:45am, Friday-Saturday 8am to 2:45am. **Approved Hours of Live Entertainment:** Sunday-Thursday 6pm to 1:30 am, Friday-Saturday 6pm to 2:45 am. **Proposed Hours of Operation:** Sunday-Thursday 6am to 2am, Friday-Saturday 6am to 3am. **Proposed Hours of Alcoholic Beverage Sales and**

Consumption: Sunday 10am to 1:45am, Monday-Thursday 8am to 1:45am, Friday-Saturday 8am to 2:45am. **Proposed Hours of Live Entertainment:** Sunday-Thursday 6pm to 1:30 am, Friday-Saturday 6pm to 2:45 am. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **The Star and The Shamrock**, 1341 H Street NE, Retailer CT, License No. 081804.

7. Review Change of Hours Application. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday -Thursday 11am to 12am, Friday-Saturday 11 am to 2am. **Approved Hours of Live Entertainment:** Friday 8pm to 12 am, Saturday 8pm to 2 am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Wednesday 11am to 12am, Thursday 11am to 2am, Friday-Saturday 11 am to 3am. **Proposed Hours of Live Entertainment:** Thursday-Saturday 8pm to 2 am. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Recessions II**, 1823 L Street NW, Retailer CR, License No. 060567.
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8. Review Change of Hours Application. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 5am to 12am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 6am to 12am. ANC 5D. SMD 5D05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Safeway**, 1601 Maryland Avenue NE, Retailer B Grocery, License No. 075686.
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9. Review Change of Hours Application. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 6am to 12am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 5am to 12am. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Safeway**, 1747 Columbia Road NW, Retailer B Grocery, License No. 072708.
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10. Review Change of Hours Application. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday 6am to 11pm, Monday-Saturday 6am to 12am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday 6am to 10pm, Monday-Saturday 6am to 11pm. ANC 7F. SMD 7F01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Safeway**, 322 40th Street NE, Retailer B Grocery, License No. 060647.
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11. Review Change of Hours Application. ***Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Saturday 6am to 10pm. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Saturday 5am to 12pm. ANC 7B. SMD 7B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Safeway***, 2845 Alabama Avenue SE, Retailer B Grocery, License No. 060504.
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12. Review Application for Sidewalk Cafe Endorsement. Proposed Sidewalk Café with Seating for 6 Occupants. ANC 5E. SMD 5E07. No outstanding fines/citations. No outstanding violations. Pending enforcement matter: Case #14-CMP-00429, Substantial Change in operation must be approved, referred to staff for settlement on 9/10/2014. No conflict with Settlement Agreement. ***Showtime***, 113 Rhode Island Avenue NW, Retailer CT, License No. 089186.
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13. Review Application for Entertainment Endorsement. Entertainment to include live and recorded Latin jazz/salsa music and occasional dancing (salsa, merengue, tango, etc.) ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Impala Cantina y Taqueria***, 1358 H Street NE, Retailer CT, License No. 088603.
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14. Review Application for Manager's License. ***Nicole A . Miller***-ABRA 096743.
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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.**

**CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY
REQUEST FOR PROPOSALS**

Purchase of Technology Equipment and Installation Services

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

Email questions to itbids@chavezschools.org with the subject line as “**Purchase of Technology Equipment and Installation Services – SY 2014-2015**”.

Proposals are due not later than: Friday October 10, 2014; 12:00pm

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis

NOTICE OF MOTOR FUEL TAX REMAINS UNCHANGED
IN THE DISTRICT OF COLUMBIA EFFECTIVE OCTOBER 1, 2014

Pursuant to D.C. Official Code § 47-2301, the District is required to levy and collect a tax on motor vehicle fuels equal to 8 percent of the average wholesale price of a gallon of regular unleaded gasoline. The average wholesale price is to be calculated semi-annually and in no case shall the price computed be less than \$2.94. The computed average wholesale price should also not vary by more than 10 percent from the prior period's average price. The average wholesale price is computed by using the monthly Regular Gasoline Wholesale/Resale Price by Refiners provided by the Energy Information Administration for the Central Atlantic (PADD 1B) region for the six month periods ending in June and December each year.

For the six month period ending June 30, 2014, the computed average wholesale price of a gallon of gasoline was less than \$2.94. Accordingly, the tax, computed at 8 percent of the \$2.94 minimum price, remains at 23.5 cents per gallon for the period of October 1, 2014 through March 31, 2015.

CHILD AND FAMILY SERVICES AGENCY
DISTRICT OF COLUMBIA CITIZENS REVIEW PANEL
NOTICE OF PUBLIC MEETING

The District of Columbia Citizens Review Panel will be holding a retreat on Saturday, September 27, 2014 from 9:30 am to 4:00 p.m. The Retreat will be held in AdvantEdge Business Centers, 2101 L Street NW, Suite 800, Washington, DC 20037. Below is the agenda for this retreat.

For additional information, please contact Meron Meshesha at (202) 544-3144 or cpfs@centerchildprotection.org

September 27, 2014 Retreat of the DC Citizen Review Panel

Time: 9:30 AM-4:00 PM

Day: Saturday

Place: AdvantEdge Business Centers, 2101 L Street NW, Suite 800, Washington, DC 20037

PROPOSED AGENDA

9:30 AM	Opening Remarks/ Charge for the Day	Damon King CRP Chairperson
9:45 AM	DC Child and Family Service Update	Debra Porchia-Usher Deputy Director, CFSA
10:45 AM	Video: Voices of Youth	Annie Casey Foundation
11:00 AM	Recap of 2013-2014 Task Force Activities by Rick Bardach and Elaine Farley	Joyce Thomas, Facilitator Group Discussion
12:00 PM	Lunch Video: LGBTQ Youth	
1:00 PM	Strengthening CRP Procedures Review of CRP By-Laws	Small Group Discussion
2:00 PM	Strengthening Panel Membership Recruitment Strategies	Small Group Discussion

	Nomination Process	
	Appointments	
2:45 PM	Break	
3:00 PM	Issues and Ideas for 2014-2015 CRP Activities	Group Discussion
3:45 PM	Summary of Next Steps	Damon King
4:00 PM	Adjournment	Damon King

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**October 3rd, 2014
9:00 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft of 5 September 2014
- 5) Old Business
 - a) NASBA Annual Meeting
 - Mayors Letter / Speaking availability
 - DC tourism video / brochures
 - Big Bus & Metro Brochures and guest speakers
- 6) New Business
 - a) Service recognition plaques for former Board members
- 7) Pursuant to § 2-575(4)(a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
- 8) Action on applications discussed in executive session
- 9) Adjournment

Next Scheduled Meeting – Friday, 3 October 2014
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Barber and Cosmetology
1100 4th Street SW, Room E300
Washington, DC 20024**

Meeting Agenda

**October 6, 2014
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Old Business
7. New Business
8. Executive Session (Closed to the Public)
 - Applications for Licensure
 - Complaints and Investigations
9. Adjourn
10. Next Scheduled Board Meeting – November 3, 2014.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

Meeting Agenda

**October 2, 2014
11:00 A.M.**

1. Call to Order – 11:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Executive Session (Closed to the Public)
 - Applications
6. Review of Correspondence
7. Draft Minutes, September 4, 2014
8. New Business
9. Old Business
10. Adjourn
11. Next Scheduled Board Meeting – November 6, 2014 at 11:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**Board of Industrial Trades
1100 4th Street SW, Room 300 A/B
Washington, DC 20024**

AGENDA

**October 21, 2014
1:00 P.M -3:30 P.M.**

- I. Call to Order**
- II. Ascertainment of Quorum**
- III. Adoption of the Agenda**
- IV. Acknowledgment of Adoption of the Minutes**
- V. Report from the Chairperson**
 - a) DCMR updates
 - b) New Board Member
- VI. New Business**
- VII. Old Business**
 - Correspondence**
 - a) Reciprocity with other Jurisdictions
 - Code Change**
 - b) Development of new examinations
- VIII. Opportunity for Public Comments**
- IX. Executive Session**

Executive Session (non-public) to Discuss Ongoing, Confidential Preliminary Investigations pursuant to D.C. Official Code § 2-575(b)(14), to deliberate on a decision in which the Industrial Trades Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13)

 - a) Review of applications
- X. Resumption of Public Meeting**
- XI. Adjournment**

Next Scheduled Board Meeting: November 18, 2014 @ 1:00 PM – 3:30 PM, Room 300A/B
1100 4th Street, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**Board of Professional Engineering
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**October 23, 2014
11:00 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft of 28 August 2014
- 5) Old Business
- 6) New Business
- 7) Executive Session
 - a) Pursuant to § 2-575(13) the Board will enter executive session to review application(s) for licensure
 - b) Pursuant to § 2-575(9) the Board will enter executive session to discuss a possible disciplinary action
- 8) Application Committee Report
- 9) Adjournment

Next Scheduled Meeting – Thursday, 20 November 2014
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Real Estate Appraisers
1100 4th Street SW, Room 300 B
Washington, DC 20024**

AGENDA

**October 15, 2014
10:00 A.M.**

1. Call to Order – 10:00 a.m.
2. Attendance (Start of Public Session) – 10:30 a.m.
3. Executive Session (Closed to the Public) – 10:00 – 10:30 a.m.
 - A. Legal Committee Recommendations
 - B. Legal Counsel Report
 - C. Application Review
4. Comments from the Public
5. Minutes - Draft
6. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2014 Calendar
 - F. Correspondence
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, November 19, 2014
1100 4th Street, SW, Room 300B, Washington, DC 20024

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

October 2014

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Jason Sockwell	Board of Accountancy	3	8:30 am-12:00pm
Lisa Branscomb	Board of Appraisers	15	8:30 am-4:00 pm
Jason Sockwell	Board Architects and Interior Designers	No Meeting	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	6	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	21	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	2	11:00am-1:00 pm
Lori Fowler	Board of Professional Engineering	23	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	14	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	21	1:00pm-3:30 pm
	Asbestos		
	Electrical		
	Elevators		
	Plumbing		
	Refrigeration/Air Conditioning		
	Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
D.C. BOXING AND WRESTLING COMMISSION**

1100 4th Street SW-Suite E500, SW

Washington, DC. 20024

OCTOBER 21, 2014

7:00 P.M.

Website: http://www.pearsonvue.com/dc/boxing_wrestling/

AGENDA

CALL TO ORDER & ROLL CALL

COMMENTS FROM THE PUBLIC & GUEST INTRODUCTIONS

REVIEW OF MINUTES

- Approval of Minutes

UPCOMING EVENTS

- October 23, 2014 Pro-Boxing Promoter Ollie Dunlap Charity Boxing at the Mayflower at the Mayflower Hotel
- November 13, 2014 Pro-Boxing: Promoter Ollie Dunlap Fight For Children Fight Night at the Washington Hilton Hotel

OLD BUSINESS

1. Officials Training
- 2.

NEW BUSINESS

1. Upcoming Amateur Events
- 2.

ADJORNMENT

NEXT REGULAR SCHEDULED MEETING IS NOVEMBER 18, 2014

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Real Estate Commission
1100 4th Street, S.W., Room 390
Washington, D.C. 20024**

**AGENDA
October 14, 2014**

1. Call to Order - 9:30 a.m.
 2. Executive Session (Closed to the Public) – 9:30 am-10:30 am
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
 - C. Legal Counsel Report
 3. Attendance (Start of Public Session) – 10:30 a.m.
 4. Comments from the Public
 5. Minutes - Draft, July 8, 2014
 6. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2014 Calendar
 - F. Correspondence
 7. Old Business
 8. New Business
 - A. Report - ARELLO Annual Conference – Sept. 17-21, 2014
 - B. Report – Commission-sponsored seminars, September 25, 2014
 - C. Report - Mayor Gray’s Meeting with Board/Commission Chairs
 9. Adjourn
- Next Scheduled Regular Meeting, November 18, 2014
1100 4th Street, SW, Room 300B, Washington, DC 20024

CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER INTO TWO SOLE SOURCE CONTRACTS - 9/26/14**

Pursuant to the School Reform Act, D.C. 38-1802 (SRA) and the D.C. Public Charter Schools procurement policy, Creative Minds International Public Charter School (CMIPCS) hereby submits this Notice of Intent to award the following two Sole Source Contracts:

1). Apple Inc.

CMIPCS intends to enter into a sole source contract with Apple Inc. for computers (with 3 year extended warranties), Ipads and relevant accessories amounting to over \$25,000 during school year 2014-15.

- CMIPCS is an Apple product based school and uses these products for administrative and instructional purposes.
- Apple Inc. constitutes the sole source for all Apple products with educational discounts for educational institutions.

2). Achievement Network (A-NET)

CMIPCS intends to enter into a sole source firm fixed price contract with A-NET amounting to over \$25,000 during school year 2014-15. This fixed price contract with A-NET is entered into based on their role as a unique niche provider of interim assessments that give the school timely, actionable and student-specific data. This data combined with the professional development associated with the A-NET creates a unique support to teachers and students not found in other vendors.

For further information regarding these two notices please contact James Lafferty-Furphy no later than **5:00 pm October 3, 2014:**

James Lafferty-Furphy (Director of Operations)
Creative Minds International Public Charter School
3224 16th Street NW
Washington, D.C. 20010
tel: 202-588-0370 x112
fax: 202-588-0263

james.lafferty-furphy@creativemindspcs.org
www.creativemindspcs.org

DEPARTMENT OF EMPLOYMENT SERVICES

Addendum: This RFA will now be released on October 3, 2014.
The application submission deadline will now be November 3, 2014.

NOTICE OF FUNDS AVAILABILITY**Office of Workforce Development**
Adult Training Program 2015

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 approximately up to \$4,000,000 maximum, 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, October 3, 2014**. The RFA will be available on the following websites:

- DOES website: 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 at 202-671-3100 or Eugenia Palmer, Program Manager for Local Initiatives, via email at eugenia.palmer@dc.gov or via phone at (202) 698-5861.

**The deadline for online application submission is:
Monday, November 3, 2014, no later than 2:00pm EST.**

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, 5th Floor, Washington, DC, intends to issue air quality permits (#6373-R1, #6374-R1, and #6739) to the U.S. Department of the Treasury, Bureau of Engraving and Printing to operate three existing Simultan, sheet-fed, non-heatset lithographic printing presses, at the Bureau of Engraving and Printing, located at 14th and C Streets SW, Washington DC. The contact person for the facility is David Kaczka, Environmental Compliance Manager, Office of Environment, Health & Safety at (202) 874-2107. The applicant's mailing address is 14th and C Streets SW, Washington, DC 20228.

The permit applications and supporting documentation, along with the draft permits 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, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 27, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

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, 5th Floor, Washington, DC, intends to issue Permit #6927 to the George Washington University to operate one Kohler emergency generator set with a Doosan D111TIC natural gas-fired engine, located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Size	Engine Size	Permit No.
George Washington University Gelman Library	2130 H Street NW Washington, DC	180 kW	302 bhp (225 kW)	6927

The proposed emission limits are as follows:

- a. Emissions from the unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(e), and 40 CFR 60 Subpart JJJJ, Table 1]:

Emission Standards	
Pollutant	g/hp-hr
NO _x	2.0
CO	4.0
VOC	1.0

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the 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 emissions from the emergency generator set are as follows:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	2.58	0.645
Oxides of Nitrogen (NO _x)	0.0381	.00953
Total Particulate Matter , PM (Total)	0.0196	0.00491
Volatile Organic Compounds (VOCs)	0.0508	0.0127
Sulfur Dioxide (SO _x)	0.00116	0.000289

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, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 27, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Dietetics and Nutrition hereby gives the following notice pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

The District of Columbia Board of Dietetics and Nutrition will hold a limited open session (public) meeting on:

Wednesday, October 1, 2014, at 10:00 am
At 899 North Capitol St, NE, 2nd Floor
Washington, D.C. 20002

The purpose of the open session meeting will be to discuss proposed changes to the Health Occupations and Revisions Act of 1985 to clarify the scope of practice for Dietitians and Nutritionists in the District of Columbia.

KIPP DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Pre-Construction Services**

KIPP DC is extending the bid deadline for 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, October 3, 2014 and should be sent to **ALL 3** of the following: lindsay.snow@kippdc.org, ret@jairlynch.com, and procurement@kippdc.org. Questions can be addressed to ret@jairlynch.com and lindsay.snow@kippdc.org.

MERIDIAN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Security Camera Services**

Meridian Public Charter School is advertising the opportunity to bid for Security Camera Services for the 2014-2015 school year. Meridian Public Charter School is seeking an organization that can provide security camera services that will afford us the opportunity to use our existing equipment as well as expand our current security services.

Full RFP specifications can be obtained by contacting Kim Ryder at the address listed below beginning on Monday, September 29, 2014.

Kim Ryder
2120 13th Street NW
Washington, DC 20009
(202) 387-9830 ext. 109
Kryder@meridian-dc.org

Bids will be accepted at the above address on Monday, October 13, 2014 no later than 3:00 P.M.

All bids not addressing all areas as outlined in the (RFP) will not be considered.

MERIDIAN PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Student Laptops

Meridian Public Charter School is advertising the opportunity to bid for the purchase of 150 student laptops. Laptops purchased need to meet both the PARCC and STAR assessment specifications.

Requirements: i5 processor OR higher, 2.5 GHz or higher, minimum of 4GB of RAM, hard drive (no less than 300GB), 15.6" Screen or higher, optical Drive, multi-format media card reader, two or more USB ports, wireless networking and networking LAN connector, internal webcam, battery Life of 5 hours or more, Windows 7 or higher.

Full RFP specifications can be obtained by contacting Kim Ryder at the address listed below beginning on Monday, September 29, 2014.

Kim Ryder
2120 13th Street NW
Washington, DC 20009
(202) 387-9830 ext. 109
Kryder@meridian-dc.org

Bids will be accepted at the above address on Tuesday, October 14, 2014 no later than 3:00 P.M.

All bids not addressing all areas as outlined in the (RFP) will not be considered.

MERIDIAN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Technology Services**

Meridian Public Charter School is advertising the opportunity to bid for Technology Services for the 2014-2015 school year. Meridian Public Charter School is seeking an IT services and consulting organization to help with the development and execution of a strategic plan, provide ongoing support and maintenance of the environment and to act as the Information Technology Department.

Full RFP specifications can be obtained by contacting Kim Ryder at the address listed below beginning on Monday, September 29, 2014.

Kim Ryder
2120 13th Street NW
Washington, DC 20009
(202) 387-9830 ext. 109
Kryder@meridian-dc.org

Bids will be accepted at the above address on Friday, October 10, 2014 no later than 3:00 P.M.

All bids not addressing all areas as outlined in the (RFP) will not be considered.

MONUMENT ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Project Management, Architectural and General Contractor Services**

Monument Academy invites all interested parties to submit proposals to provide project management, architectural and general contractor services for the development of a public charter school facility that has yet to be identified. The required delivery date for the facility is July 1, 2015. Proposals are due no later than 12:00 PM on October 17, 2014. The complete RFP can be obtained by contacting emily.bloomfield@monumentacademydc.org.

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

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00 a.m. on Thursday, September 25, 2014. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 2/3. Notice of a location or time change will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. CONSENT AGENDA**
 - A. READING AND APPROVAL OF MINUTES**
 1. August 6, 2014 – Board of Directors Conference Call
 2. July 24, 2014 - General Board Meeting
 - B. BOARD EDUCATION SESSION**
 1. Natalie Williams – Corporate Secretary/Hospital Spokesperson
 - Board Member Portal
 - Promotion Videos
 - Center for Disease Control and Prevention Visit
 - C. EXECUTIVE REPORTS**
 1. Dr. Cyril Allen, Chief Medical Officer
 2. Maribel Torres, VP of Nursing
 3. Pamela Lee, VP of Hospital Operations
 4. Jackie Johnson, VP of Human Resources

 5. John Wilcox, Chief Information Officer
 6. Jim Hobbs, VP of Business Development & Physician Recruitment
 7. Charletta Washington, VP of Ambulatory & Ancillary Services

V. NONCONSENT AGENDA**A. CHIEF EXECUTIVE REPORTS**

1. Michael Davis, CFO
2. David Small, CEO

B. MEDICAL STAFF REPORT

1. Dr. Gilbert Daniel, Chief of Staff

C. COMMITTEE REPORTS

1. Finance Committee Report
2. Strategic Steering Committee Report
3. Governance Committee Report
4. Patient Safety & Quality Committee Report
5. Ad-hoc Committee Report

D. OTHER BUSINESS

1. Old Business
2. New Business

E. ANNOUNCEMENT

1. Mandatory BEGA Training – October 9, 2014 @ 8:30am
2. UMC Job Fair – October 11, 2014 @ 12noon-3pm
3. The next Governing Board Meeting will be held at 9:00am, Thursday, October 24, 2014.

F. ADJOURNMENT

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

PERRY STREET PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****MULTIPLE SERVICES**

The Perry Street Prep Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Transportation

Please go to www.pspdc.org/bids to view a full RFP offering, with more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Monday, October 6, 2014.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator
psp_bids@pspdc.org

Please include the bid category for which you are submitting as the subject line in your e-mail (e.g. Food Service). Respondents should specify in their proposal whether the services they are proposing are only for a single year or will include a renewal option.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF APPROVED ISSUANCE OF STOCK OR EVIDENCES OF
INDEBTEDNESS****FORMAL CASE NO. 1124, IN THE MATTER OF THE APPLICATION OF
POTOMAC ELECTRIC POWER COMPANY FOR A CERTIFICATE OF
AUTHORITY AUTHORIZING IT TO ISSUE DEBT SECURITIES**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Code §§ 2-505, 34-502 (2001), and 15 DCMR § 3501.8 (2000), of its approval of the Application of Potomac Electric Power Company (“Pepco” or “Company”) for a certificate authorizing the Company to issue and sell long-term secured and unsecured Debt Securities in the amount up to \$750 million.¹

2. In its Application, filed on July 16, 2014, Pepco requests authority to issue and sell up to \$750 million of long-term secured and unsecured debt securities for a three-year period.² The Company states that it plans to use the proceeds from the financing for six primary purposes: (1) to refund maturing debt securities; (2) for redemptions; (3) to refund outstanding securities of the Company, should market conditions make refinancing feasible; (4) to refund short-term debt incurred to finance utility construction and operations on a temporary basis; (5) to fund ongoing capital requirements of the Company; and (6) for other general corporate purposes.³ Pepco further states that the precise timing and types of financing selected will depend on factors such as prevailing and anticipated market conditions, the costs and volume of the Company’s anticipated and outstanding short-term debt, the costs of the Company’s outstanding securities, and capital structure considerations.⁴ Pepco also seeks expedited review of its Application under the Commission’s expedited review process in Chapter 35 of the Commission’s rules (15 DCMR §§ 3500-3505 (2000)).⁵

¹ *Formal Case No. 1124, In the Matter of the Application of Potomac Electric Power Company for a Certificate Authorizing it to Issue and Sell up to \$750,000 of Long-Term Secured and Unsecured Debt Securities (“Formal Case No. 1124”), Application for Expedited Review, filed July 16, 2014 (“Pepco Application”).*

² Pepco Application at 6.

³ Pepco Application at 2.

⁴ Pepco Application at 2.

⁵ Pepco Application at 1. *See also* 15 DCMR § 3501.1, describing the Commission’s expedited review process: “An application for authority to issue or amend tariffs or issue stock or evidences of indebtedness that are payable in more than one year shall be approved by the Commission within thirty

3. A Notice of Proposed Issuance of Stock or Evidences of Indebtedness (“NOPI”) was published in the *D.C. Register* on July 25, 2014, inviting public comments or objections to the Application.⁶ No public comments or objections were filed in response to the NOPI. Thereafter, the Commission, at its open meeting held on September 18, 2014, took final action to approve Pepco’s Application as filed.⁷ Pursuant to 15 DCMR § 3501.8, the Commission’s approval shall become effective upon publication of this Notice in the *D.C. Register*.

4. Pepco’s Application and supporting documentation are on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, or may be viewed on the Commission’s website by visiting www.dcpssc.org and, under the “eDocket System” tab, selecting “Search Current Dockets” and typing “FC 1124” in the field labeled “Select Case Number.” Copies of the Application are available, upon request, at a per-page reproduction fee.

(30) days after the publication date in the *D.C. Register*, provided that: (1) no objection is filed within thirty (30) days after the publication date; and (2) the Commission does not order additional time for review of the application.”

⁶ 61 D.C. Reg. 7521 (2014).

⁷ *Formal Case No. 1124*, Order No. 17634, issued September 18, 2014.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

GT97-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS RATE SCHEDULE NO. 6,

GT06-1, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND GENERAL SERVICE PROVISION NO. 23,

and

FORMAL CASE NO. 1027, IN THE MATTER OF THE EMERGENCY PETITION OF THE OFFICE OF THE PEOPLE'S COUNSEL FOR AN EXPEDITED INVESTIGATION OF THE DISTRIBUTION SYSTEM OF WASHINGTON GAS LIGHT COMPANY

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice that on September 16, 2014, Washington Gas Light Company ("WGL") filed its Annual Surcharge Filing for the Plant Recovery Adjustment ("PRA") surcharge for 2014.¹ This surcharge recovers the costs of WGL's vintage coupling replacement and encapsulation program ("Program") approved in Order No. 15627.²

2. The 2014 Annual Surcharge Filing contains several tables detailing the calculation of the 2014 PRA surcharge. The first chart contains the elements that comprise the PRA surcharge and shows the formulas WGL uses in its calculations.³ The second chart details the total expenditures from January 1, 2010 through June 30, 2014.⁴ The third chart shows the depreciation expense from July 2013 through September 2014.⁵ The fourth chart shows the utility cost of capital for the twelve (12) months ending September 30, 2011.⁶ The fifth chart shows the budget therms (cycle) from November 2014 through September 2015.⁷

¹ *Formal Case No. 1027, In the Matter of the Emergency Petition of the Office of the People's Counsel for an Expedited Investigation of the Distribution System of Washington Gas Light Company, GT97-3, GT06-1 ("Formal Case No. 1027, GT97-3, GT06-1"), Washington Gas Light Company's Annual Surcharge Filing ("2014 WGL Annual Surcharge Filing"), filed September 16, 2014.*

² *Formal Case No. 1027, GT97-3, GT06-1, Order No. 15627, rel. December 16, 2009.*

³ 2014 WGL Annual Surcharge Filing at 1.

⁴ 2014 WGL Annual Surcharge Filing at 2.

⁵ 2014 WGL Annual Surcharge Filing at 3.

⁶ 2014 WGL Annual Surcharge Filing at 4. The Commission notes that the reference to September 30, 2011 may be a typographical error.

⁷ 2014 WGL Annual Surcharge Filing at 5.

3. All persons interested in commenting on the 2014 Annual Surcharge Filing may submit written comments and reply comments no later than ten (10) and twenty (20) days, respectively, after the issuance of this Notice. Comments are to be addressed 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. Copies of the 2014 Annual Surcharge Filing may be obtained by visiting the Commission's website at www.dcpssc.org. Once at the website, open the "eDocket" tab, click on "Search database" and input "FC 1027" as the case number and "368" as the item number. Copies may also be purchased at cost by contacting the Commission Secretary at (202) 626-5150 or bwestbrook@psc.dc.gov.

**THE DISTRICT OF COLUMBIA COMMISSION ON THE
MARTIN LUTHER KING, JR. HOLIDAY**

NOTICE OF PUBLIC MEETING

**Wednesday, October 1, 2014
200 I Street SE Washington, DC 20001**

The District of Columbia Commission on the Martin Luther King, Jr. Holiday will hold its open public meeting on Wednesday, October 1, 2014 at 1:00 pm in the Offices of the DC Commission on the Arts and Humanities. The Commission on the Martin Luther King, Jr. Holiday will be in attendance to discuss program events being planned for January 2015.

The regular monthly meetings of the District of Columbia Commission on the Martin Luther King, Jr. Holiday are held in open session on the first Wednesday of the month. If you have any questions or concerns, please feel free to contact Sharon Anderson at sharond.anderson@dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, October 2, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

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

DRAFT AGENDA

- | | | |
|----|--|-----------------------|
| 1. | Call to Order | Board Chairman |
| 2. | Roll Call | Board Secretary |
| 3. | Approval of September 4, 2014 Meeting Minutes | Board Chairman |
| 4. | Committee Reports | Committee Chairperson |
| 5. | General Manager's Report | General Manager |
| 6. | Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. | Other Business | Board Chairman |
| 8. | Adjournment | Board Chairman |

**WILLIAM E. DOAR JR. PUBLIC CHARTER SCHOOL FOR THE PERFORMING
ARTS**

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

Student Assessment Services

The William E. Doar Jr. Public Charter School for the Performing Arts intends to enter into a sole source contract with The Achievement Network for student assessment services to help identify and close gaps in student learning for the upcoming school year.

- WEDJ constitutes the sole source for The Achievement Network for student assessment services that will lead to student achievement.
- For further information regarding this notice contact **bids@wedjschool.us** no later than **4:00 pm October 6, 2014.**

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

Application No. 18770 of &pizza, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to allow a fast food establishment (first floor) under section 733, and a variance from the rear yard requirements under section 774, for a one-story rear addition to an existing building in the CHC/C-2-A District at premises 405 8th Street, S.E. (Square 902, Lot 825).¹

HEARING DATES: June 10, 2014, June 17, 2014, and September 9, 2014²

DECISION DATE: September 9, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 24.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. Ultimately, the ANC submitted a letter in support of the application with conditions. At first, the ANC opposed the application, per its first letter report dated May 19, 2014, citing its concerns regarding how the collection and storage of trash would exacerbate an existing serious rodent problem in the neighborhood and asked for the Board to grant the Applicant's request for a postponement so the ANC and neighbors and the Applicant could resolve the outstanding issues. In this initial report the ANC stated that it believed the Applicant's operation would exacerbate the already existing serious rodent issue in the area. (Exhibit 26.) The Applicant, with the ANC's agreement, asked for a postponement in order to work with the ANC and neighbors on a solution.³ The Board granted the postponement. Subsequently, after extensive meetings and negotiations between the Applicant, the ANC and the neighbors, the Office of Planning ("OP"), the Department of Health, the District Department of Transportation ("DDOT"), and experts in the areas of noise mitigation, odor mitigation, rodentology, and trash containment procedures, the ANC submitted a second letter report, this time in support of the application and with a consolidated list of conditions, including indoor trash, noise mitigation, and odor control, that would satisfy

¹ The application was revised by the Applicant. (Exhibit 24.)

² The application was postponed from the June 10th and June 17th public hearings at the Applicant's request.

³ In addition to the party status applications in opposition, almost 100 neighbors signed a petition opposing the project.

BZA APPLICATION NO. 18770

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the ANC and the neighbors. The ANC's letter dated July 12, 2014, indicated that the ANC at a duly noticed, regularly scheduled public meeting on July 8, 2014, with a quorum present, the ANC voted 7-4-0 in support of the Applicant's variance request and 6:4:0 to support the Applicant's special exception request provided that the Board: (1) limit the grant of special exception to allow a fast food establishment on the first floor to a period of seven years; (2) approve the variance from the rear yard requirements for a one-story rear addition to the existing building; and (3) include in its order the enclosed list of conditions agreed to by the Applicant. (Exhibit 34.)

The Office of Planning ("OP") submitted a report in support of the application with conditions, including a 10-year period. (Exhibit 36.) OP submitted a supplemental report dated September 2, 2014, still in support of the application but revising some of the conditions to reflect the conditions agreed to by the Applicant and the ANC, but inadvertently omitted in the first OP report. (Exhibit 37.) The Department of Transportation ("DDOT") submitted a report and indicated it no objection to the application. (Exhibit 29.) Also according to the OP report, the Department of Health ("DOH") has no objection to taking the refuse through the breezeway to the street for collection. (Exhibit 36.)

A letter of support was submitted to the record by Chris Floyd, who resides in the neighborhood at 6th and South Carolina, S.E. (Exhibit 38.) He also testified in support of the application.

John West and Linda Elliot of 414 7th Street, S.E., each filed applications for party status in opposition to the application, which the Board granted. Ms. Elliot testified at the September 9th hearing about the process of how the neighbors and ANC went from their initial opposition and came to agreement with the Applicant on the application and developed the proposed conditions. Both Mr. West and Ms. Elliot withdrew their opposition and changed their position to one of support at the hearing on September 9th.

There was agreement between the ANC and neighbors and the Applicant as to all the conditions but for the term of approval. A representative of the ANC appeared at the September 9th hearing in support of the application and recommended a term of seven years. That ANC representative testified that the ANC had voted to reject a 10-year term. The ANC representative further testified that some of the ANC members had wanted even fewer years. Although the Applicant had requested a 10-year term and OP agreed to that term, the ANC did not and continued to recommend a seven-year term. Ultimately, based on the record submitted, a majority of the Board chose to grant its approval of the application with a seven-year term.

Variance Relief

The Board closed the record at the conclusion of the hearing. As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from the rear yard requirements under § 774, to allow a fast food establishment in the

BZA APPLICATION NO. 18770

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CHC/C-2-A District. As the parties in opposition had changed their opposition to support, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case together with the conditions listed therein, the Board concludes that in seeking a variance from § 774, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the requirements under § 733 to allow a fast food establishment. As the parties in opposition had changed their opposition to support, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 733, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE PLANS AT EXHIBIT 40C AND WITH THE FOLLOWING CONDITIONS:**

1. Approval shall be for a period of **SEVEN (7) YEARS** from the effective date of this Order.
2. Hours of operation shall not exceed:
 - a. Sundays through Wednesdays, 10:00 a.m. to 11:00 p.m.;
 - b. Thursdays, 10:00 a.m. to midnight; and
 - c. Fridays and Saturdays, 10:00 a.m. to 2:00 a.m.

BZA APPLICATION NO. 18770

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3. Garbage shall be collected a minimum of six days per week, and recycling a minimum of five days per week, and adhere to the following conditions:
 - a. Collections shall not occur before 7:00 a.m.;
 - b. The Applicant shall provide the garbage and recycling companies with keys to the trash enclosure;
 - c. All receptacles shall be kept within the trash enclosure only, unless being hauled to or from sanitation trucks;
 - d. All receptacles shall be secured with lids, including while within the trash enclosure and while being hauled to and from sanitation trucks. Exterior doors to the trash enclosure shall remain closed unless refuse is being hauled to sanitation trucks;
 - e. Garbage and recyclables shall be placed within receptacles within the trash enclosure only;
 - f. Garbage and recycling spills shall be cleaned as they occur;
 - g. Daily, prior to opening, the Applicant shall ensure that no debris was left within the breezeway and that the trash enclosure doors are properly shut and secure.
 - h. The trash enclosure shall be power washed weekly or more often to prevent food or grease film on the floor of the enclosure, breezeway, and receptacles; and
 - i. The Applicant shall allow DPW, DCRA and Zoning Administrator inspectors to access the trash enclosure and breezeway.
4. The Applicant shall use vent-less oven systems and install a vent-less hood system over each oven. Exhaust through the front of the building shall be maintained to a minimum.
5. No events shall be permitted on the roof or at the rear of the property.
6. No outdoor seating shall be permitted, including the rear yard and the roof. Employees shall not be permitted to take breaks within the rear yard or the breezeway.
7. The HVAC unit at the rear of the property shall be replaced with a new HVAC unit and be relocated to the roof, with soundproofing to meet the standards employed by ArtUSA (or similar noise control product business) at 413 8th Street, S.E. The condenser/AC unit to be installed atop the trash enclosure shall meet the same soundproof standard. No additional mechanical equipment shall be installed on the roof or at the rear of the property.
8. The trash enclosure (as depicted in the plans in Exhibit 40C) shall include a trash compactor, cardboard baler (as depicted in Exhibit 40E), and odor control unit to be constructed as proposed. The trash enclosure shall comply with the recommendations contained in the rodentologist report dated May 22, 2014, (Exhibit 40D), except for nos. 12, 15, and 16, which are not applicable to this site.

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- 9. Deliveries shall be made through the front only. No deliveries shall be made through the breezeway.
- 10. The Applicant shall frequently remove trash and debris from the sidewalk to the front of the property and power wash this area regularly.

VOTE: **4-1-0** (Lloyd J. Jordan, Marnique Y. Heath, S. Kathryn Allen, and Jeffrey L. Hinkle, to APPROVE; Marcie I. Cohen, opposed).

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

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

FINAL DATE OF ORDER: September 19, 2014

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

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

PURSUANT TO 11 DCMR § 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

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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 APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 18776 of Ann Campbell, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy (§ 772.1), and open court (§ 776.3) requirements for second floor rear deck and stair additions in the C-2-A District at premises 700 and 702 Kennedy Street, N.W. (Square 3152, Lots 59 and 60).¹

HEARING DATES: June 17, 2014 and July 15, 2014²

DECISION DATE: September 16, 2014

SUMMARY ORDER

REVIEWED BY THE ZONING ADMINISTRATOR

This application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 13.)

The Board of Zoning Adjustment (“Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 4D, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 4D, which is automatically a party to this application. The ANC did not submit a report that appeared on the record at the time of the Board’s public meeting to deliberate and decide the case on September 16, 2014.³ The ANC also did not testify at the public hearing.

¹ The Applicant amended the application to seek variance relief from the lot occupancy under § 772.1 and open court requirements under § 776.3. The caption has been altered to reflect that change.

² The application was postponed from the Public Hearing of June 17, 2014 at the Applicant’s request. The case was heard on July 15, 2014. At its hearing on July 15, 2014, the Board completed public testimony, closed the record, and scheduled its decision for September 16, 2014. At that point, the ANC had not filed a report. The Board requested additional information to supplement the record, including requesting the Applicant meet with ANC 4D and ensure that the ANC letter is submitted into the record and to submit a letter of authorization for Mr. Campbell to represent his mother. Also, the Board requested OP to submit a supplemental report to include OP’s final position on the amended relief.

³ The ANC held a special public meeting on September 15, 2014, and submitted a written report dated September 15, 2014, recommending approval of the application. However, when the Board was deliberating on September 16, 2014, the report did not appear in the record and as best the Board knew, had not been filed. Further, the report was missing key information, so even had it been received in time, it would not have been given “great weight.” The ANC’s letter indicated that at a regularly scheduled, duly noticed special public meeting held on September 8, 2014, with a quorum present, the ANC met and considered the application, but the report failed to record the ANC’s actual vote. (Exhibit 35.)

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The Office of Planning (“OP”) submitted a report dated June 11, 2014, indicating that OP would not be able to support the application. The OP report was untimely, but the agency requested a waiver of the timeliness requirements which was granted by the Board. (Exhibits 26 and 27.) OP submitted a supplemental report dated September 9, 2014, in support of the variance relief. (Exhibit 33.) The District’s Department of Transportation (“DDOT”) submitted a timely report indicating it had no objection to the application. (Exhibit 25.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variances under § 3103.2 from the strict application of the lot occupancy (§ 772.1), and open court (§ 776.3) requirements in order to construct second floor rear deck and stair additions in the C-2-A District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the 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 area variances under §§ 772.1 and 776.3, 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.

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

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 10.**

VOTE: **3-0-2** (Lloyd L. Jordan⁴, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE; S. Kathryn Allen, Marnique Y. Heath, not present nor voting.)

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

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

⁴ Chairman Jordan announced at the start of the deliberations on the case on September 16, 2014, that while he had not attended the hearing, he had read the full record, including the supplemental material, and was ready to deliberate and vote on the matter.

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FINAL DATE OF ORDER: September 18, 2014

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

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

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

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

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

Application No. 18803 of Christopher Ornelas, pursuant to 11 DCMR § 3104.1, for a special exception for a three-story rear addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403) requirements in the R-4 District at premises 625 South Carolina Avenue, S.E. (Square 876, Lot 50).

HEARING DATES: July 29, 2014 and September 9, 2014
DECISION DATE: September 9, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report in support of the application. (Exhibit 25.) The Office of Planning (“OP”) recommended approval of the application. (Exhibit 26.) The D.C. Department of Transportation also recommended approval of the application. (Exhibit 22.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 223. The only parties to this case were the Applicant and ANC 6B which supported the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions

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of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 34.**

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen to APPROVE.)

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 19, 2014

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,

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FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 18819 of Neighborhood Development Company, pursuant to 11 DCMR §§ 3103.2 and 3104.1 for an area variance from the off-street parking space requirements (§ 2101.1) and a special exception from the roof structure requirements (§§ 411 and 770.6), to allow the construction of a new, four-story plus cellar residential building containing 20 units in the C-2-A District at 4308-4310 Georgia Avenue, N.W. (Square 2914, Lot 802).

HEARING DATE: September 16, 2014

DECISION DATE: September 16, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 7.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. The ANC did not submit a resolution on the application nor did it testify at the public hearing. No party in opposition appeared at the public hearing.

The Office of Planning ("OP") submitted a timely report on September 9, 2014, recommending approval of the application (Exhibit 27) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report on September 9, 2014, indicating that it had no objection to the Applicant's requests for variance and special exception relief, subject to certain conditions. (Exhibit 28.)

A letter of support was submitted by a neighbor, Charles Ford. (Exhibit 26G.)

Variance Relief

The Board closed the record at the conclusion of the hearing. As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for an area variance from § 2101.1. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that in seeking a variance from § 2101.1 the

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Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the roof structure requirements (§§ 411 and 770.6). No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR § 3104.1 and §§ 411 and 770.4, 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.

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

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE APPROVED REVISED PLANS IN THE RECORD AT EXHIBIT 26C AND THE FOLLOWING CONDITIONS:**

1. The public space adjacent to the site on Iowa Avenue shall be designed to meet DDOT landscape and public space requirements;
2. The Applicant shall offer an annual Capital Bikeshare and car share membership for the initial term of the lease for new apartment residents for the first five years the building is open, or offer an annual Capital Bikeshare and car share membership for initial condominium residents; and
3. The Applicant will provide at least ten long-term bicycle parking spaces and provide at least four short-term bicycle parking spaces in public space, subject to DDOT approval.

VOTE: **3-0-2** (Lloyd J. Jordan, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE; S. Kathryn Allen and Marnique Y. Heath, not present or participating.)

BZA APPLICATION NO. 18819**PAGE NO. 3****BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

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

FINAL DATE OF ORDER: September 22, 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 APPEARANCE, SEXUAL ORIENTATION,

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GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF SPECIAL PUBLIC MEETING**

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled Special Meetings for **October 6-9, 2014, at 6:00 P.M.**, to consider various items.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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