



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on the “At-Risk Funding for Public Schools”
- D.C. Council schedules a public hearing on the Department of Parks and Recreation Teen and Young Adult Programming
- Department of Behavioral Health notifies public of application period for new Mental Health Community Residence Facilities
- Board of Elections publishes the short title, summary statement, and legislative text for Initiative No. 77, “District of Columbia Minimum Wage Amendment Act of 2017”
- Board of Elections notifies public of an emergency polling place relocation for Precinct 14, Ward 2
- Department of Health Care Finance identifies the Department of Behavioral Health as the agency to authorize and monitor Medicaid-reimbursable substance use disorder services
- Department of Health proposes rules for termination of resuscitation in the field by paramedics and remote pronouncement of death by certain medical doctors

# DISTRICT OF COLUMBIA REGISTER

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

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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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](http://www.dccouncil.us).

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

- |         |   |
|---------|---|
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| <hr/>   |   |
| B21-849 | Omnibus Alcoholic Beverage Regulation Amendment Act of 2016<br><br>Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Committee of the Whole, Subcommittee on Local Business Development and Utilities |
| <hr/>   |   |
| B21-854 | Skyland Town Center Amendment Act of 2016<br><br>Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue  |
| <hr/>   |   |
| B21-857 | Extension of Time to Dispose of the Strand Theater Act of 2016<br><br>Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole   |
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- B21-861 Homeless Services Modernization Amendment Act of 2016  
Intro. 9-19-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
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- B21-862 Department of Consumer and Regulatory Affairs Community Partnership Amendment Act of 2016  
Intro. 9-19-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Committee of the Whole, Subcommittee on Consumer Affairs
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- B21-863 Certified Business Enterprise Bonding Liability Clarification Amendment Act of 2016  
Intro. 9-19-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Committee of the Whole, Subcommittee on Local Business Development and Utilities
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- B21-864 Tampering with a Detection Device Amendment Act of 2016  
Intro. 9-19-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
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- B21-865 Office on Youth Outcomes and Grants Establishment Act of 2016  
Intro. 9-20-16 by Councilmembers Grosso and Nadeau and referred to the Committee on Education
- 
- B21-877 Student Loan Ombudsman Establishment and Servicing Regulation Act of 2016  
Intro. 9-20-16 by Councilmembers Grosso, Nadeau, Evans, McDuffie, Allen, Bonds, and White and referred to the Committee on Committee of the Whole, Subcommittee on Consumer Affairs
-

B21-878	Fair Wage Amendment Act of 2016  Intro. 9-20-16 by Councilmembers Grosso, Cheh, Allen, White, Evans, Nadeau, and Silverman and referred to the Committee on Committee of the Whole, Subcommittee on Workforce
B21-879	Expanding Access to Justice Act of 2016  Intro. 9-20-16 by Councilmembers McDuffie, Evans, Bonds, and Silverman and referred to the Committee on Judiciary
B21-880	Rent Concession and Rent Ceiling Abolition Clarification Amendment Act of 2016  Intro. 9-20-16 by Councilmembers Cheh, Silverman, and Bonds and referred to the Committee on Housing and Community Development
B21-881	Healthy Public Buildings Assessment Act of 2016  Intro. 9-20-16 by Councilmember Cheh and referred to the Committee on Transportation and the Environment
B21-882	Green Yards Recognition Act of 2016  Intro. 9-20-16 by Councilmember Cheh and referred to the Committee on Transportation and the Environment
B21-883	Access to Treatment for Anaphylaxis Amendment Act of 2016  Intro. 9-20-16 by Councilmembers Alexander, Nadeau, May, Silverman, Grosso, Cheh, Todd, and Evans and referred to the Committee on Health and Human Services
B21-884	Rental Housing Affordability Stabilization Amendment Act of 2016  Intro. 9-20-16 by Councilmembers Bonds, Nadeau, Silverman, Cheh, White, and Chairman Mendelson and referred to the Committee on Housing and Community Development

B21-885 Four-unit Rental Housing Tenant Grandfathering Amendment Act of 2016  
Intro. 9-20-16 by Councilmembers Bonds, Silverman, Nadeau, and Cheh and referred to the Committee on Housing and Community Development

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B21-886 Stun Gun Regulation Amendment Act of 2016  
Intro. 9-20-16 by Chairman Mendelson and Councilmember McDuffie and referred to the Committee on Judiciary

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B21-887 Department of General Services Procurement Authority Amendment Act of 2016  
Intro. 9-20-16 by Chairman Mendelson and Councilmember Cheh and referred to the Committee of the Whole

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B21-888 Education Professional Development Contracting Authority Clarification Amendment Act of 2016  
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## **RESOLUTIONS**

PR21-862 Housing Finance Agency Board of Directs Stephen Green Confirmation Resolution of 2016  
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PR21-863 Interagency Council on Homelessness Robert Warren Confirmation Resolution of 2016  
Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR21-864 Interagency Council on Homelessness Donald Brooks Confirmation Resolution of 2016

Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR21-865 Interagency Council on Homelessness Albert Townsend Confirmation Resolution of 2016

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PR21-866 Interagency Council on Homelessness Margaret A. Hacskaylo Confirmation Resolution of 2016

Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR21-867 Interagency Council on Homelessness Margaret Riden Confirmation Resolution of 2016

Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR21-868 Interagency Council on Homelessness Jill Carmichael Confirmation Resolution of 2016

Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR21-869 Director of the Department of Disability Services Andrew Reese Confirmation Resolution of 2016

Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services

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- PR21-870 Board of Long Term Care Administration Shawntelle Nesmith Confirmation Resolution of 2016  
Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-871 Board of Optometry Jeffrey Kraskin Confirmation Resolution of 2016  
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- PR21-872 Board of Accountancy Ms. Kayla Futch Confirmation Resolution of 2016  
Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Committee of the Whole, Subcommittee on Boards and Commissions
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- PR21-873 Board of Accountancy Mr. Robert Todero Confirmation Resolution of 2016  
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- PR21-874 Board of Industrial Trades Shawn Ellis Confirmation Resolution of 2016  
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- PR21-875 Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2016  
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- PR21-876 Board of Real Estate Appraisers Margot D. Wilson Confirmation Resolution of 2016
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- PR21-877 Commission on Re-Entry and Returning Citizens Affairs Nicole D. Porter Confirmation Resolution of 2016
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- PR21-878 Georgetown University Refunding Revenue Bonds Project Approval Resolution of 2016
- Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
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- PR21-879 Technical Amendment Approval Resolution of 2016
- Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Committee of the Whole, Subcommittee on Local Business Development and Utilities
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- PR21-880 Pre-k Enhancement and Expansion Wavier Rulemaking Approval Resolution of 2016
- Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR21-881 Testing for Synthetic Cannabinoid Surveillance Extension Regulation Approval Resolution of 2016
- Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-885      Second Pub Crawl Approval Resolution of 2016
- Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Committee of the Whole, Subcommittee on Local Business Development and Utilities
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- PR21-889      District of Columbia Board of Ethics and Government Accountability Tameka Collier Confirmation Resolution of 2016
- Intro. 9-16-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
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- PR21-892      Glover Park Moratorium Zone Resolution of 2016
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- PR21-902      State of New Columbia Revised Boundary Approval Resolution of 2016
- Intro. 9-19-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
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- PR21-903      Sense of the Council in Condemnation of Anti-Muslim Bigotry Resolution of 2016
- Intro. 9-20-16 by Councilmembers Nadeau, Alexander, Bonds, Cheh, Evans, Grosso, McDuffie, Silverman, Allen, Todd, May, White, and Chairman Mendelson and Retained by the Council
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**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON EDUCATION  
NOTICE OF PUBLIC HEARING**  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**COUNCILMEMBER DAVID GROSSO  
COMMITTEE ON EDUCATION  
ANNOUNCES A PUBLIC HEARING**

on the

**At-Risk Funding for Public Schools**

on

**Thursday, October 27, 2016  
10:00 a.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public hearing on at-risk funding for public schools. The hearing will be held at 10:00 a.m. on Thursday, October 27, 2016 in Room 412 of the John A. Wilson Building.

In 2013, the Council passed the Fair Student Funding and School Based Budgeting Act of 2013 which added a new “at-risk” weight to the Uniform Per Student Funding Formula, among other things. Fiscal Year 2017 marks the third year that at-risk funding has been made available to local education agencies. The stated purpose of this hearing is to examine the use of at-risk funding in DCPS and public charter schools thus far and its impact on improving the academic achievement of our students most at-risk of academic failure.

Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Tuesday, October 25. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on November 10, 2016.



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

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**COUNCILMEMBER ANITA BONDS, CHAIRPERSON  
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT**

and

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

**ANNOUNCES A JOINT PUBLIC HEARING OF THE COMMITTEES ON  
B21-0688, the “Displacement Prevention Amendment Act of 2015”**

on

Thursday, October 20, 2016, at 10:00 AM  
John A. Wilson Building, Room 120  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development, and Councilmember Jack Evans, Chairperson of the Committee on Finance and Revenue, will hold a joint public hearing on B21-0688, the “Displacement Prevention Amendment Act of 2015”. The public hearing will be held on Thursday, October 20, 2016, at 10:00 AM in Room 120 of the John A. Wilson Building.

The purpose of B21-0688, the “Displacement Prevention Amendment Act of 2016”, is to provide residents who reside within the four census tracts likely to be affected by the new St. Elizabeth’s project development in Ward 8, an increase to the refundable Schedule H tax credit that is available to both tenants and homeowners. Second, the bill, would provide grants to local law school clinics and other non-profit service providers to increase their ability to provide resources to affected residents, who require assistance navigating the court system and government agencies responsible for tenant protections, displacement prevention, and enforce housing codes.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email [omontiel@dccouncil.us](mailto:omontiel@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on October 19, 2016. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue,

N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, November 3, 2016.

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

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**NOTICE OF PUBLIC HEARING ON**

**Department of Parks and Recreation Teen and Young Adult Programming;  
B21-695, the Upper Northwest Recreation Center Feasibility Study Act of 2016;  
and  
B21-741, the Recreation Center at 4<sup>th</sup> and Chesapeake St. Feasibility Study Act  
of 2016**

Thursday, October 13, 2016  
at 4:00 p.m.  
in Room 412 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Thursday, October 13, 2016, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on the Department of Parks and Recreation (DPR) Teen and Young Adult Programming; B21-695, the Upper Northwest Recreation Center Feasibility Study Act of 2016; and B21-741, the Recreation Center at 4<sup>th</sup> and Chesapeake St. Feasibility Study Act of 2016. The hearing will begin at 4:00 p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the hearing is to hear from the public regarding potential improvements to teen and young adult programming at the Department of Parks and Recreation (DPR). The Committee will examine what programming is currently offered by DPR and how DPR is engaging District youth to ensure its programming meets their needs. The Committee will also consider B21-695, which would require DPR to conduct a feasibility study on establishing a recreation center in Ward 4 north of Walter Reed, and B21-741, which would require DPR to conduct a feasibility study on establishing a recreation center in Ward 8 at 4<sup>th</sup> St. and Chesapeake St., SE.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 5 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on October 27, 2016.

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

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

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

**ANNOUNCES A PUBLIC ROUNDTABLE ON:**

**PR21-878, the “Georgetown University Refunding Revenue Bonds Project Approval  
Resolution of 2016”**

**Wednesday, September 28, 2016**

**9:45 a.m.**

**Council Chambers, Room 500 - John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue announces a public roundtable to be held on Wednesday, September 28, 2016 at 9:45 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR21-878, the “Georgetown University Refunding Revenue Bonds Project Approval Resolution of 2016”, would authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$635 million of District of Columbia refunding revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Georgetown University in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. Proceeds from the sale of revenue bonds will be used to refund existing revenue bonds.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Aide, Committee on Finance and Revenue, at (202) 724-8058 or [sloy@dccouncil.us](mailto:sloy@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization by 9:45 a.m. on Tuesday, September 27, 2016. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [sloy@dccouncil.us](mailto:sloy@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**B21-867**, Fort Dupont Ice Arena Programming Temporary Act of 2016, **B21-869**, Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2016, **B21-873**, Real Property Tax Appeals Commission Review Clarification Temporary Act of 2016, **B21-875**, Ward 5 Paint Spray Booth Prohibition Temporary Amendment Act of 2016, **B21-859**, Extension of Time to Dispose of 1300 H Street, N.E. and Approval of Amended Term Sheet Temporary Amendment Act of 2016, **B21-851**, Law Enforcement Career Opportunity Temporary Act of 2016, **B21-853**, Senior Law Enforcement Officer Temporary Act of 2016 were adopted on first reading September 20, 2016. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on October 11, 2016.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

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

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

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

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**Reprog. 21-224:** Request to reprogram \$1,000,000 of Fiscal Year 2016 Special Purpose Revenue funds budget authority from the Department of Energy and Environment (DOEE) was filed in the Office of the Secretary on September 16, 2016. This reprogramming ensures that DOEE is able to implement the Anacostia River Clean Up and Protection Act of 2009 (bag bill law).

RECEIVED: 14 day review begins September 19, 2016

**Reprog. 21-225:** Request to reprogram \$1,000,000 of Fiscal Year 2016 Special Purpose Revenue funds budget authority from the Department of Energy and Environment (DOEE) to the Pay-As-You-Go (Paygo) Capital was filed in the Office of the Secretary on September 16, 2016. This reprogramming ensures that DOEE is able to implement the Anacostia River Clean Up and Protection Act of 2009 (bag bill law).

RECEIVED: 14 day review begins September 19, 2016

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-019333

License Class/Type: C Tavern

Applicant: 1345 Corporation

Trade Name: The Big Hunt

ANC: 2B07

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

**1345 CONNECTICUT AVE NW**

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

**11/7/2016**

A HEARING WILL BE HELD ON:

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

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

**ENDORSEMENT(S): Entertainment Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-072777

License Class/Type: C Tavern

Applicant: Rock and Roll Hotel, LLC

Trade Name: Rock N Roll Hotel

ANC: 6A06

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

**1353 H ST NE**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	5 pm - 2 am	5 pm - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am
Saturday:	5 pm - 3 am	5 pm - 3 am

**ENDORSEMENT(S): Cover Charge Entertainment Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-076076

License Class/Type: C Tavern

Applicant: Red Derby, LLC

Trade Name: Red Derby

ANC: 4C04

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

**3718 14TH ST NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

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

**ENDORSEMENT(S): Sidewalk Cafe Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-077708

License Class/Type: C Tavern

Applicant: L Wisdom Corporation

Trade Name: Wisdom

ANC: 6B06

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

**1432 PENNSYLVANIA AVE SE**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

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

**ENDORSEMENT(S): Entertainment Sidewalk Cafe**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-071333

License Class/Type: C Tavern

Applicant: 51st LLC

Trade Name: The 51st State Tavern

ANC: 2A03

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

**2512 L ST NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	10 am - 2 am	10 am - 2 am
Monday:	3 pm - 2 am	3 pm - 2 am
Tuesday:	3 pm - 2 am	3 pm - 2 am
Wednesday:	3 pm - 2 am	3 pm - 2 am
Thursday:	3 pm - 2 am	3 pm - 2 am
Friday:	3 pm - 3 am	3 pm - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am

**ENDORSEMENT(S): Sidewalk Cafe**

**FOR FURTHER INFORMATION CALL: (202) 442-4423**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-073809

License Class/Type: C Nightclub

Applicant: Lucky Strike Washington DC LLC

Trade Name: Lucky Strike

ANC: 2C01

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

**701 7TH ST NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	12 pm - 2 am	12 pm - 2 am
Monday:	12 pm - 2 am	12 pm - 2 am
Tuesday:	12 pm - 2 am	12 pm - 2 am
Wednesday:	12 pm - 2 am	12 pm - 2 am
Thursday:	12 pm - 2 am	12 pm - 2 am
Friday:	12 pm - 3 am	12 pm - 3 am
Saturday:	12 pm - 3 am	12 pm - 3 am

**ENDORSEMENT(S): Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-084113

License Class/Type: C Tavern

Applicant: GC Latin Productions, LLC

Trade Name: Sabor Latino Bar & Grill

ANC: 4C04

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

**3910 14TH ST NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

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

**ENDORSEMENT(S): Entertainment Sidewalk Cafe**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-078443

License Class/Type: C Tavern

Applicant: 915 U LLC

Trade Name: Velvet Lounge

ANC: 1B02

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

**915 U ST NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	5 pm - 2 am	5 pm - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

**ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-078749

License Class/Type: C Tavern

Applicant: 917 U LLC

Trade Name: Dodge City

ANC: 1B02

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

**917 U ST NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11 am - 2 am	11 am - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

**ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-095249

License Class/Type: C Tavern

Applicant: El Pulgarcito, LLC

Trade Name: El Pulgarcito

ANC: 4D01

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

**5313 GEORGIA AVE NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7 am - 2 am	10 am - 2 am
Monday:	7 am - 2 am	9 am - 2 am
Tuesday:	7 am - 2 am	9 am - 2 am
Wednesday:	7 am - 2 am	9 am - 2 am
Thursday:	7 am - 2 am	9 am - 2 am
Friday:	7 am - 3 am	9 am - 3 am
Saturday:	7 am - 3 am	9 am - 3 am

**ENDORSEMENT(S): Dancing Entertainment**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-086545

License Class/Type: C Tavern

Applicant: 2500 Pennsylvania Avenue Investors, LLC

Trade Name: Avenue Suites/A Bar

ANC: 2A03

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

**2500 PENNSYLVANIA AVE NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7 am - 12 am	4 pm - 12 am
Monday:	6:30 am - 12 am	4 pm - 12 am
Tuesday:	6:30 am - 12 am	4 pm - 12 am
Wednesday:	6:30 am - 12 am	4 pm - 12 am
Thursday:	6:30 am - 12 am	4 pm - 12 am
Friday:	6:30 am - 12 am	4 pm - 12 am
Saturday:	7 am - 12 am	4 pm - 12 am

**ENDORSEMENT(S): Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-016642

License Class/Type: C Tavern

Applicant: PMF, Inc.

Trade Name: The Improvisation

ANC: 2B06

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

**1140 CONNECTICUT AVE NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	6 pm - 1 am	6 pm - 1 am
Monday:	6 pm - 1 am	6 pm - 1 am
Tuesday:	6 pm - 1 am	6 pm - 1 am
Wednesday:	6 pm - 1 am	6 pm - 1 am
Thursday:	6 pm - 1 am	6 pm - 1 am
Friday:	6 pm - 1 am	6 pm - 1 am
Saturday:	6 pm - 1 am	6 pm - 1 am

**ENDORSEMENT(S): Cover Charge Entertainment**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-023601

License Class/Type: C Tavern

Applicant: Am & Eve Corporation

Trade Name: Capitol Lounge (The)

ANC: 6B01

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

**229 PENNSYLVANIA AVE SE**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	10 am - 2 am	11 am - 1:45 am
Monday:	11 am - 2 am	11 am - 1:45 am
Tuesday:	11 am - 2 am	11 am - 1:45 am
Wednesday:	11 am - 2 am	11 am - 1:45 am
Thursday:	11 am - 2 am	11 am - 1:45 am
Friday:	11 am - 3 am	11 am - 2:45 am
Saturday:	10 am - 3 am	11 am - 2:45 am

**ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-083420

License Class/Type: C Tavern

Applicant: Green Zebra, LLC

Trade Name: Lost Society

ANC: 1B12

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

**2001 14TH ST NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

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

**ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-097774

License Class/Type: C Tavern

Applicant: TG CIGARS, INC

Trade Name: TG Cigars

ANC: 2F06

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

**1118 9TH ST NW**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	8am - 2am	10 am - 2am
Monday:	8am - 2am	10 am - 2am
Tuesday:	8am - 2am	10 am - 2am
Wednesday:	8am - 2am	10 am - 2am
Thursday:	8am - 2am	10 am - 2am
Friday:	8am - 3am	12pm - 3am
Saturday:	8am - 3am	12 pm - 3am

**ENDORSEMENT(S): Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-083822

License Class/Type: C Tavern

Applicant: Chapter II Corp.

Trade Name: Atlas Arcade/Church & State

ANC: 6A01

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

**1236 H ST NE**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	9 am - 2 am	9 am - 2 am
Monday:	12 pm - 2 am	12 pm - 2 am
Tuesday:	12 pm - 2 am	12 pm - 2 am
Wednesday:	12 pm - 2 am	12 pm - 2 am
Thursday:	12 pm - 5 am	12 pm - 2 am
Friday:	12 pm - 5 am	12 pm - 3 am
Saturday:	9 am - 5 am	9 am - 3 am

**ENDORSEMENT(S): Cover Charge Dancing Entertainment**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/23/2016**

Notice is hereby given that:

License Number: ABRA-094158

License Class/Type: C Tavern

Applicant: ICH Prop LLC

Trade Name: The Public Option

ANC: 5C06

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

**1601 RHODE ISLAND AVE NE**

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

**11/7/2016**

**A HEARING WILL BE HELD ON:**

**11/21/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 2 am	8 am - 2 am
Saturday:	8 am - 2 am	8 am - 2 am

**ENDORSEMENT(S): Brewpub Dancing Entertainment Sidewalk Cafe**

FOR FURTHER INFORMATION CALL: (202) 442-4423



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: September 23, 2016  
 Petition Date: November 7, 2016  
 Hearing Date: November 21, 2016  
 Protest Hearing Date: January 25, 2017

License No.: ABRA-103722  
 Licensee: Modmaket, LLC  
 Trade Name: Modern Market  
 License Class: Retailer’s Class “C” Restaurant  
 Address: 1010 Vermont Avenue, N.W, Suite 102  
 Contact: Kayla Brown: (407) 279-9326

WARD 2                      ANC 2F                      SMD 2F05

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 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for January 25, 2017 at 1:30 pm.

**NATURE OF OPERATION**

A restaurant offering a variety of menu items such as salads, soups, and breakfast items and serving alcohol on-premise only. Total number of seats: 45. Total Occupancy Load: 63.

**HOURS OF OPERATION**

Sunday through Saturday 7 am – 9 pm

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

Sunday through Saturday 8 am – 9 pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: September 23, 2016  
Petition Date: November 7, 2016  
Hearing Date: November 21, 2016  
Protest Date: January 25, 2017

License No.: ABRA-104138  
Licensee: Four Aces, LLC  
Trade Name: Shawshank Diner  
License Class: Retailer’s Class “C” Restaurant  
Address: 906 P Street, N.W.  
Contact: Joyce Njoroge: (301) 841-5287

WARD 2

ANC 2F

SMD 2F06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on January 25, 2017 at 4:30pm.

**NATURE OF OPERATION**

A full-service restaurant serving American food. Sidewalk Café with 34 seats. Total Occupancy Load of 30 seats inside premises.

**HOURS OF OPERATION**

Sunday through Thursday 7:00 am- 1:30 am, Friday and Saturday 7:00 am – 2:30 am

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

Sunday through Thursday 10:00 am- 1:30 am, Friday and Saturday 10:00 am – 2:30 am

**HOURS OF OPERATION FOR SIDEWALK CAFE**

Sunday through Saturday 7:00 am – 1:30 am

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE**

Sunday through Saturday 10:00 am – 1:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 23, 2016
Petition Date: November 7, 2016
Hearing Date: November 21, 2016

License No.: ABRA-102576
Licensee: Tillman Group, LLC
Trade Name: Vieux Carre
License Class: Retailer's "C" Tavern
Address: 1413 K Street, N.W.
Contact: Amy Veloz: (202) 686-7600

WARD 2

ANC 2F

SMD 2F05

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 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

Applicant requests an expansion to include the basement level. Current Total Occupancy Load is 350.

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

Sunday through Thursday 7:00 am to 2:00 am, Friday and Saturday 7:00 am to 3:00 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday 8:00 am to 2:00 am, Friday and Saturday 8:00 am to 3:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6:00 pm to 2:00 am, Friday and Saturday 6:00 pm to 3:00 am

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD****NOTIFICATION OF NEW FACILITY LOCATION**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of BASIS DC Public Charter School's (BASIS PCS) intent to expand the grade levels it's currently approved to serve. BASIS PCS is currently in its fifth year of operation serving students in grades fifth through twelfth grade at a single campus located in Ward 2. The school is requesting to amend its charter agreement by expanding its grade levels served to include a PK3-5 elementary school beginning in school year 2017-2018. If approved, the school proposes to open two new elementary campuses; the first in SY 2017-2018, and the second in SY 2020-2021. A public hearing regarding this item will be held on October 17, 2016 at 6:30 p.m.; a vote will be held on November 21, 2016 at 6:30 p.m. To submit public comments, you may do so by one of the actions below. All comments must be submitted on or before October 17, 2016 at 4:00pm. For questions, please contact Laterica (Teri) Quinn, Equity and Fidelity Specialist, at 202-328-2660 or [lquinn@dcpcsb.org](mailto:lquinn@dcpcsb.org).

**Submitting Public Comment:**

1. Submit a written comment via:
  - (a) E-mail: [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org)
  - (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> ST. NW., Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier\*: Same as postal address above
  - (d) Phone: 202-328-2660
2. Sign up to testify in-person at the public hearing on October 17, 2016, by emailing a request to [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org) by no later than 4 p.m. on Thursday, October 13, 2016.

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

**TIME AND PLACE:**            **Thursday, December 1, 2016, @ 6:30 p.m.**  
   **Jerrily R. Kress Memorial Hearing Room**  
   **441 4th Street, N.W., Suite 220-S**  
   **Washington, D.C. 20001**

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

**Case No. 16-18 (Georgetown University – 2017-2036 Campus Plan)**

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

On September 1, 2016, the Office of Zoning received an application from Georgetown University (the “Applicant”). The Applicant is requesting approval of the 2017-2036 Georgetown University Campus Plan for property located in Squares 1222, 1223, 1226, 1248, and 1321 (Square 1222, Lots 62, 801, and 802; Square 1223, Lots part of 65, part of 66, part of 67, 86, 807, 808, 809, 810, 812, 815, 826, 827, 831, 834, 843, 846, 847, 852, 853, 855, 857, and 858; Square 1226, Lots 94, 95, 96, 97, 98, 99, 100, 101, 105, 106, 107, 108, 803, 804, 806, 811, 812, 813, and 814; Square 1248, Lots 150, 151, 152, 153, 154, 155, 156, 157, 160, 161, 162, 800, 801, 802, 804, 806, 829, 830, 831, 834, and 835; and Square 1321, Lots 811, 815, 816, 821, 823, 824, 825, 826, 828, 829, 830, 831, 832, 833, 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, and 7008).

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 4.

**How to participate as a witness.**<sup>1</sup>

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

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<sup>1</sup> **Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

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

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <https://app.dcoz.dc.gov/Help/Forms.html>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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

**ANTHONY J. HOOD, 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 Notice of Final Rulemaking and Z.C. Order No. 08-06E issued by the Zoning Commission for the District of Columbia and published in the *D.C. Register* on August 26, 2016, at 63 DCR 10932.

The final rulemaking amended Subtitle A (Authority and Applicability), Chapter 1 (Introduction to Title 11), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR). An amendment to § 102.4 of § 102 (Vested Rights Under the Previous 1958 Zoning Regulations, As Amended) mistakenly referenced language proposed in an upcoming case and not what the Zoning Commission previously proposed and voted to adopt.

The correction to the final rulemaking is made below (additions are shown in **bold underlined** text and deletions are shown in ~~striketrough~~ text):

**Chapter 1, INTRODUCTION TO TITLE 11, of Title 11-A DCMR, AUTHORITY AND APPLICABILITY, is amended as follows:**

**Section 102, VESTED RIGHTS UNDER THE PREVIOUS 1958 ZONING REGULATIONS, AS AMENDED, § 102.4, is corrected as follows:**

102.4        ~~An application to the Board of Zoning Adjustment or the Zoning Commission for a modification, other than a minor modification, to a vested project shall conform with the 2016 Regulations.~~ **Any proposed amendment or modification to a vested project identified within this section that cannot be granted by the Zoning Administrator as a deviation permitted by Subtitle A § 304 or as a minor modification permitted by Subtitle X § 311.6 shall conform with the 2016 Regulations and if no building permit has been issued for the vested project, the entire project must conform with the 2016 Regulations.**

This Errata Notice's correction to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of August 26, 2016.

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 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001, email at [victor.reid@dc.gov](mailto:victor.reid@dc.gov), or via telephone at (202) 727-5090.



## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of amendments to Section 1922, entitled “Employment Readiness Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).

These final rules combine two related provisions, state the required staff-to-person ratio, and change the reimbursement rate for employment readiness services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. The corresponding amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective as of September 24, 2015.

Employment readiness services provide learning and work experiences, including volunteer work, where the person can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 24, 2016, at 63 DCR 008896, which amended the rules by rewriting Subsection 1922.20 to include the language in former Subsection 1922.25, adding a new Subsection 1922.25 to state the required staff-to-person ratio, and changing the reimbursement rate in Subsection 1922.26 for Waiver Year 4. The emergency rulemaking was adopted on June 14, 2016, became effective immediately, and shall remain in effect until October 12, 2016, or superseded by publication of this Notice of Final Rulemaking in the *D.C. Register*. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director adopted these rules as final on September 12, 2016, and they shall be effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Subsections 1922.20, 1922.25 and 1922.26 of Section 1922, EMPLOYMENT READINESS SERVICES, are amended to read as follows:**

1922.20 Medicaid reimbursement will only cover services furnished to a person enrolled in the Waiver for up to eight (8) hours per day, not to exceed forty (40) hours per week, which will not include reimbursement for travel time spent in transportation to and from the program.

...

1922.25 Each provider of employment readiness services shall maintain the required staff-to-person ratio, as indicated in the person's ISP and Plan of Care, with a maximum staffing ratio of 1:4.

1922.26 The billable unit of service for Medicaid reimbursable employment readiness services shall be fifteen (15) minutes. The reimbursement rate for employment readiness services shall be eighteen dollars and seventy-six cents (\$18.76) per hour or four dollars and sixty-nine cents (\$4.69) per billable unit. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes in order to be able to bill a unit of service.



- 9102 Provider Screening And Enrollment
- 9103 Administrative Actions
- 9104 Reimbursement
- 9105 Records
- 9106 Audits And Reviews

**9100 GENERAL PROVISIONS**

9100.1 The purpose of this chapter is to establish requirements governing Medicaid reimbursement for Adult Substance Abuse Rehabilitative Services (ASARS).

9100.2 In order to be eligible for treatment in the ASARS program, beneficiaries shall be subject to the following:

- (1) Medicaid eligibility requirements set forth in Chapter 95 (Medicaid Eligibility) of Title 29 of the District of Columbia Municipal Regulations (DCMR); and
- (2) Substance Use Disorder (SUD) treatment eligibility factors set forth in § 6301 of Title 22-A DCMR.

9100.3 The Department of Behavioral Health (DBH) shall be responsible for establishing standards for determining each adult Medicaid beneficiary's eligibility for treatment under the ASARS program pursuant to the requirements set forth in Chapter 63 of Title 22-A DCMR.

**9101 PROVIDER CERTIFICATION**

9101.1 Each ASARS treatment provider shall be certified and comply with the certification requirements set forth by DBH pursuant to Chapter 63 (Certification Standards for Substance Use Disorder Treatment and Recovery Providers) of Title 22-A DCMR.

**9102 PROVIDER SCREENING AND ENROLLMENT**

9102.1 Prior to enrolling in Medicaid, each ASARS treatment provider shall first be certified by DBH in accordance with § 9101.1 of this chapter. Once certified, each ASARS treatment provider shall:

- (a) Be screened and enrolled in Medicaid pursuant to Chapter 94 (Medicaid Provider and Supplier Screening, Enrollment, and Termination) of Title 29 DCMR in order to be eligible for reimbursement under the Medicaid program; and
- (b) Include proof of certification in the application for enrollment in Medicaid.

**9103 ADMINISTRATIVE ACTIONS**

9103.1 Each Medicaid-enrolled ASARS treatment provider shall be subject to the administrative actions set forth under Chapter 13 (Medicaid Program Administrative Procedures) of Title 29 DCMR.

#### **9104 REIMBURSEMENT**

9104.1 ASARS shall be reimbursed according to a fee schedule rate for ASARS services included in an approved treatment plan, as described in Chapter 63 of Title 22-A DCMR. The fee schedule shall be published on the DHCF's website at [www.dc-medicaid.com](http://www.dc-medicaid.com).

#### **9105 RECORDS**

9105.1 Each Medicaid-enrolled ASARS provider shall maintain beneficiary records and individual treatment plans in a manner that will render them amenable to audit and review by the U.S. Department of Health and Human Services, the Department of Health Care Finance (DHCF), DBH, and their authorized designees or agents.

9105.2 Each Medicaid-enrolled ASARS provider shall maintain, and make available complete financial records covering its operations upon request by the U.S. Department of Health and Human Services, DHCF, DBH and their authorized designees or agents.

9105.3 All required financial and treatment records and information shall be maintained in accordance with requirements set forth under Chapter 63 of Title 22-A DCMR.

#### **9106 AUDITS AND REVIEWS**

9106.1 This section sets forth the requirements for audits and reviews of ASARS services. DHCF shall perform regular audits of ASARS providers to ensure that Medicaid payments are consistent with efficiency, economy and quality of care, and made in accordance with federal and District conditions of payment. The audits shall be conducted at least annually and when necessary to investigate and maintain program integrity. DHCF may delegate the authority for audits and reviews described herein to DBH pursuant to a written memorandum of agreement. Any written memorandum of agreement shall require that DBH comply with the provisions of this section as DHCF's designee.

9106.2 DHCF shall perform routine audits of claims, by statistically valid scientific sampling, to determine the appropriateness of ASARS services rendered and billed to Medicaid to ensure that Medicaid payments can be substantiated by documentation that meets the requirements set forth in this rule, and made in accordance with federal and District rules governing Medicaid.

- 9106.3 If DHCF determines that claims are to be denied, DHCF shall recoup those monies erroneously paid to an ASARS provider for denied claims, following the period of Administrative Review as set forth in this rule.
- 9106.4 DHCF shall issue a Proposed Notice of Medicaid Overpayment Recovery (PNR) to the ASARS provider, which sets forth the reasons for the recoupment, the amount to be recouped, and the procedures and timeframes for requesting an Administrative Review of the PNR.
- 9106.5 The ASARS provider shall have thirty (30) calendar days from the date of the PNR to request an Administrative Review. The provider shall submit documentary evidence and/or written argument against the proposed action to DHCF in the request for an Administrative Review. If the provider fails to respond within thirty (30) calendar days, DHCF shall issue a Final Notice of Medicaid Overpayment Recovery (FNR), which shall include the procedures and timeframes for requesting an appeal.
- 9106.6 DHCF shall review the documentary evidence and/or written argument submitted by the ASARS provider against the proposed action described in the PNR. After this review, DHCF may cancel its proposed action, amend the reasons for the proposed recoupment and/or adjust the amount to be recouped. DHCF shall issue a FNR, which shall include the procedures and timeframes for requesting an appeal.
- 9106.7 Within fifteen (15) calendar days from date of the FNR, the ASARS provider may appeal the FNR by filing a written notice of appeal from the determination of recoupment with the Office of Administrative Hearings. The written notice requesting an appeal shall include a copy of the FNR, description of the item to be reviewed, the reason for review of the item, the relief requested, and any documentation in support of the relief requested.
- 9106.8 In lieu of the off-set of future Medicaid payments, the ASARS provider may choose to send a certified check made payable to the District of Columbia Treasurer in the amount of the funds to be recouped.
- 9106.9 Filing an appeal shall not stay any action to recover any overpayment.
- 9106.10 Each Medicaid-enrolled ASARS provider shall allow access during an onsite audit or review to DHCF, its designee, DBH, other authorized District of Columbia government officials, the Centers for Medicare and Medicaid Services (CMS), and representatives of the United States Department of Health and Human Services, to relevant records and program documentation.
- 9106.11 Each Medicaid-enrolled ASARS provider shall facilitate audits and reviews by maintaining the required records and by cooperating with the authorized personnel assigned to perform audits and reviews.

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

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07 (2012 Repl. & 2016 Supp.)), hereby gives notice of her intent to adopt an amendment to Chapter 34 (Mental Health Rehabilitation Services Provider Certification Standards) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this proposed rule is to amend Section 3410 to eliminate the progress note that providers are currently required to complete monthly for each consumer. The requirement for the progress note was to ensure clinical oversight of the services provided to the consumer; while clinical oversight is still critical, it is now satisfied through compliance with the Department’s policy on supervision (DBH Policy #710.3B, Standards in Supervision of Community-Based Mental Health and Substance Use Disorder Treatment Services), which clarifies the regulatory requirements for supervision.

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

**Chapter 34, MENTAL HEALTH REHABILITATION SERVICES PROVIDER CERTIFICATION STANDARDS of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:**

**Subsection 3410.17 of Section 3410, MHRS PROVIDER QUALIFICATIONS - GENERAL, is amended to read as follows:**

3410.17 Each provider shall comply with the Department’s policy on supervision, including requirements for the documentation of supervision.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Suzanne Fenzel, Deputy Director, Office of Strategic Planning, Policy and Evaluation, Department of Behavioral Health, at 64 New York Ave., N.E., 3rd Floor, Washington, D.C. 20002, or e-mailed to [SuzanneM.Fenzel@dc.gov](mailto:SuzanneM.Fenzel@dc.gov). Copies of the proposed rules may be obtained from [dbh.dc.gov](http://dbh.dc.gov) or from the Department of Behavioral Health at the address above.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 24 of the Emergency Medical Services Act of 2008 (Act), effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.23 (2012 Repl.)), and Mayor's Order 2009-89, dated June 1, 2009, hereby gives notice of the intent to adopt the following rules to amend Chapter 5 (Emergency Medical Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

This rulemaking will provide for termination of resuscitation in the field by paramedics and remote pronouncement of death by certain medical doctors following termination of resuscitation by a certified 911 paramedic.

Pursuant to D.C. Official Code § 7-2341.23(b), this rulemaking shall be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holiday, and days of Council recess.

**Chapter 5, EMERGENCY MEDICAL SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 526, EMS PROVIDERS: SCOPE OF SERVICES, is amended by adding new Subsections 526.6-526.13 to read as follows:**

- 526.6 A paramedic sponsored by the District of Columbia Government's 911 EMS agency may terminate resuscitation in the field if:
- (a) The paramedic is issued a proper order by a Medical Control Base Station Physician currently licensed in the District of Columbia and authorized by the Medical Director of the District Government's 911 EMS agency;
  - (b) The paramedic is currently certified by the District of Columbia and authorized by the Medical Director of the District Government's 911 EMS agency;
  - (c) The paramedic follows the termination of resuscitation protocol that has been approved by the Department of Health; and
  - (d) All paramedics present on the scene and involved in the resuscitation agree that termination is appropriate.
- 526.7 Once a termination of resuscitation order has been issued, resuscitation efforts shall stop and the Metropolitan Police Department shall be notified by the 911



EMS provider on the scene, except as otherwise provided in the Fire and Emergency Medical Services Department's pre-hospital treatment protocols.

526.8 A Medical Control Base Station Physician or the Medical Director of the District Government's 911 EMS agency may pronounce a person dead following termination of resuscitation in the field, as authorized pursuant to Subsection 526.6, without personally examining that person's body only if:

- (a) The authorized paramedic has recited the facts of the person's present medical condition;
- (b) The paramedic attests that he or she adhered to the termination of resuscitation protocol; and
- (c) The Medical Control Base Station Physician or Medical Director of the District Government's 911 EMS agency is satisfied that death has occurred.

526.9 If a person is determined presumed dead on arrival by a District Government 911 EMS provider holding any certification level, a Medical Control Base Station Physician or the Medical Director of the District Government's 911 EMS agency may pronounce that person dead without personally examining the person's body only if:

- (a) The patient presents pulseless and apneic with one (1) or more of the following:
  - (1) Rigor mortis;
  - (2) Dependent lividity;
  - (3) Decomposition;
  - (4) Traumatic injuries incompatible with life such as organ destruction of the brain or thoracic contents, or decapitation;
  - (5) Incineration;
  - (6) Submersion for greater than twenty-four (24) hours;
  - (7) A valid out-of-hospital do not resuscitate order is present; or
  - (8) A licensed physician on the scene orders that resuscitation not be attempted.

- (b) The District Government's 911 EMS provider on the scene has recited the facts of the person's present medical condition to the Medical Central Base Station Physician or the Medical Director of the District Government's 911 EMS agency; and
  - (c) The District Government's 911 EMS provider attests that the patient is not:
    - (1) Obviously pregnant; or
    - (2) Hypothermic.
- 526.10 Nothing shall be removed from the decedent's person, including any medical equipment, after a termination of resuscitation order has been issued or a death is pronounced in the field.
- 526.11 When death is pronounced in the field by the Medical Control Base Station Physician or the Medical Director of the District Government's 911 EMS agency in communication with the District Government's 911 EMS provider on the scene, that EMS provider shall document the following on the patient care report:
  - (a) The decedent's time of death;
  - (b) Criteria used to determine death;
  - (c) Location of the decedent;
  - (d) Position of the decedent;
  - (e) Condition of the decedent;
  - (f) Any care provided to the decedent prior to the pronouncement of death; and
  - (g) Name of the Medical Control Base Station Physician or Medical Director of the District Government's 911 EMS agency who pronounced the death.
- 526.12 The District Government's 911 EMS agency shall provide a copy of the patient care report, upon request, to the Office of the Chief Medical Examiner ("OCME") or the decedent's primary care physician in order for the OCME or the decedent's primary care physician to complete the pronouncement section or sections of the decedent's certificate of death.
- 526.13 The Office of the Chief Medical Examiner shall review all incidents where an order to terminate resuscitation in the field is issued and shall issue a report on incidents where the termination of resuscitation protocol was not followed. The

report shall be transmitted to the director of the Department of Health and to the Medical Director of the District Government's 911 EMS agency no less than once annually.

Comments on this proposed regulation should be submitted, in writing, to Marie-Claire Brown, Senior Assistant General Counsel, District of Columbia Department of Health, Health Emergency Preparedness and Response Administration, 899 North Capitol Street, N.E., 5<sup>th</sup> Floor, Washington, D.C. 20002 or [marie-claire.brown@dc.gov](mailto:marie-claire.brown@dc.gov), within thirty (30) days of the publication of this notice in the *D.C. Register*. Additional copies of this proposed regulation are available at the above address.

## DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c) (2), (3), (7) and (19), 14, 15, 16, 20j and 20j-3, of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986, as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 (“Vehicle-for-Hire Act”), effective March 10, 2015 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c) (2), (3), (7) and (19), 50-313, 50-314, 50-315, 50-329, and 50-329c (2012 Repl. & 2016 Supp.)), hereby gives notice of its intent to adopt an amendment to Chapters 9 (Insurance Requirements for Public Vehicles-for-Hire) and 14 (Operation of Black Cars), of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would amend Chapters 9 and 14 to expand the options for taxicab, black car, and limousine operators to comply with existing commercial insurance requirements. The rules would allow operators to present digital insurance information during traffic stops to verify their compliance with Chapter 9, and would also authorize vehicle inspection officers to verify compliance in real time, to increase efficiency and improve the accuracy of insurance information collected. The Office may issue an administrative issuance approving the forms of digital and electronic information acceptable as proof of insurance under this paragraph.

The Commission also hereby gives notice of the intent to take final rulemaking action to adopt the proposed rule in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

**Chapter 9, INSURANCE REQUIREMENTS FOR PUBLIC VEHICLES-FOR-HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:**

**Section 900, APPLICATION AND SCOPE, is amended as follows:**

**Subsection 900.12 is amended to read as follows:**

900.12 Each operator of a public vehicle-for-hire shall carry a hard copy, or electronic or digitally-produced insurance identification card or insurance policy, displaying proof of current insurance, in his or her name, in each vehicle he or she operates that is licensed under the provisions of D.C. Official Code § 50-314 (2015 Supp.) at all times. The Office may issue an administrative issuance approving the forms of digital and electronic information acceptable as proof of insurance under this subsection. Failure to have current proof of insurance in his or her possession is a violation of this section subject to the penalties provided in § 907.

**Chapter 14, OPERATION OF BLACK CARS, is amended as follows:**

**Section 1402, OPERATING REQUIREMENTS, is amended as follows:**

**Subsection 1402.4 is amended to read as follows:**

- 1402.4 Each operator shall at all times carry on his or her person, or have readily available inside the vehicle for production upon demand by a District enforcement official, the following documents:
- (1) The operator's personal driver's license;
  - (2) The vehicle registration;
  - (3) The operator's DCTC operator's license identification card; and
  - (4) An insurance card or policy, or digital or electronic version thereof, evidencing a valid and effective commercial insurance policy meeting the requirements of Chapter 9. The Office may issue an administrative issuance approving the forms of digital and electronic information acceptable as proof of insurance under this paragraph.

Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting the Department of For-Hire Vehicles, Office of Regulatory Policy and Planning, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [dfhv@dc.gov](mailto:dfhv@dc.gov) or by mail to the Department of For-Hire Vehicles, Office of Regulatory Policy and Planning, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, SEPTEMBER 28, 2016  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson  
Members: Nick Alberti, Mike Silverstein,  
Ruthanne Miller, James Short

**Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00085;** Watergate Hotel Lessee, LLC, t/a Watergate Hotel  
2650 Virginia Ave, NW, License #91162, Retailer CH, ANC 2A  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00086;** KHP IV DC TRS, LLC, t/a Doubletree Washington DC  
1515 Rhode Island Ave, NW, License #102437, Retailer CH, ANC 2B  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00079;** Cordial Wharf, LLC, t/a Cordial Wine & Spirits, 690  
Water Street, SW, License #102733, Retailer A, ANC 6D  
**Application for a New License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00084;** H Street F&B, LLC & HBCT, LLC, t/a Crimson, 627 H  
Street, NW, License #103085, Retailer CH, ANC 2C  
**Application for a New License**  
*This hearing is cancelled due to the submission of a Settlement Agreement for  
the Board's review and approval.*

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00092;** Yetenbi, Inc., t/a Noble Lounge, 1915 9th Street, NW  
License #85258, Retailer CT, ANC 1B  
**No ABC Manager on Duty, Failed to Frame and Post the License in a  
Conspicuous Place**

Board's Calendar  
September 28, 2016

**Show Cause Hearing (Status) 9:30 AM**

**Case # 16-CMP-00345;** 301 Romeo, LLC, t/a Romeo & Juliet, 301 Massachusetts Ave, NE, License #92684, Retailer CR, ANC 6C

**No ABC Manager on Duty**

*This hearing is cancelled. The Government will be dismissing the case due to the payment of the fine.*

**Show Cause Hearing (Status) 9:30 AM**

**Case # 16-CMP-00381;** 2608 Connecticut Avenue, LLC, t/a Italian Pizza Kitchen, 2608 Connecticut Ave, NW, License #85456, Retailer CR, ANC 3C

**Failed to Import Alcoholic Beverages from a Licensed Manufacturer or Wholesaler**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 16-CMP-00408;** Black Whiskey, LLC, t/a Black Whiskey, 1410 14th Street, NW, License #91434, Retailer CT, ANC 2F

**No ABC Manager on Duty**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 16-AUD-00017;** Nispero, LLC, t/a El Nuevo Migueleno, 1721 Columbia Road, NW, License #75403, Retailer CR, ANC 1C

**Failed to File Quarterly Statements**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 16-CMP-00447;** Ristorante Piccolo, Inc., t/a Ristorante Piccolo, 1068 31st Street, NW, License #14125, Retailer CR, ANC 2E

**Failed to File Quarterly Statements**

**Show Cause Hearing\* 10:00 AM**

**Case # 16-CMP-00322;** Restaurant Enterprises, Inc., t/a Smith Point, 1338 Wisconsin Ave, NW, License #60131, Retailer CT

ANC 2E

**Substantial Change without Board Approval, Provided Entertainment Without an Entertainment Endorsement (Two Count)**

**Show Cause Hearing\* 11:00 AM**

**Case # 16-CC-00016;** L Street Market, Inc., t/a 7th L Street Market, 700 L Street, SE, License #88611, Retailer B, ANC 6B

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

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

Board's Calendar  
September 28, 2016

**1:30 PM**

**Fact Finding Hearing\***

**Case # Multiple Case Reports;** Hop and Wine Beverages, LLC, t/a Hop and Wine Beverages, 1344 4th Street NE, License #86140, Retailer A Wholesaler's ANC 5D

**Violated Terms of the Wholesaler's License**

**Fact Finding Hearing\***

**2:00 PM**

**Case # 16-251-00133;** 19th & K, Inc., t/a Ozio Martini & Cigar Lounge, 1813 M Street, NW, License #23167, Retailer CN, ANC 2B

**Assault with a Dangerous Weapon**

**Fact Finding Hearing\***

**2:30 PM**

ERLDC, LLC, t/a Escape Room Live; 3345 M Street, NW, License #104030  
Retailer D Multi-Purpose Facility, ANC 2E

**Application for a New License**

**Protest Hearing\***

**4:30 PM**

**Case # 16-PRO-00030;** Moroc & Moroc, LLC, t/a Yard & Toast, 1541 7th Street, NW, License #101636, Retailer CT, ANC 6E

**Application for a New License**

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



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
INVESTIGATIVE AGENDA

WEDNESDAY, SEPTEMBER 28, 2016  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, September 28<sup>th</sup>, 2016 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#16-CC-00104, Stop & Go Market, 3001 Sherman Avenue N.W., Retailer B, License # ABRA-071763

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2. Case#16-CC-00094, Sav-On-Liquors, 1414 14<sup>th</sup> Street N.W., Retailer A, License # ABRA-000178

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3. Case#16-CC-001127, Roland’s of Capitol Hill, 333 Penn. Avenue S.E., Retailer B, License # ABRA-078514

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4. Case#16-CC-00093, ABC Grocery, 1401 6<sup>th</sup> Street. N.W., Retailer A, License # ABRA-071204

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5. Case#16-CC-00121, Lion’s Fine Wine & Spirits, 3614 Georgia Avenue N.W., Retailer A, License# ABRA-088221

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6. Case#16-CC-00120, Target Liquor, 500 Kennedy Street N.W., Retailer A, License# ABRA-000434

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7. Case#16-CC-00138, 100 Montaditos, 300 Tingey Street S.E., Retailer DR, License# ABRA-094846

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8. Case#16-CC-00101, Lauriol Plaza Restaurant, 1835 18<sup>th</sup> Street N.W., Retailer CR, License #ABRA-024814

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9. Case#16-CC-00135, La Libertad Restaurant, 4622 14<sup>th</sup> Street N.W., Retailer CT, License # ABRA-070773.

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10. Case#16-CC-00133, Takorean, 1309 5<sup>th</sup> Street N.E., Retailer CT, License # ABRA-091197

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11. Case#16-CC-00086, Modern Liquors, 901 M Street N.W., Retailer A, License # ABRA-084387

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12. Case#16-CC-00119, Prego Again, 1617 17<sup>th</sup> Street N.W., Retailer B, License# ABRA-090326

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13. Case#16-CC-00136, Cusbah, 1128 H Street N.E., Retailer CR, License # ABRA-088779

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14. Case#16-CC-00139, Wagshals Liquor & Deli, 4855 Massachussetts Avenue N.W., Retailer A, License# ABRA-015699

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15. Case#16-CC-00096, Streets Market & Cafe, 2400 14th Street. N.W., Retailer B, License# ABRA-092095

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16. Case#16-CC-00118, Fresh Fields Whole Foods Market 2323 Wisconsin Avenue N.W., Retailer B, License #ABRA-022045

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17. Case#16-CC-00098, Bareburger, 1647 20<sup>th</sup> Street N.W., Retailer CR, License# ABRA-102759

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18. Case#16-CC-00125, Menomale, 2711 12<sup>th</sup> Street N.E., Retailer CR, License# ABRA-088564

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19. Case#16-CC-00108, The Woodner Market, 3636 16<sup>th</sup> Street N.W., Retailer A, License # ABRA- 089004

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20. Case#16-CC-00137, Willie's Sports Brew & Que, 300 Tingey Street S.E., Retailer CT,  
License# ABRA-089141

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21. Case#16-CC-00083, Holiday Liquors, 3505 Wheeler Road S.E., Retailer A, License#  
ABRA-091095

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22. Case#16-CC-00078, New Seven Market, 1406 Good Hope Road S.E., Retailer A, License#  
ABRA-095880

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23. Case#16-CC-00115, Afghan Grill, 2309 Calvert Street N.W., Retailer CR, License# ABRA-  
060278

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24. Case#16-CC-00109, Georgetown Wine & Spirits, 1500 27<sup>th</sup> Street N.W., Retailer A,  
License# ABRA-085209

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**DEPARTMENT OF BEHAVIORAL HEALTH****NOTICE**

The Director of the Department of Behavioral Health (DBH), pursuant to the authority set forth in sections 5113, 5115, 5117, 5118 and 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06, 7-1141.07 and 7-1141.08)(2013 Supp.), hereby gives notice that effective December 28, 2015, DBH will accept new applications for Mental Health Community Residence Facilities to provide Intensive Residence level of care. DBH will accept applications until December 31, 2016. The Department is seeking applicants for up to ten (10) Intensive Residence beds. Applicants shall apply in accordance with Title 22-B, D.C. Municipal Regulation, Chapter 38. Award of license does not guarantee that the applicant will receive a Human Care Agreement. Successful applicants must meet all contract requirements as determined by the Department's Office of Contracting and Procurement prior to receiving a Human Care Agreement and per diem payments in accordance with Title 22-A, D.C. Municipal Regulation, Chapter 57. Award of a Human Care Agreement is subject to availability of funds.

In evaluating applicants, the Department will consider the following: (a) the ability of the applicant to meet the requirements of Title 22-B, D.C. Municipal Regulation, Chapter 38 and Section 3837; (b) the quality and handicap accessibility of an applicant's facility; (c) the quality of an applicant's programming; (d) an applicant's record of compliance with Chapter 38 in regards to other licensed facilities; and (e) the facility's proximity to metro transit and community-based activities that are conducive to a healthy and independent lifestyle.

If you have any questions or would like to request an application, you may contact Sheila Kelly, Director of Licensure, District of Columbia Department of Behavioral Health, 64 New York Ave., NE, 3rd Floor, Washington, D.C. 20002-4347, (202) 673-3516, [Sheila.kelly@dc.gov](mailto:Sheila.kelly@dc.gov).

**CARLOS ROSARIO PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****HP Laser Printer Service and Maintenance**

Carlos Rosario International Public Charter School is seeking submissions for a Request for Proposal (RFP) for an HP laser printer service and maintenance contract. The content of the RFP submission will minimally include a 3-year term, **all** service and maintenance of 125 laser printers across 2 campuses, the provision of unlimited **OEM** toner, original HP parts, and certified HP technicians to perform any necessary work. Response are due by 5p, 9/30/2016 to Gwen Ellis at [gellis@carlosrosario.org](mailto:gellis@carlosrosario.org) She also can be contacted for a copy of the full RFP.

**OFFICE OF THE CHIEF FINANCIAL OFFICER  
Office of Revenue Analysis**

**NOTICE of INCREASES  
in the TAX YEAR 2017 STANDARD DEDUCTION,  
PERSONAL EXEMPTION, and SCHEDULE H MAXIMUM CREDIT**

**I. The Standard Deduction Amounts**

Per the D.C. Code § 47-1801, et seq., the Standard Deduction amounts (pertaining to the Individual Income Tax) for tax year 2017 is adjusted for the following:

The Washington Area Average CPI value for Calendar Year 2014:	154.24
The Washington Area Average CPI value for Calendar Year 2016:	156.59
The percent change in the index for the above time period:	1.53%

**Therefore, for tax year 2017<sup>1</sup>:**

- **the amount for single individual/married individual filers will be** **\$5,250.00**
- **the amount for head of household filers will be** **\$6,550.00**
- **the amount for married joint filers will be** **\$8,450.00**

**II. The Personal Exemption Amount**

Per the D.C. Code § 47-1806, et seq., the Personal Exemption amount (pertaining to the Individual Income Tax) for tax year 2017 is adjusted for the following:

The Washington Area Average CPI value for Calendar Year 2011:	145.22
The Washington Area Average CPI value for Calendar Year 2016:	156.59
The percent change in the index for the above time period:	7.83%

**Therefore, for tax year 2017<sup>1</sup>:**

- **the Personal Exemption amount will be** **\$1,775.00**

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<sup>1</sup> Annual dollar amount changes are rounded down to the nearest \$50.00 increment.

**III. The Schedule H Maximum Credit**

Per the D.C. Code § 47-1806, et seq., the Schedule H Maximum Credit amount (pertaining to the Individual Income Tax) for tax year 2017 is adjusted for the following:

The Washington Area Average CPI value for Tax Year 2013:	151.66
The Washington Area Average CPI value for Tax Year 2016:	156.59
The percent change in the index for the above time period:	3.25%

**Therefore, for tax year 2017<sup>2</sup>:**

- **the Schedule H Maximum Credit amount will be** **\$1,025.00**

**IV. The Schedule H Income Threshold (Non-Seniors)**

Per the D.C. Code § 47-1806, et seq., the Schedule H eligibility income threshold amount for non-seniors (pertaining to the Individual Income Tax) is adjusted for the following:

The Washington Area Average CPI value for Tax Year 2015:	155.04
The Washington Area Average CPI value for Tax Year 2016:	156.59
The percent change in the index for the above time period:	1.00%

**Therefore, for tax year 2017<sup>3</sup>:**

- **the Schedule H eligibility income threshold amount for non-seniors will be** **\$50,500.00**

**V. The Schedule H Income Threshold (Seniors)**

Per the D.C. Code § 47-1806, et seq., the Schedule H eligibility income threshold amount for seniors (pertaining to the Individual Income Tax) for tax year 2017 is adjusted for the following:

The Washington Area Average CPI value for Tax Year 2013:	151.66
The Washington Area Average CPI value for Tax Year 2016:	156.59
The percent change in the index for the above time period:	3.25%

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<sup>2</sup> Annual dollar amount changes are rounded down to the nearest \$25.00 increment.

<sup>3</sup> Annual dollar amount changes are rounded down to the nearest \$100.00 increment.

Therefore, for tax year 2017<sup>4</sup>:

- the Schedule H eligibility income threshold amount for seniors will be **\$61,900.00**

<b>A Summary of Deduction, Exemption, Credit and Income Threshold Amounts for 2017</b>			
	<b>Base Amounts</b>	<b>CPI Adjustment Factor*</b>	<b>2017 Amounts</b>
Standard Deduction for single individuals and married individual filers	\$5,200.00	1.0153	\$5,250.00
Standard Deduction for head of household filers	\$6,500.00	1.0153	\$6,550.00
Standard Deduction for married joint filers	\$8,350.00	1.0153	\$8,450.00
Personal Exemption	\$1,675.00	1.0783	\$1,775.00
Schedule H Maximum Credit	\$1,000.00	1.0325	\$1,025.00
Schedule H Income Threshold (non-seniors)	\$50,000.00	1.0100	\$50,500.00
Schedule H Income Threshold (seniors)	\$60,000.00	1.0325	\$61,900.00

\* Source: U.S. Bureau of Labor Statistics, data accessed August 19, 2016

<sup>4</sup> Annual dollar amount changes are rounded down to the nearest \$100.00 increment.



**CHILDREN'S GUILD DC PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS**

**Snow Removal**

The Children's Guild DC Public Charter School seeks qualified vendors for snow removal.

For deadlines, specifications and other bid requirements pertaining to the RFP visit  
<http://www.childrensguild.org/rfp/>.

**E.L. HAYNES PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****HVAC Services**

E.L. Haynes Public Charter School requires annual maintenance and repair services as identified for our HVAC system. W.L. Gary currently provides this service and is the only vendor who can meet our needs due to an increased number of emergency repairs we are currently. W.L. Gary representatives have discovered and are intricately involved in the solutions to problems created by other vendors. Due to the intricacy of these problems, W.L. Gary is the sole vendor who can effectively provide HVAC service to the three E.L. Haynes schools. The total cost of this contract is estimated based on currently identified problems and regular maintenance will not exceed \$250,000 for the 16/17 school year.

The Sole Source Contract will be awarded at the close of business on September 30, 2016. If you have questions or concerns regarding this notice, please contact our Procurement Officer:

Kristin Yochum  
E.L. Haynes Public Charter School  
Phone: 202.667-4446 ext 3504  
Email: [kyochum@elhaynes.org](mailto:kyochum@elhaynes.org)

**E.L. HAYNES PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Roof Replacement**

E.L. Haynes Public Charter School (“ELH”) is seeking proposals for the replacement of the roof of the elementary school portion of our building, located at 4501 Kansas Ave, NW. Bids will include all necessary work, including the insulation and membrane appropriate, provide options for using green materials, and re-using existing components where possible.

Proposals are due via email to Kristin Yochum no later than 5:00 PM on Friday, September 30, 2016. The RFP with bidding requirements can be obtained by contacting:

Kristin Yochum  
E.L. Haynes Public Charter School  
Phone: 202.667-4446 ext 3504  
Email: [kyochum@elhaynes.org](mailto:kyochum@elhaynes.org)

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
EDUCATION LICENSURE COMMISSION**

**REVISED NOTICE OF MEETING SCHEDULE**

Pursuant to the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; 23 D.C. Reg. 8734; D.C. Official Code § 38-1301 *et seq.*), and the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), the Education Licensure Commission (“Commission”) hereby gives notice of a revision to the schedule for the Commission’s October 6, 2016 Executive and Public meetings, which was last published in the D.C. Register on December 25, 2015.

The meeting, which was originally scheduled to be a work meeting, has been changed to incorporate a public session as follows:

DATE	START TIME	END TIME	LOCATION	MEETING TYPE	REASON FOR CLOSURE (if applicable)
October 6, 2016	9:00 AM	10:00 AM	810 First Street, NE 3 <sup>rd</sup> Floor Grand Hall B	Executive Session (closed)	D.C. Official Code §§ 2-575(b)(1), (4); 5 DCMR § A8204.1(b)
October 6, 2016	10:00 AM	11:30 AM	810 First Street, NE 3 <sup>rd</sup> Floor Grand Hall B	Public Session	N/A
October 6, 2016	12:00 PM	2:00 PM	810 First Street, NE 3 <sup>rd</sup> Floor Grand Hall B	Work Meeting (closed)	D.C. Official Code §§ 2-575(b)(1), (4), (12); 5 DCMR § A8204.1(c)

If you have questions regarding this schedule of Commission meetings and/or New Applicant Workshops, please contact the Executive Director of the Education Licensure Commission, Angela Lee at (202) 724-2095 or at [Angela.Lee@dc.gov](mailto:Angela.Lee@dc.gov).

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS****Public Notice of Emergency Polling Place Relocation**

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of emergency action taken at its September 14, 2016 special meeting in relocating Precinct #14, Ward 2 Polling Place.

The public is advised that the voting area for Precinct #14 will be changed from:

**St. Thomas Episcopal Parish  
1772 Church Street, N.W.  
“Guild Hall”**

and moved to:

**Carriage House Meeting Space  
1781 Church Street, N.W.  
“Meeting Room”**

The relocation was proposed when the Board was notified that the facility would not be available for the General Election because of construction and renovations to the facility.

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.

**BOARD OF ELECTIONS****NOTICE OF PUBLICATION**

The Board of Elections, at a Regular Board Meeting on Wednesday, September 7, 2016, formulated the short title, summary statement, and legislative text of the “District of Columbia Minimum Wage Amendment Act of 2017.” Pursuant to D.C. Code § 1-1001.16 (2001 ed.), the Board hereby publishes the aforementioned formulations as follows:

**INITIATIVE MEASURE**

NO. 77

**SHORT TITLE**

“District of Columbia Minimum Wage Amendment Act of 2017”

**SUMMARY STATEMENT**

If enacted, this Initiative will:

- gradually increase the minimum wage in the District of Columbia to \$15.00 hourly by 2020;
- gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2025;
- beginning in 2021, require the minimum wage to increase yearly in proportion to increases in the Consumer Price Index.

The minimum wage increases under the initiative will not apply to D.C. government employees or employees of D.C. government contractors.

**LEGISLATIVE TEXT**

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this measure may cited as the “District of Columbia Minimum Wage Amendment Act of 2017”

**--D.C. Code §32-1003--**

Section 1. Section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003), as amended by the Minimum Wage Amendment Act of 2013 (D.C. Law 20-459) is further amended as follows:

(a) Paragraph (6) of subsection (a) is amended to read as follows:

“(6) Except as provided in subsections (h) and (i) of this section, as of July 1, 2017, the minimum wage required to be paid to any employee by any employer in the District of

Columbia shall be not less than \$12.50 an hour.”

- (b) Subsection (a) is further amended by adding new paragraphs (7), (8), (9) and (10) to read as follows:

“(7) Except as provided in subsections (h) and (i) of this section, as of July 1, 2018, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be not less than \$13.25 an hour.

“(8) Except as provided in subsections (h) and (i) of this section, as of July 1, 2019, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be not less than \$14.00 an hour.

“(9) Except as provided in subsections (h) and (i) of this section, as of July 1, 2020, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be not less than \$15.00 an hour.

“(10) (A) Except as provided in subsections (h) and (i) of this section, beginning on July 1, 2021 and no later than July 1 of each successive year, the minimum wage provided in this subsection shall be increased in proportion to the annual average increase, if any, in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor for the previous calendar year. Any increase under this paragraph shall be adjusted to the nearest multiple of \$.05.

(B) The Mayor shall publish in the District of Columbia Register and make available to employers a bulletin announcing the adjusted minimum wage rate as provided in this paragraph. The bulletin shall be published at least 30 days before the annual minimum wage rate adjustment.”

- (c) Subsection (f) is amended by redesignating subsection (f) thereof as subsection (f)(1) and adding to subsection (f) the following new paragraphs (2), (3), (4), (5), (6), (7), (8), (9) and (10) to read as follows:

“(2) Except as provided in subsections (h) and (i) of this section, as of July 1, 2018, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than \$4.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(3) Except as provided in subsections (h) and (i) of this section, as of July 1, 2019, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than \$6.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference

between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(4) Except as provided in subsections (h) and (i) of this section, as of July 1, 2020, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than \$7.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(5) Except as provided in subsections (h) and (i) of this section, as of July 1, 2021, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than \$9.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(6) Except as provided in subsections (h) and (i) of this section, as of July 1, 2022, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than \$10.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(7) Except as provided in subsections (h) and (i) of this section, as of July 1, 2023, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than \$12.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(8) Except as provided in subsections (h) and (i) of this section, as of July 1, 2024, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than \$13.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(9) Except as provided in subsections (h) and (i) of this section, as of July 1, 2025, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than \$15.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(10) Except as provided in subsections (h) and (i) of this section, as of July 1, 2026, the



minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than the minimum wage as set by subsection (a) of this section.”

(d) A new subsection (i) is added to read as follows:

“(i) The provisions of paragraphs (6), (7), (8), (9) and (10) of subsection (a) of this section, and the provisions of paragraphs (2), (3), (4), (5), (6), (7), (8), (9) and (10) of subsection (f) of this section shall not apply to employees of the District of Columbia, or to employees employed to perform services provided under contracts with the District of Columbia. Such employees shall continue to be subject to the minimum wage requirements of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code §§ 32-1003, et. seq.), as amended by the Enhanced Professional Security Amendment Act of 2008, effective March 20, 2008 (D.C. Law 17-114), as amended by the Minimum Wage Amendment Act of 2013 (D.C. Law 20-459), as they existed prior to the effective date of the Fair Minimum Wage Act of 2017, and to the requirements of all other applicable laws, regulations or policies relating to wages or benefits, including but not limited to, the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.1, et seq.).”

Section 2. Nothing in this act shall be construed as preventing the Council of the District of Columbia from increasing minimum wages or benefits to levels in excess of those provided for in this Act for any category of employees, including but not limited to those employees described in D.C. Official Code section 32-1003(i) as added by this Act.

Section 3. If any section of this act or its application to any persons or circumstances is held invalid, the remainder of this measure, or the application of its provisions to other persons or circumstances, shall not be affected. To this end, the provisions of this act are severable.

Section 4. This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1971 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)).

Section 5. This act shall supersede any amendments to Section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003) enacted on or after June 1, 2016 but before the effective date of this Act.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Psychology (“Board”) hereby gives notice of its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

The Board’s next regular meeting will be held on Thursday, October 13, 2016 from 4:00 PM to 6:30 PM. The meeting will be open to the public from 4:00 PM until 4:30 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 4:30 PM to 6:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agenda.

**IDEA PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Architectural and MEP Services**

IDEA Public Charter School intends to enter into a sole source contract with Stobier + Associates for architectural services and MEP engineering design for the partial modernization of our mechanical systems. The cost is expected to be approximately \$100,000. The decision to sole source is due to the fact that we began work with this vendor last school year through directed grant funding of a facility master plan. Given the firm's knowledge of the facility, we would like to continue with Stoiber + Associates for the duration of this project with expected completion in 2017.

**IDEA PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Trancend Academy**

IDEA Public Charter School intends to enter into a sole source contract with Trancend Academy for SAT instruction, materials and practice testing for the 2016-2017 school year. The estimated yearly cost is approximately \$40,000. The decision to sole source is due to the fact that Trancend is one of the most widely used test prep companies in Washington, DC. Trancend has also worked with IDEA in the past to provide the aforementioned services. They will continue to build upon the foundation that was previously laid.

**MAYA ANGELOU PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Removal and Installation of Roof System****1. Overview of Facility**

a. Maya Angelou Public Charter School (MAPCS) is located at 5600 E Capitol Street NE, Washington, DC 20019. Our mission is to create learning communities in lower income urban areas where all students, particularly those who have not succeeded in traditional schools, can succeed academically and socially.

**2. Intent and Definitions**

a. The intent of this solicitation is to secure proposals to remove and replace the roofing system on part of the roof at MAPCS.

b. The term “owner” or “MAPCS” means Maya Angelou Public Charter School. The term “contractor” means the responsible bidder awarded the contract. The term “roof system” means all materials and labor required to install an appropriate roof system.

**3. Scope of Work**

a. Provide a detailed bid, including material, permit(s), and labor description and charges.

b. Remove old system as described during walk-through prior to submitting bid.

c. Dispose all construction debris. Clean up and removal of old roofing materials is the sole responsibility of the contractor and should be included with the submitted bid.

d. Install new roof system.

e. The owner reserves the right to consider proposals for roof system with minor variances with respect any specific requirements specified herein, but judged to meet the intent of this specification.

**4. Evaluation Criteria**

a. The following criteria will be used to evaluate each proposal:

i. Cost

ii. Function

iii. Experience

iv. Quality of the proposed installation

v. References

b. The owner will evaluate each proposal. Cost of the roof system and installation will not be the sole factor when awarding the contract. The owner reserves the right to reject any or all proposals.

**5. Contractor Expectations**

a. All bidders are expected to inspect and measure the site at 5600 E Capitol Street NE, Washington DC 20019.

b. Appointments can be scheduled by contacting Heather Hesslink at (202) 792-5655 or at [hhesslink@seeforever.org](mailto:hhesslink@seeforever.org).

**6. Eligibility**

a. To be eligible for award, the contractor shall:

i. Propose roofing materials and installation with a 30-yr minimum warranty;

ii. Be licensed to do business in the District of Columbia. The amount of the bid shall not exceed the license limit;

iii. Describe general relevant corporate experiences in constructing projects similar to the one described in this RFP;

iv. Include three references.

## 7. Materials

- a. The contractor shall:
  - i. Provide materials with a proven track record;
  - ii. Be responsible for all products, components, accessories, and methods used in installation of the roof system;
  - iii. Meet or exceed the minimum code requirements of the District of Columbia Building Code(s) for material quality, fabrication, and installation procedures.

## 8. Required Submittals

- a. At the time of bidding, the contractor shall furnish a complete bid including a detailed list of materials and labor as well as line items for each area of the roof in the bid.
- b. All bids must include:
  - i. Work start and completion dates;
  - ii. Outline of remediation plan if timeline is breached, except for an act of God;
  - iii. Sample materials, including brand name and warranty information.
  - iv. Bids may include color suggestion. However, all color options shall be provided. The final color choice will be the decision of owner.

## 9. Bid Proposal Acceptance and Information

- a. All bid proposals will be accepted until **5:00 PM on Monday, October 17, 2016**.
- b. Interested vendors will respond to the advertised Notice of RFP via upload to SmartSheet link at <https://goo.gl/iZMTsr>
- c. Any proposal received after 5:01 PM on Monday, October 17, 2016 is deemed non-responsive and will not be considered. Proposals will not be accepted by oral communications, telephone, electronic mail, telegraphic transmission or fax.
- d. All costs attributable to the preparation of a proposal or any presentation required to supplement or clarify the proposal are borne by the contractor.
- e. The owner will rank the proposals in terms of meeting the requirements of this RFP. Additional information may be sought from contractor during the evaluation period.
- f. All proposals remain valid for a minimal period of 30 days subsequent to the RFP closing date.
- g. The contractor will be required to provide a performance bond in an amount no less than the total bid. The bond shall be submitted prior to the award of the contract.

## 10. Time of Completion

- a. All construction work shall be completed no later than **December 16, 2016**.

## 11. Award

- a. The successful contractor shall enter into a contract for the performance of the work proposed and the contract shall incorporate all applicable provisions of this RFP.
- b. The owner reserves the right, in its sole discretion, to award the contract to another contractor if contract negotiations do not appear successful.

## 12. Payment for Work

- a. Unless the contract stipulates otherwise, 1/3 of the contract will be paid fourteen (14) days upon signing the contract. The remaining 2/3 of the contract will be paid in full within fourteen (14) days upon satisfactory completion of the work.

## 13. Bid

- a. In accordance with the provisions of the proposal, the undersigned hereby proposes to furnish all labor and materials for the removal and installation of roof system at Maya Angelou Public Charter School located at 5600 E Capitol Street NE, Washington DC, 20019.
- b. Please attach your detailed bid. It must include proof of licensing, liability insurance, workman compensation for contractor's employees, warranties, etc.

**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 9:00am on Wednesday, September 28, 2016. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Rooms 1/2/3. Notice of a location, time change, or intent to have a closed meeting 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](http://www.united-medicalcenter.com)).

**DRAFT AGENDA**

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. CONSENT AGENDA**
- V. READING AND APPROVAL OF MINUTES**
  - A. July 23, 2016 – General Board Meeting
- VI. EXECUTIVE MANAGEMENT REPORTS**
  - A. Luis A. Hernandez, Chief Operating Officer
  - B. Dr. Julian R. Craig, Chief Medical Officer
  - C. Dr. Raymond Tu, Medical Chief of Staff
- VII. COMMITTEE REPORTS**
  - A. Governance Committee Report
  - B. Strategic Steering Committee
  - C. Finance Committee
- VIII. OTHER BUSINESS**
  - A. Old Business
  - B. New Business
- IX. ANNOUNCEMENT**

Next Meeting – **Wednesday, October 26, 2016 at 9:00am** in Conference Rooms 2/3 on the ground level.
- X. 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 collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).



**THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**  
**REQUEST FOR PROPOSALS**

**Design/Build Firm for Classroom Conversion**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks a Design/Build Firm to convert an existing storage room into a classroom.

The **full RFP** is available on the **Employment Opportunities** page under the About tab of [www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org). Alternatively, e-mail a request for the full RFP to [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org) no later than 5 pm on Tuesday, October 11, 2016.

Amendments to or extension of the RFP, if any, will be posted exclusively on the web page described above.

**Contact:** For further information regarding the RFP contact **David Schlossman, 202-276-4722, dschlossman@tmapchs.org**. Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at [www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org).

**Deadline & Submission:** Submit bids responsive to the full RFP via **email to dschlossman@tmapchs.org** no later than **Thursday, October 13, 2016**.

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

**Application No. 19038 of Murillo Malnati Group, LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under 11 DCMR § 2101.1, to allow the construction of a new six-story, mixed-use building containing 20 dwelling units and ground floor retail in the GA/C-3-A District at premises 3831 Georgia Avenue, N.W. (Square 3028, Lot 809).

**HEARING DATE:** July 14, 2015

**DECISION DATE:** July 14, 2015

**DECISION AND ORDER**

**SELF-CERTIFIED**

Murillo Malnati Group, LLC (the “Applicant”) submitted this self-certified application on May 1, 2015, for the property located at 3831 Georgia Avenue, N.W. (Square 3028, Lot 809) (the “Site”). The Applicant requested a variance from the off-street parking requirements of 11 DCMR § 2101.1 to provide two off-street parking spaces where 10 off-street parking spaces are required. Following a public hearing, the Board of Zoning Adjustment (the “Board” or “BZA”) voted to approve the application subject to conditions.

**Preliminary Matters**

*Notice of Application and Notice of Hearing.* By memoranda dated May 7, 2015, the Office of Zoning sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the District Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 4C, the ANC within which the Site is located, Single Member District ANC 4C08, and the Councilmember for Ward 4 (Exhibits [“Ex.”] 16-20.) A public hearing was scheduled for July 14, 2015. Pursuant to 11 DCMR § 3113.13, the Office of Zoning published notice of the hearing on the application in the *D.C. Register*, and on May 13, 2015, sent such notice to the Applicant, ANC 4C, and the owners of property within 200 feet of the Site.

*Applicant’s Case.* Christopher Collins and Jessica Bloomfield of Holland & Knight LLP represented the Applicant. The Applicant presented four witnesses in support of the application at the public hearing: Julio Murillo and Don Malnati of Murillo Malnati Group, LLC; Bill Bonstra of Bonstra Haresign Architects; and Osborne R. George of O.R. George Associates, Inc.

*Government Reports.* OP filed a report with the Board dated July 7, 2015 (Ex. 40), recommending approval of the application subject to the condition that the Applicant secures off-site parking spaces for a specific term from the neighboring buildings identified in the Applicant’s Prehearing Submission. The OP report set forth the requirements for an area variance from the parking requirements of 11 DCMR § 2101.1, and opined that each requirement was met. The OP report was presented at the hearing by Stephen Gyor who testified

in support of the application.

DDOT also filed a report with the Board dated July 7, 2015 (Ex. 39), stating that it has no objection to the requested variance with the following change to the Applicant's proposed transportation demand management ("TDM") measure: "For condominium units provide complimentary annual bikeshare membership, annual car-sharing subscription and \$50 Metro SmarTrip card at the initial sale of each unit. For rental apartments provide complimentary annual bikeshare, complimentary annual car-share membership subscription or \$50 Metro SmartTrip card for the tenants of each unit for the first ten years." DDOT reported that the 3800 block of Georgia Avenue, N.W., is not currently eligible for Residential Permit Parking (RPP), and DDOT is not likely to grant RPP to the block if requested. The DDOT report was presented at the hearing by Lewis Booker who testified in support of the application.

ANC Report. ANC 4C submitted a report to the record. (Ex. 51.) The report indicated that the ANC voted to oppose the parking variance on the grounds that it would adversely impact existing parking for residents, which includes many seniors, and recommended instead that there be a "Build to Suit development of the site for a Tech startup business leveraging sites Commercial zoning and location in a (HUBZ) historical underutilized Business Zone an SBA program that provides preferential treatment to businesses located in them in Federal Government contracting. Use of DC Tech firm Startup grant money. The BZA rejection of the applicant request for an Area Variance will allow BZA to play a role in the promotion of Business or industry a function of the zoning process. Also an objective of the 2006 Comprehensive Plan". Commissioner Timothy Jones, the Single Member District Commissioner for ANC 4C08, testified at the public hearing in opposition to the application.

Persons and Organizations in Support. The Board received 41 letters in support of the application from residents located in close proximity to the Site. The Board also received a letter from Zach Teutsch, Single Member District Commissioner for ANC 4C05 (Ex. 50), who expressed his support for the project and described the importance of transit-oriented development and the value of creating additional density near the Metrorail station.

Persons and Organizations in Opposition. The Board received letters in opposition to the application from 23 individuals, and two of those individuals testified in opposition at the hearing. The written and oral testimony asserted that the parking variance would strain the availability of on-street parking in the neighborhood, particularly because it is already difficult to find on-street parking in the area.

## FINDINGS OF FACT

### The Site and the Surrounding Neighborhood

1. The Site is located in Square 3028 at 3831 Georgia Avenue, N.W. Square 3028 is located in the northwest quadrant of the District and is bounded on the north by Randolph Street, on the east by 8<sup>th</sup> Street and New Hampshire Avenue, on the south by Quincy

Street, and on the west by Georgia Avenue. Square 3028 is split-zoned: the properties on the west portion of the square with frontage on Georgia Avenue are zoned GA/C-3-A; the properties on the southeast portion of the square with frontage on Quincy Street and New Hampshire Avenue are zoned C-3-A; and the properties on the east portion of the square with frontage on Randolph Street and 8<sup>th</sup> Street are zoned R-4.

2. The Site has approximately 3,117 square feet of land area, and is presently improved with a two- and three-story building that is occupied as a funeral home. The Site is located on the southeast corner of the intersection of Georgia Avenue and Randolph Street, and abuts a 15-foot wide public alley to the rear (east). The Site is an irregularly shaped trapezoid, with a total of 34.4 linear feet of frontage on Georgia Avenue (divided in two lengths — one at 23.64 feet and one at 10.77 feet — that have different angles along Georgia Avenue); 107.88 linear feet of frontage on Randolph Street to the north; 24.97 linear feet of frontage on the public alley to the east; and 103.52 feet of linear frontage on private property to the south. The Site is located in the C-3-A District and is within the Georgia Avenue (“GA”) Overlay District.
3. The Site is situated in the Petworth/Georgia Avenue neighborhood of Washington, D.C., which is an area that is highly walkable and rich in public and private transportation alternatives. Over the past several years, Petworth has seen significant new residential and retail development, which has resulted in the area's emergence as a vibrant urban neighborhood. The Site has excellent public transportation options, with convenient access to the Georgia Avenue/Petworth Metrorail Station, multiple Metrobus routes, car- and bike-share facilities, on-street bicycle routes, and safe pedestrian infrastructure.

### **The Applicant's Project**

4. The Applicant proposes to demolish the existing building on the Site and construct a new six-story, 70-foot mixed-use retail/residential rental apartment building. The building will include approximately 1,488 square feet of ground floor retail and 20 residential units on floors two through six. The cellar will incorporate retail storage space and a bicycle storage room. The ground floor residential lobby will be accessed from Georgia Avenue, and the retail use will be accessed from Georgia Avenue and Randolph Street. Two at-grade parking spaces will be located at the rear of the Site and accessed from the public alley. The proposed project complies with all of the applicable provisions of the GA Overlay District, and the proposed uses are consistent with the Site's GA/C-3-A zoning designation. However, due to a number of site and design constraints, the Applicant is compelled to seek an area variance from the off-street parking requirements of 11 DCMR § 2101.1.

### **The Variance Relief**

*The Property Is Unusual Because of its Size, Shape or Topography and is Affected by an*

Exceptional Situation or Condition

5. The Site's irregular, long, and narrow shape, small land area, sloping topography, and corner lot location create an exceptional condition that severely limits the ability to provide more than two on-site parking spaces. The Site is small, with only 3,117 square feet of land area, and is exceptionally narrow, with only 24.97 linear feet along the rear alley. The Site is bounded by a major commercial street to the west, a less-trafficked residential street to the north, and a public alley to the east, which together impact access to the Site and the configuration of the proposed development. Given DDOT's policy of requiring parking access to be taken from an abutting public alley rather than from a street, the Applicant is required to provide parking access from the rear alley. However, the Site's rear width of 24.97 feet can only accommodate two surface parking spaces, one of which is required by the Building Code to be a handicap parking space.
6. The Site's small size and narrow dimensions also preclude the Applicant from providing below-grade parking spaces, since a minimum width of 60 feet is required in a parking garage to provide a row of parking spaces and associated drive aisles. The abutting alley is at the high point of the Site, which further impacts the ability to provide access to below-grade parking. As a result, the Site's size, dimensions, topography, and corner location collectively create an exceptional situation or condition that directly impacts the ability to provide zoning-compliant on-site parking.

Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

7. Due to the Site's rear width of only 24.97 feet and its long, narrow shape, it is impractical to accommodate 10 surface parking spaces. Lined parallel, 10 standard-sized parking spaces (9 feet x 19 feet) would require a minimum width of 90 feet, which is more than three times the Site's rear width. The Applicant also cannot provide an on-site drive aisle to access a row of surface parking spaces, since the Site is not wide enough to accommodate a 20-foot drive aisle (required by 11 DCMR § 2117.5) and a row of 19-foot long parking spaces.
8. The Applicant cannot provide below-grade parking or a ramp to access below-grade parking. A parking garage would require a minimum lot width of approximately 60 feet, which the Site cannot provide. Due to the Site's narrow width and small land area, it is also practically difficult to construct a ramp that could meet the minimum ramp width of 14 feet (required by 11 DCMR § 2117.8(c)(2)) and still provide 10 parking spaces. Once a vehicle was to reach the foot of the ramp, there would be insufficient space on the Site for vehicle turning movements, drive aisles, and row(s) of parking spaces.
9. The ability to accommodate only two parking spaces on the Site translates to an ability to provide only four dwelling units at the Site, rather than the 20 that are proposed. This limitation would result in a significant underutilization of the Site and a lost housing

opportunity, contrary to the goals of the Georgia Avenue Overlay, and which in turn would result in a practical difficulty.

*No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan*

10. The majority of building residents and retail employees and patrons will not need or want to own a car, given the Site's convenient access to multiple alternative forms of public transportation and its location in a vibrant, mixed-use neighborhood. The Site is well-served by a number of Metrobus routes along Georgia Avenue (Routes 60, 62, 63, 64, 70, 79, and H8 are all located within 0.1 miles of the Site) and is in convenient walking distance to the Georgia Avenue-Petworth Metrorail station, which is located 1.5 blocks south of the Site and services the Green and Yellow Metrorail lines. Three Capital Bikeshare stations are located within 0.5 miles of the Site (two of which are within 0.2 miles of the Site), and eight car-share spaces are located within 0.4 miles of the Site (serviced by Zipcar and Enterprise CarShare). The area is also served by point-to-point mobility options such as Uber, Lyft, and taxicabs. According to Walkscore.com, which measures the walkability and transit access of properties, the Site is rated a "Walker's Paradise" and scores 93 points out of a possible 100, due to its location in a mixed-use, walkable neighborhood with a variety of grocery stores, retail establishments, and restaurants in close proximity. DDOT has stated that it is unlikely to approve Residential Parking Permits ("RPP") for this block of Georgia Avenue, so the residents of the building are unlikely to obtain RPP stickers.
11. The Applicant testified that although not yet effective, the Zoning Commission has voted to adopt the new ZRR zoning regulations on May 29, 2015. Under the new regulations, the parking requirement for this development would be three spaces, instead of the 10 that are required under the current version of the zoning regulations.
12. The following nearby buildings have available parking spaces that can be rented daily and/or monthly by building residents, if necessary:
  - a. The Griffin (3801 Georgie Avenue, N.W. -- 210 feet away)
  - b. 3 Tree Flats Apartments (3910 Georgia Avenue, N.W. – 243 feet away)
  - c. Park Place Apartments (850 Quincy Street, N.W. – 420 feet away)

The Applicant received a letter from the owner of 3 Tree Flats Apartments (Ex. 49) indicating that it has available off-street parking spaces that could be leased to future residents of the Site.

13. As indicated in the Parking and Generalized Transportation Assessment Report, prepared by O.R. George & Associates, Inc. (Ex. 36D), the requested parking relief will not have

any adverse impacts on the local area given the availability of on-street parking on the surrounding streets. The parking inventory indicates that approximately 83% of the on-street parking within the study area is designated for RPP, with an emphasis on protecting residential uses within the area. During the highest level of on-street parking space occupancy, over 80 of the designated RPP spaces remain available. Notwithstanding that fact, the Applicant has agreed to implement a number of transportation demand management ("TDM") measures to prevent the use of RPP parking by residents of the building.

14. The Applicant will implement the following TDM measures, which will adequately mitigate any potential impacts caused by the proposed development on the availability of on-street parking in the surrounding area:
  - a. The Applicant will install a TransitScreen in the lobby to keep residents and visitors informed regarding available transportation choices and provide real-time transportation updates.
  - b. The Applicant will provide at least 20 long-term bicycle parking spaces.
  - c. Residential Parking Permits ("RPP"). The Site is located in a commercial district and along a block of Georgia Avenue, N.W. that is not listed as eligible for RPP.
    - i. The Applicant will not seek or support any change to designate the Site as eligible for RPP;
    - ii. The Applicant will include in its residential leases a provision that prohibits tenants from obtaining an RPP for the Site from the D.C. Department of Motor Vehicles ("DMV"), under penalty of lease termination and eviction;
    - iii. The Applicant will obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant every six months any and all records of that tenant requesting or receiving an RPP for the Site;
    - iv. Prior to obtaining a Certificate of Occupancy for the building, the Applicant will record a covenant among the Land Records of the District of Columbia prohibiting any tenant of the building from obtaining an RPP for so long as the Site is used as an apartment building;
  - d. For the first 10 years that the project is open, the Applicant will offer annual memberships to either Capital Bikeshare, or car-share, or a \$100 SmarTrip card to each new residential tenant of the building;

- e. The Applicant shall work with tenants to schedule no more than two move-ins/move-outs on a single day, and will schedule the major loading and off-loading activities during off-peak parking periods on weekdays and weekends; and
- f. Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant will arrange with a nearby parking garage to make available two parking spaces that can be rented by residents of the Site.

## CONCLUSIONS OF LAW

### Variance Relief

#### Standard of Review

The Applicant seeks a variance from the off-street parking requirements of 11 DCMR § 2101.1 to provide two off-street parking spaces where 10 off-street parking spaces are required. Under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(3) (2012 Repl.), the Board is authorized to grant an area variance where it finds that three conditions exist: “(1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). See, also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). Applicants for an area variance need to demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. See *Palmer v. D.C. Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972) (noting that “area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden”). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” See *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

As discussed below, the Board concludes that the Applicant has met its burden of proof for an area variance from 11 DCMR § 2101.1.

#### Exceptional and Extraordinary Conditions

The Board concludes that the Site is affected by a confluence of several exceptional and extraordinary conditions. The Site has an irregular shape with an exceptionally narrow width



and small land area. The Site also has sloping topography and is located on the corner of a major commercial corridor. Together, these exceptional conditions limit the ability to provide more than two on-site parking spaces. The Site's rear width of less than 25 feet can only accommodate one standard 9 x 19 parking space and one handicapped space, which requires an additional eight feet of width pursuant to the Building Code requirements. The Applicant cannot provide a greater number of surface parking spaces if vehicles access the Site from Georgia Avenue or Randolph Street, since DDOT requires new developments to close existing curb cuts and take all parking access from an abutting public alley. Furthermore, the Site's narrow dimensions preclude below-grade parking, since a minimum width of 60 feet is required to provide a row of parking spaces and associated drive aisles, and only 24.97 feet are provided at the Site's rear. Based on the foregoing, the Board concludes that these "confluence of factors" create exceptional and extraordinary conditions affecting the Site.

#### Practical Difficulties

The Board further concludes that the exceptional and extraordinary conditions create practical difficulties for the Applicant in complying with 11 DCMR § 2101.1. It is impractical to accommodate 10 surface parking spaces on the Site accessed directly from the rear alley, since, when lined parallel, 10 standard-sized parking spaces would require a minimum width of 90 feet, which is more than three times the Site's rear width. Providing a drive aisle to access a row of surface parking spaces is also impractical because the Site is not wide enough to accommodate both the drive aisle at 20-feet wide and a row of ten 19-foot long parking spaces. Furthermore, providing below grade parking is practically difficult because there is insufficient space for vehicle turning movements at the bottom of a ramp, drive aisles, and row(s) of parking spaces. Finally, the ability to only accommodate two on-site parking spaces limits development of the Site to four dwelling units under a strict application of the Zoning Regulations, which would be a significant underutilization of the Site and a lost opportunity for housing and affordable housing, contrary to the goals of the Georgia Avenue Overlay. Therefore, the Board concludes that providing 10 on-site parking spaces would result in a practical difficulty for the Applicant.

#### No Substantial Detriment to Public Good or Substantial Impairment of the Zone Plan

The Board finds that as conditioned herein, the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Site is located in an area of the District that has excellent access to numerous public transportation options including Metrorail, Metrobus, car-share, Capital Bikeshare, and point-to-point mobility options (e.g. Uber, Lyft, and taxicabs). The Site is also located in a mixed-use and walkable neighborhood with convenient access to restaurants, shopping, and entertainment. Moreover, given the proposed unit size of approximately 500 square feet, most residents of the building are not expected to own a car, and therefore will not create any negative impacts on the availability of on-street parking in the neighborhood.

In addition, the Applicant has agreed to implement extensive TDM measures, which will adequately mitigate any potential negative impacts by discouraging residents from owning a car and ensuring that residents who do own a car do not park on the streets surrounding the Site. The TDM measures are listed in Finding of Fact No 14 of this Order. Finally, the Parking and Generalized Transportation Assessment Report (Ex. 36D) indicates that even during the highest level of on-street parking space occupancy, over 80 of the designated RPP parking spaces in the study area are available.

Overall, the Board concludes that the variety of transportation options and the Site's location in a mixed-use neighborhood will attract residents and retail employees/patrons who do not want or need to own a car to access the Site, thus eliminating any detriment to the public good or impairment to the zone plan. If any tenants of the building own vehicles, the Applicant's TDM measures will fully mitigate any potential impacts. Finally, the Board concludes that the construction of a new mixed-use development in the GA/C-3-A District will significantly contribute to the vibrancy of the neighborhood while supporting the city's housing and affordable housing goals for this area.

### **Great Weight to ANC**

Section 13(b)(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Code § 1-309.10(d)(A)), requires that the Board's written orders give "great weight" to the issues and concerns raised in the written recommendations of the affected ANC. In this case, ANC 4C voted in opposition to the application, citing adverse parking impacts on its constituents, particularly the elderly, and recommended that the site be used instead for a tech start-up business, utilizing SBA grants, for federal contracting. As to the ANC's concern over adverse impacts, the Board does not find its advice to be persuasive for the reasons stated in Findings of Fact 10-14 and in the portion of the conclusions of law entitled "No Substantial Detriment to Public Good or Substantial Impairment of the Zone Plan." As to the ANC preference for a different use, the issue is not relevant to the variance test. In granting a parking variance, the Board is only obliged to determine the impacts of the relief based upon the use proposed. Having found that the extensive TDM measures will fully mitigate any potential impacts to the availability of street parking, and that the other elements of the variance test have been met, the Board must grant the relief requested.

### **Great Weight to OP**

The Board is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Board concurs with OP's recommendation that the zoning relief should be granted. The Board will impose OP's recommended condition and will require that the Applicant secures two off-site parking spaces in a neighboring building.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for an area variance from 11 DCMR § 2101.1, that there exists an exceptional or extraordinary situation or condition related to the Site 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.

It is therefore ORDERED that the application is hereby GRANTED, subject to the Architectural plans at Exhibit 36C, and the following conditions:

1. The Applicant shall install a TransitScreen in the lobby to keep residents and visitors informed regarding available transportation choices and provide real-time transportation updates.
2. The Applicant shall provide at least 20 long-term bicycle parking spaces.
3. Residential Parking Permits (“RPP”):
  - a. The Applicant shall not seek or support any change to designate the Site as eligible for RPP.
  - b. The Applicant shall include in its residential leases a provision that prohibits tenants from obtaining an RPP for the Site from DMV, under penalty of lease termination and eviction.
  - c. The Applicant shall obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant every six months any and all records of that tenant requesting or receiving an RPP for the Site.
  - d. Prior to obtaining a Certificate of Occupancy for the building, the Applicant shall record a covenant among the Land Records of the District of Columbia prohibiting any tenant of the building from obtaining an RPP for so long as the Site is used as an apartment building.
4. For the first 10 years that the project is open, the Applicant shall offer annual memberships to either Capital Bikeshare, or car-share, or a \$100 SmarTrip card to each new residential tenant of the building.
5. The Applicant shall work with tenants to schedule no more than two move-ins/move-outs on a single day, and shall schedule the major loading and off-loading activities during

off-peak parking periods on weekdays and weekends.

6. Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant shall arrange with a nearby parking garage to make available two parking spaces that can be rented by residents of the Site.

**VOTE:**           **3-0-2**           (Lloyd J. Jordan, Peter G. May, and Jeffrey L. Hinkle to Approve;  
Marnique Y. Heath and Frederick L. Hill not present, not voting.)

**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 13, 2016

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 BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN

BZA APPLICATION NO. 19038

PAGE NO. 11

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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING**

**Z.C. Case No. 16-19**

**(ANC 6C – Text Amendment to Subtitle H, Chapter 9 -  
H Street Northeast Neighborhood Mixed-Use Zone)**

**September 15, 2016**

**THIS CASE IS OF INTEREST TO ANCs 6C, 6A, and 5D**

On September 6, 2016, the Office of Zoning received an application Advisory Neighborhood Commission (“ANC”) 6C (the “Petitioner”) for approval of a text amendment to Subtitle H, Chapter 9 (H Street Northeast Neighborhood Mixed-Use Zone) in order to clarify and strengthen the rules for the façade-preservation density bonuses and the mandatory design guidelines.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING**

**Z.C. Case No. 16-20**

**(3443 Benning, LLC – Consolidated PUD and Related Map Amendment @ Square 5017,  
Lots 839-842 and a Portion of the Public Alley Abutting Lots 839 and 840)  
September 15, 2016**

**THIS CASE IS OF INTEREST TO ANC 7D**

On September 15, 2016, the Office of Zoning received an application from a 3443 Benning, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 839-842 in Square 5017 and a portion of a public alley abutting Lots 839 and 840 to be closed in northeast Washington, D.C. (Ward 7), on property located at 3450 Eads Street, N.E. The property is currently zoned R-3. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the MU-7 zone.

The Applicant proposes to construct an approximately 59-unit multifamily residential development with a maximum height of five stories (56 feet) and a maximum density of 5.76 floor area ratio (“FAR”). All of the units will be affordable at the 50% area median income (“AMI”) level, and the building will have underground garage parking

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**Government of the District of Columbia  
Public Employee Relations Board**

<hr/>		)	
In the Matter of:		)	
		)	
District of Columbia Department of Youth		)	
Rehabilitation Services,		)	
		)	
	Petitioner,	)	PERB Case No. 16-A-02
		)	
	v.	)	Opinion No. 1579
		)	
Fraternal Order of Police/Department of Youth		)	
Rehabilitation Services Labor Committee,		)	
		)	
	Respondent.	)	
<hr/>		)	

**DECISION AND ORDER**

On November 24, 2015, petitioner D.C. Department of Youth Rehabilitation Services filed an arbitration review request asserting that a supplemental award of attorneys’ fees pursuant to the Back Pay Act, 5 U.S.C. § 5596, was contrary to law and public policy. Citing Board Rule 538.2, the petitioner requested “the opportunity to brief this matter fully for the Board’s further consideration.” Respondent Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee moved for a two-week extension of time to file its opposition to the arbitration review request. The motion was granted and the respondent filed its opposition. In the respondent’s opposition, the respondent did not oppose the petitioner’s request for an opportunity to brief this matter.

Board Rule 538.2 as revised effective October 1, 2015, provides, “The Board may issue a Decision and Order requiring the parties to submit additional briefs. The parties will then have fourteen (14) days from the issuance of the Board’s Decision and Order to file briefs concerning the matter.” A petitioner does not need the Board’s permission to file a brief with its arbitration



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review request.<sup>1</sup> As additional briefing at this time will assist the Board in its consideration of this arbitration review, petitioner’s request is granted.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The parties shall submit briefs concerning this matter within fourteen days from the issuance of this Decision and Order.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairman Charles Murphy and Members Ann Hoffman, Barbara Somson, and Douglas Warshof.

Washington, D.C.

July 27, 2016

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<sup>1</sup> *D.C. Pub. Sch. v. Council of Sch. Officers, Local 4 (on behalf of Williams)*, 60 D.C. Reg. 12075, Slip Op. No. 1402 at 3, PERB Case No. 13-A-09 (2013).

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 16-A-02 was issued and served upon the following parties by File and ServeXpress on this the 27th day of July 2016.

Vincent D. Harris  
Office of Labor Relations and  
Collective Bargaining  
441 4th Street, NW, Suite 820N  
Washington, D.C. 20001

Brenda C. Zwack  
Murphy Anderson PLLC  
1701K Street NW, Suite 210  
Washington, D.C. 20006

/s/ Sheryl V. Harrington  
Sheryl V. Harrington  
Secretary



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training to all members of the bargaining unit; (2) offer training by instructors with demonstrated sufficient knowledge of the subject matter; (3) create a training plan; and (4) engage the Union and employees to plan and evaluate appropriate training.

The letter also claimed that by failing to adequately train all members of the bargaining unit, DGS had created unsafe conditions in violation of Article 17. According to FOP, it raised these concerns in a previous meeting on March 14, 2014, but received an inadequate response.<sup>4</sup>

DGS responded in a letter on May 1, 2014<sup>5</sup> stating that at the March 14, 2014 meeting, it had advised FOP that the training requirements for Special Police Officers are outlined in Title 6A of the District of Columbia Municipal Regulation (DCMR) and that DGS had met, and continued to meet the requirements of the DCMR as it related to Special Police Officers. DGS went on to state that while FOP made no specific references to unsafe conditions in its letter as required under Article 17 of the CBA, DGS made note of the safety concerns voiced at the aforementioned meeting.

FOP invoked arbitration on this matter in March 2014<sup>6</sup>. The pertinent contract provisions of the CBA<sup>7</sup> are:

#### *ARTICLE 16: TRAINING*

##### *Section A:*

*The employer agrees to provide training to all bargaining unit employees. Such training shall be related to the performance of their official duties in order to increase their knowledge, skill and qualifications in the performance of their duties which help increase the efficiency and effectiveness of the Employer's operations. This training shall be provided in accordance with generally recognized standards for the training of protective services officers. Instructors providing this training must have demonstrated sufficient knowledge of the subject matter.*

##### *Section B:*

*Annually, the Chief shall prepare, in accordance with the provisions of Section C, an employee training plan which shall identify:*

- 1. Subject matter areas where training is needed;*
- 2. Location and type of courses and programs which will be used to meet these training needs; and*
- 3. Schedule of training to be carried out over the year.*

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<sup>4</sup> Id.

<sup>5</sup> Joint Exhibit #3.

<sup>6</sup> Award at 9.

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*Section C:*

*Recognizing the value of employee input, the Employer agrees that during the preparation of the Employee Training Plan he/she shall meet with two (2) designated employee representatives to discuss training needs, objectives, curriculum, including the quality of instructors and costs. It shall also be a function of this ad-hoc Committee to discuss and evaluate the impact, success and quality of the prior employee training programs.*

**ARTICLE 17: SAFETY**

*Section A:*

*The Employer will continue to make a reasonable effort to provide and maintain safe working conditions.*

*Section D:*

*The Employer agrees that an employee will not be required to operate equipment that he/she is not qualified to operate, which by doing so might endanger him/herself or other employees.*

The parties stipulated to the following issue:

1. Whether DGS Protective Services Division (“PSD”) has failed to engage the Union in a training program and failed to provide adequate training as required by the CBA, Article 16, and if so, what shall be the remedy?<sup>8</sup>

After the parties were unable to agree to a statement of a second issue, they agreed to allow the Arbitrator to frame this issue. The Arbitrator considered the positions of the parties and the evidence and testimony to determine the second issue:

2. Whether DGS PSD has violated Article 17 of the CBA by failing to provide safe working conditions and requiring employees to operate equipment that they are not qualified to operate, and if so, does the Arbitrator have the Authority to determine an unsafe working condition in accordance with Article 17? If the Arbitrator does have the authority, what shall be the remedy?<sup>9</sup>

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<sup>8</sup> Award at 2.

<sup>9</sup> Award at 2.

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## II. The Arbitrator's Award

### A. DGS failed to engage FOP in a training plan as required by Article 16 of the CBA.

The Arbitrator considered Issue One in two parts. First, the Arbitrator stated that Section B of Article 16 is very specific that the Chief/Director<sup>10</sup> has the responsibility to prepare an employee training plan in accordance with the provisions of Section C.<sup>11</sup> The Arbitrator found that, "While the Agency has conducted some ongoing trainings there was no schedule or training plan introduced into evidence listing topic, instructor, hours of training, testing, certification, etc. of the trainings that have been given since 2012 through the present."<sup>12</sup> Section C requires that the Employer, i.e. the Chief/Director, shall meet annually with two designated employee representatives for their input into the training plan.<sup>13</sup> There was no evidence of any such meetings since 2012. The Arbitrator rejected DGS' contention that it was the responsibility of FOP to start the process of developing an employee training plan by appointing the two employee representatives. Rather, the Arbitrator found that DGS "failed to engage the Union in [the planning for] a training program as required by the Collective Bargaining Agreement, Article 16."<sup>14</sup>

### B. DGS failed to provide adequate training to unit members as required by Article 16 of the CBA.

With respect to the second issue, the threshold question for the Arbitrator was whether the "Special Police Officers" that are the subject of the grievance are the same as the "Special Police Officers" described in 6-A DCMR § 1100. The Arbitrator stated, "Even though the name (Special Police Officer) is the same, the job description, terms and duties are not and therefore, it is not correct to apply the training design for special police officers appointed under 6-A DCMR § 1000 (sic) to the special police officers described in Agency Exhibit One, Position Description. They are different in many ways, have different job duties, uniform requirements, terms of hire, and their training should appropriately reflect the differences."<sup>15</sup> The Arbitrator concluded that DGS did not meet its training obligation under Article 16 of the CBA for the Special Police Officers that are the subject of the grievance.<sup>16</sup>

As a remedy the Arbitrator recommended that the Agency comply with all of the requirements of Article 16 including scheduling the required meeting with Union representatives.<sup>17</sup> The Arbitrator found no violation of Article 17 of the CBA because the Union

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<sup>10</sup> Article 16 refers to the "Chief" as the lead representative of the Employer. In its brief at page 9, DGS identifies "Director" as replacement for Chief.

<sup>11</sup> Award at 17.

<sup>12</sup> Award at 21.

<sup>13</sup> Award at 4.

<sup>14</sup> Award at 18.

<sup>15</sup> Award at 20.

<sup>16</sup> Award at 21.

<sup>17</sup> Award at 24.

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failed to follow the proper procedure for reporting safety concerns.<sup>18</sup> Neither party objected to this finding by the Arbitrator.

### III. Analysis

D.C. Official Code § 1-605.02(6) authorizes the Board to modify or set aside an arbitration award in only three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.<sup>19</sup>

DGS asserts that the Arbitrator exceeded her authority and reached a conclusion that is contrary to law and public policy. Specifically, DGS objects to Paragraph 4 of the Arbitrator's Award that states:

*The Special Police Officer described in Agency Exhibit No. One and Union Exhibit No. 4 is different from the Special Police Officer described in District of Columbia Municipal Regulation (DCMR), 6A § 1100 and therefore, DCMR 6A § 1100 does not apply."*

In assessing whether an arbitrator has exceeded his or her jurisdiction, the Board considers "whether the Award draws its essence from the collective bargaining agreement."<sup>20</sup> In this case, the Award concerning training requirements for the Protective Services' Special Police Officers under CBA Article 16 and safety concerns and procedures under CBA Article 17 clearly drew its essence from the CBA. The parties stipulated that the Arbitrator should determine "whether DGS Protective Services Division has failed to engage the Union in a training program and failed to provide adequate training as required by the CBA, Article 16."<sup>21</sup> As part of that deliberation, it was necessary for the Arbitrator to identify who was covered by the CBA.

The Board has found that when parties submit a matter to arbitration they "agree to be bound by the Arbitrator's interpretation of the parties' agreement and related rules and regulations as well as [her] evidentiary findings and conclusions ... this includes the arbitrator's interpretation of all applicable statutes."<sup>22</sup>

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<sup>18</sup> Award at 23.

<sup>19</sup> *University of the District of Columbia v. PERB*, 2012 CA 8393 P (MPA) (2014).

<sup>20</sup> *D.C. Dep't of Health v. Am. Fed'n of Gov't Employees, Local 2725, AFL-CIO*, 60 D.C. Reg. 7198 (2013), Slip Op. No. 1383 at 6, PERB Case No. 13-A-01 (2013), quoting *D.C. Pub. Sch. v. AFSCME, Dist. Council 20*, 34 D.C. Reg. 3610 (1987), Slip Op. No. 156 at 5, PERB Case No. 86-A-05 (1987), if the arbitrator was even "arguably construing or applying the contract" then she did not exceed her jurisdiction.

<sup>21</sup> Award at 2.

<sup>22</sup> *Dist. of Columbia Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Committee*, 59 D.C. Reg. 6115 (2012), Slip Op. No. 1014 at 7, PERB Case No. 08-A-02 (July 16, 2010).

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Page 6

The Board has consistently held that a party's disagreement with the Arbitrator's interpretation of the law does not render an award contrary to law [and public policy].<sup>23</sup> The Board will not substitute its own interpretation or that of the Agency for that of the parties' mutually agreed arbitrator.<sup>24</sup> The arguments that DGS stated in its ARR appear to be nothing more than a disagreement with the Arbitrator's conclusions. We are constrained to rely on the Arbitrator's analysis of the evidence presented to her.

DCMR 1100.1 states, "Special police officers may be appointed by the Mayor for duty in connection with the property of or under the charge of a corporation or individual requesting the appointment or appointments." Special Police Officers under 6-A DCMR §§ 1100 and 1101 (also known as §4-114 Appointment) are circumscribed on the face of the commission issued by the Mayor in terms of who they are working for (1101.6), the location(s) at which they are allowed to work (1101.6), the places to be protected and what property is to be transported (1100.3(a), 1101.9, 1101.11 and 1101.13). § 1100.5 states "Each appointment of a special police officer shall be made for a specified time, and no person appointed shall legally exercise any authority conferred by that appointment after the date of expiration of that appointment." Further,

- At 1101.2 special police officers may be appointed "to protect the property of one person or corporation at one location..."
- 1101.4 states "All locations of property, banks, or other places pursuant to § 1101.2 shall be specified upon the face of the commission issued to those special police officers."
- 1101.6 states, "The duties of special police officers appointed pursuant to § 1101.4 shall consist largely of periodically checking doors, windows, etc., in the nature of a 'watchman'..."
- 1101.7 states, "The property which any special police officer shall be appointed to protect ... shall be located within the geographical limits of one police district."
- Under 1101.8, special police officers may be appointed under § 4-114 if employed by one person or corporation....

Training requirements for § 4-114 Special Police Officers consists of 40 hours of pre-assignment training, 16 hours of on-the-job training within ninety (90) working days following employment, and an 8-hour annual in-service training course.

The special police officers described above are obviously different from the Protective Services Police Department Special Police Officers described in Agency Exhibit #1 and on whose behalf the instant grievance was filed. The latter are armed<sup>25</sup> uniformed officers "with primary duties of providing security and protection, in addition to performing a variety of average to difficult and complex proactive security functions which range from simple rules

<sup>23</sup> *Teamsters Local 639 a/w Int'l Bhd. Of Teamsters, AFL-CIO v. Dist. of Columbia Bd. Of Educ.*, 59 D.C. Reg. 5538 (2012), Slip Op. No. 995 at 4, PERB Case No. 01-A-10 (October 11, 2011).

<sup>24</sup> *Dist. of Columbia Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Committee*, 59 D.C. Reg. 6124 (2012), Slip Op. No. 1015 at 12, PERB Case No. 09-A-06 (July 16, 2010)

<sup>25</sup> A position description for an unarmed Special Police Officer was also put into evidence. The duties are similar.



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violations to felony crimes”<sup>26</sup> in buildings owned (or leased?) by the District of Columbia. These officers are D.C. Career Service employees. Specific major duties include:

- Provides access control functions and general protective measures for buildings.
- Observes all activities occurring at the assigned facility, and is constantly alert to acts of a suspicious nature which may result in theft, burglary, pilferage, assault, crimes and other disturbances occurring within the jurisdictional area of authority.
- Questions suspicious persons... May be required to administer first aid or summon for assistance; interviews persons involved; preserves evidence; and prepares written report of incidents.
- Patrols designated areas by foot or in vehicles inspecting the buildings and adjacent grounds to prevent unauthorized removal of D.C. property and access to restricted rooms and areas...
- Patrols entrances to restricted parking areas in compliance with special identification and control procedures, safety measures, and posted regulations...
- Responds to reports of crimes and criminal reports within the jurisdiction of the authority. For offenses not within the jurisdictional authority of the PSPD ... makes immediate notification to the D.C. Metropolitan Police of the offense and action taken.
- When informed of bomb threats, notifies all occupants of the building, makes notification to supervisory and the Metropolitan Police Department. Executes the evacuation plans.
- During periods of civil disturbances, demonstrations, and riots, the incumbent is responsible for maintaining and providing protection to occupants of the facility, preventing unlawful trespass, and protecting the property against damage.
- Assures the participants of demonstrations are allowed maximum freedom in conjunction with D.C. rules, regulations, and federal laws.
- Provides aid for government employees and citizens in emergency situations; and responds to emergency situations reported in assigned facilities district-wide.
- Responds to security alarms; investigates the nature of the alarm and executes appropriate response action.

The only reference in the position description to training for Protective Service Police Department officers is that the Lead Special Police Officer “serves as a Field Training Special Police Officer (FTG) giving on the job training to new Special Police Officers in accordance with established procedures and practices of the agency.”<sup>27</sup> The training requirements for Protective Service Special Police Officers are regulated by Article 16 of the CBA. The training requirements for these very different categories of Special Police Officers by necessity must be different and have different requirements to maintain efficiency for their very different job responsibilities. The Arbitrator concluded, “While the title is the same (Special Police Officer) the duties described and terms are different.”<sup>28</sup>

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<sup>26</sup> Agency Exhibit #1 (Exhibit 6)

<sup>27</sup> Id.

<sup>28</sup> Award at 19.

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Moreover, as the Arbitrator pointed out, in a recent D.C. Superior Court decision, the court found that PSD officers are not “special police officers” as defined under Chapter 6-A of the DCMR.<sup>29</sup> We agree.

#### IV. Conclusion

The Board has reviewed the Arbitrator's conclusions, the pleadings of the parties, and applicable law, and concludes that the Arbitrator did not exceed her authority and the Award on its face is not contrary to law and public policy. The Board finds that the Arbitrator's conclusion is based on a thorough analysis and cannot be said to be clearly erroneous or contrary to law and public policy. For the reasons discussed, no statutory basis exists for setting aside the Award. The Arbitration Review Request is hereby denied.

#### ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Department of General Services Arbitration Review Request is denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairman Charles Murphy, and Members Yvonne Dixon, Ann Hoffman, Barbara Somson, and Douglas Warshof.

**June 14, 2016**  
**Washington, D.C.**

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<sup>29</sup> Award at 20; *see also* *District of Columbia v. John J. Barbusin, Jr.*, No. 2012-CDC-913 at 26-32 (D.C. Sup. Ct. July 29, 2013).

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 15-A-11, Opinion No. 1586, was served by File & ServeXpress on the following parties on this the 12<sup>th</sup> day of July, 2016.

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Washington, DC 20015

/s/ Sheryl Harrington

PERB

Government of the District of Columbia  
Public Employee Relations Board

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In the Matter of:		)	
		)	
District of Columbia Public Schools,		)	PERB Case Nos. 14-U-20
		)	
Complainant,		)	Opinion No. 1587
		)	
v.		)	
		)	
Washington Teachers' Union, Local 6,		)	
		)	
Respondent.		)	
<hr/>		)	

**DECISION AND ORDER**

Complainant District of Columbia Public Schools (“DCPS”) filed an unfair labor practice complaint alleging that Respondent Washington Teachers’ Union, Local 6 (“WTU Local 6”) violated D.C. Official Code §§ 1-617.04(b)(1) and (3) by refusing to honor the bargained-for process in the parties’ Collective Bargaining Agreement (“CBA”) for implementing a non-traditional instructional schedule. WTU denies the allegations. For the reasons explained below, DCPS’s complaint is dismissed.

**I. Statement of the Case**

In 2014, DCPS desired to extend the school day by one hour at all DCPS middle schools and certain lower performing elementary schools during the 2014-2015 school year.<sup>1</sup>

In March, April, and May of 2014, DCPS attempted multiple times to telephone and/or email WTU’s President, Elizabeth Davis, to begin what it interpreted to be the contractually

<sup>1</sup> Complaint at 3.

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Page 2

agreed-upon process to implement its proposal.<sup>2</sup> DCPS asserted that part of that process was to communicate its proposal to the bargaining unit's members.<sup>3</sup>

On or about May 5, 2014, Ms. Davis emailed DCPS and demanded that DCPS cease communicating with its members regarding the proposal.<sup>4</sup> Ms. Davis asserted that DCPS' desire to extend the school day by one hour was a topic that, according to the CBA, DCPS needed to negotiate with WTU directly.<sup>5</sup>

On July 17, 2014, DCPS filed the instant unfair labor practice complaint, alleging that: (1) WTU's refusal to follow the process outlined in the CBA to consider DCPS' extended day initiative violated D.C. Official Code § 1-617.04(b)(1) by interfering with, restraining, and coercing the District in its exercise of the rights exclusively reserved to management in D.C. Official Code § 1-617.08, *et seq.*; (2) WTU's active discouragement of its members from exercising "rights clearly bargained for and agreed between the parties during their last round of bargaining" violated D.C. Official Code § 1-617.04(b)(1) by interfering with, restraining, and coercing those members in the exercise of their statutory rights; (3) WTU's refusal "to honor the bargained-for agreement that exists between DCPS and the WTU" constituted a failure to bargain with DCPS in good faith, in violation of D.C. Official Code § 1-617.04(b)(3); and (4) WTU's refusal "to adhere to the clear and unambiguous contract language detailing the... process... for implementing changes to the work day of bargaining unit members" also constituted bad faith bargaining, in violation of D.C. Official Code § 1-617.04(b)(3).<sup>6</sup>

As a remedy, DCPS asks that PERB: find that WTU violated D.C. Official Code §§ 1-617.04(b)(1) and (3) ; order WTU to refrain from repudiating the parties' CBA; order WTU to "consider the proposals for extended school days at all targeted schools for the 2014-2015 school year"; order WTU to pay DCPS' costs in this matter; and order WTU to post a notice detailing its violations of the stated statutes.<sup>7</sup>

In its Answer, WTU rejected DCPS' interpretation of the CBA regarding the appropriate process to implement its proposal.<sup>8</sup> WTU further denied that it failed or refused to respond to DCPS' efforts to bargain, or that it violated D.C. Official Code §§ 1-617.04(b)(1) and (3) in any of the manners alleged.<sup>9</sup> WTU raised affirmative defenses that the complaint should be dismissed because WTU failed to state a claim for which PERB can grant relief; that PERB lacks jurisdiction over the case because the dispute is purely contractual and should therefore be resolved through the parties' negotiated grievance and arbitration process; and that WTU already filed a grievance on April 9, 2014 to resolve the dispute.<sup>10</sup>

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<sup>2</sup> *Id.* at 3-4 (referring to CBA Articles 23.8.1-2, and 23.15.1-2).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*: *see also* Exhibit 6.

<sup>5</sup> *Id.* (citing CBA Article 1.1)

<sup>6</sup> *Id.* at 5.

<sup>7</sup> *Id.* at 5-6.

<sup>8</sup> Answer at 2-5.

<sup>9</sup> *Id.* at 2, 4-5.

<sup>10</sup> *Id.* at 7-8.

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PERB Case No. 14-U-20  
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## II. Analysis

When a party files an unfair labor practice complaint, the Board conducts an investigation to determine, among other things, whether the allegations, if proven, could constitute a statutory violation of the Comprehensive Merit Personnel Act (“CMPA”).<sup>11</sup> In the process of making this determination, the Board distinguishes between obligations imposed by the CMPA and those that are imposed by the parties’ collective bargaining agreement.<sup>12</sup> The CMPA empowers the Board to resolve statutory violations, but not contractual violations.<sup>13</sup> If the record demonstrates that an allegation concerns a violation of the CMPA, then even if it also concerns a violation of the parties’ contract, the Board still has jurisdiction over the statutory matter and can grant relief accordingly if the allegation is proven.<sup>14</sup> However, if the Board must interpret the parties’ CBA in order to determine whether there has been a violation of the CMPA, then the Board does not have jurisdiction over the allegations.<sup>15</sup>

Here, upon reviewing the record as a whole, the Board finds that it is not possible to determine whether WTU violated D.C. Official Code §§ 1-617.04(b)(1) and (3) without first determining which of the parties’ competing interpretations of the relevant CBA provisions is correct.<sup>16</sup> Since PERB does not have the authority to interpret the parties’ CBA, the Board finds that it lacks jurisdiction over DCPS’ allegations.<sup>17</sup> DCPS’ Complaint is therefore dismissed.<sup>18</sup>

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<sup>11</sup> See PERB Rule 520.8.

<sup>12</sup> *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. v. D.C. Metro. Police Dep’t*, 60 D.C. Reg. 2585, Slip Op. No. 1360 at p. 5-6, PERB Case No. 12-U-31 (2013), aff’d, *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. v. D.C. Pub. Emp. Relations Bd.*, Case No. 2013 CA 001289 P(MPA) (D.C. Super. Ct. Apr. 18, 2014).

<sup>13</sup> *Id.*; see also *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. v. D.C. Metro. Police Dep’t and Cathy Lanier*, 59 D.C. Reg. 5427, Slip Op. No. 984 at p. 7, PERB Case No. 08-U-09 (2009).

<sup>14</sup> *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. v. D.C. Metro. Police Dep’t*, 60 D.C. Reg. 9212, Slip Op. No. 1391 at p. 22, PERB Case Nos. 09-U-52 and 09-U-53 (2013), aff’d, *D.C. Metro. Police Dep’t v. D.C. Public Emp. Relations Bd. and Fraternal Order of Police/Metro. Police Dep’t Labor Comm.*, Case No. 2013 CA 004572 P(MPA) (D.C. Super. Ct. Jun. 13, 2014).

<sup>15</sup> *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. v. D.C. Metro. Police Dep’t*, 62 D.C. Reg. 13348, Slip Op. No. 1534 at p. 7, PERB Case No. 08-U-22 (2015); see also *FOP v. MPD*, Slip Op. No. 1360 at p. 5-6, PERB Case No. 12-U-31.

<sup>16</sup> When the meaning of a CBA provision is clear on its face and/or undisputed by the parties, the Board can rely on that unambiguous and/or stipulated meaning to determine whether an alleged statutory violation occurred. But that is not the case here. DCPS and WTU have each presented contrasting interpretations of the relevant contractual provisions. Therefore, in order to determine whether DCPS’ statutory allegations have any merit, the Board would have to decide which of the parties’ different interpretations is correct. As has been noted, PERB does not have the authority to do that. Therefore, PERB must dismiss the Complaint. See *FOP v. MPD*, Slip Op. No. 1534 at p 7-8, PERB Case No. 08-U-22; see also *FOP v. MPD*, Slip Op. No. 1360 at p. 5, PERB Case No. 12-U-31.

<sup>17</sup> See *FOP v. MPD*, Slip Op. No. 1534 at p 7-8, PERB Case No. 08-U-22; see also *FOP v. MPD*, Slip Op. No. 1360 at p. 5-6, PERB Case No. 12-U-31.

<sup>18</sup> In accordance with the Board’s finding that it lacks jurisdiction over this matter, the parties’ factual disputes should be resolved by and through WTU’s April 9, 2014, grievance. See Answer at 8 and Exhibit 1.

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. DCPS' Complaint is Dismissed: and
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, and Members Ann Hoffman, Barbara Somson, and Douglas Warshof. Member Yvonne Dixon was not present.

July 27, 2016

Washington, D.C.

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 14-U-20, Op. No. 1587 was sent by File and ServeXpress to the following parties on this the 3rd day of August, 2016.

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/s/ Sheryl Harrington

PERB



Government of the District of Columbia  
Public Employee Relations Board

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In the Matter of:		)
		)
American Federation of Government Employees,		)
Local 872		)
		)
Petitioner,		)
		)
		)
and		)
		)
District of Columbia		)
Water and Sewer Authority,		)
		)
Respondent.		)
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PERB Case No. 16-A-10

Opinion No. 1588

**DECISION AND ORDER**

On May 24, 2016, Petitioner, American Federation of Government Employees, Local 872, (“Petitioner” or “Union”) filed the above-captioned Arbitration Review Request (“Request”), pursuant to D.C. Official Code §1-605.2(6)<sup>1</sup>, seeking review of an arbitration award (“Award”) issued on May 3, 2016. The Award upheld the Agency’s termination of Leroy Burton (“Burton”) from his employment with the D.C. Water and Sewer Authority (“WASA”). Petitioner seeks review of the Award asserting t the arbitrator exceeded his authority and the Award is contrary to law and public policy. For the reasons stated below, the request for review is denied.

**I. Statement of the Case**

The Arbitrator found the following:

Burton and Daryl Marsh (“Marsh”) had been employed with the Agency for approximately 30 years. They each held the title of Water Service Worker and worked together on the same crew. During each workday they received work orders from their foreman to complete assignments.<sup>2</sup> Typically, they received two work orders per day and took an hour lunch break after completing the first work order.<sup>3</sup>

<sup>1</sup> D.C. Official Code § 1-605.02(6) states in part, “the Board shall have the power to do the following: Consider appeals from arbitration awards pursuant to a grievance procedure.”

<sup>2</sup> Award at 3

<sup>3</sup> *Id.*

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On September 4, 2015 the two men received only one work order because they were assigned to respond to any emergencies that might arise during the day. After completing their single work order, Burton decided the crew should go to the home of a crew member's mother because she was having plumbing issues. This was not assigned work.<sup>4</sup> While at the home, Roy Marshall ("Marshall"), a long-term Agency employee assigned to the Distribution Control Branch, called Burton to arrange pick up of a box of copper pipe. Marshall arrived at the Johnson home in his personal vehicle, and was not dressed for work. Burton directed Marsh to give the box of copper pipe to Marshall. The copper pipe given to Marshall was worth more than \$200.<sup>5</sup> Agency employee Chris Coit observed these events from a nearby restaurant and reported the incident to management officials Margaret Franzen and Jason Hughes. Mr. Hughes notified the Security Director, Stephen Caldwell, who then assigned the case to Senior Investigator, Eric Gainey.<sup>6</sup>

Mr. Gainey interviewed Burton, Marshall, and Marsh. Marshall admitted to receiving the box with copper and putting it into the trunk of his car. Marshall further advised Mr. Gainey he was doing some side work for Burton's family, which he subsequently performed.<sup>7</sup>

On November 10, 2015, the Agency issued a notice of proposed disciplinary action to Burton and Marsh. The notices charged Burton and Marsh with theft in connection with their actions which led to Marshall receiving the Agency's copper pipe.<sup>8</sup> The Union appealed the proposed notices of termination to the Director of Wastewater Treatment, but the decisions were upheld.<sup>9</sup> The Union filed grievances and requested expedited arbitration on behalf of Burton and Marsh.

An arbitration hearing was held on February 9, 2016, and an Award was issued on May 3, 2016. In the Award, Arbitrator Kaufmann noted that because this was a termination action, the Agency carried the burden of establishing by a preponderance of the evidence that discipline should be imposed and that the penalty imposed was appropriate.<sup>10</sup> The arbitrator analyzed two distinct issues.<sup>11</sup>

First, the arbitrator decided whether or not the Agency established a basis for disciplining Burton. Based on witness testimony, the arbitrator found by a preponderance of the evidence that the Agency had met its burden by showing Burton was directly involved with the decision that led to stealing the copper.<sup>12</sup> The arbitrator in large part found the testimony of Burton to be evasive and inconsistent with the events of September 4, 2015. He stated in the Award:

Burton's responses regarding the copper tubing issue were even less believable. He stated he assumed Mr. Marshall was requesting

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 7.

<sup>11</sup> Arbitrator Kaufmann analyzed the termination of both Marsh and Burton. The Union has not requested that the Arbitrator's decision regarding Marsh be reviewed; therefore, the issue pertaining to him has been omitted.

<sup>12</sup> Award at 8.

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PERB Case No. 16-A-10  
Page 3

the tubing to complete an Authority work assignment but he never asked Marshall this nor did Marshall tell him that. He also knew that Marshall worked in inspections and his responsibilities did not involve the use of copper pipe.<sup>13</sup>

The arbitrator found that Burton had a responsibility to protect DC Water property, and his awareness of Marshall's inspection duties should have caused Burton to at least inquire as to the specific purpose for which Marshall needed the copper.<sup>14</sup> The arbitrator further found the version of events as Marshall had explained them to be more consistent with what actually happened.<sup>15</sup> Arbitrator Kaufmann found that Burton's demeanor and his unforthcoming behavior severely undermined his claims and ended up substantiating the less direct evidence from Marshall's claims.<sup>16</sup> Therefore, Arbitrator Kaufmann found the Agency had met its burden of establishing a basis for disciplining Burton.

Next, the arbitrator analyzed whether or not Burton's penalty was appropriate. Based on the table of penalties encompassed within the parties' collective bargaining agreement, he found that the record supported the Agency's decision to terminate Burton.<sup>17</sup> Arbitrator Kaufmann noted the penalty table provided that employees who engage in theft of items of greater than twenty-five dollars in value could receive a penalty range up to removal.<sup>18</sup> He concluded by giving his reasoning for finding that the removal was appropriate by stating:

In this regard, Burton's record of not receiving previous discipline could be viewed as a mitigating factor in favoring a lesser penalty. However, his involvement in the theft and his overall deceitful behavior, in my view, negatively impacts any trust the Authority would have if he was retained as an employee. Therefore, the record supports DC Water's decision to terminate Burton.<sup>19</sup>

## II. Analysis

D.C. Official Code § 1-605.02(6) authorizes the Board to modify or set aside an arbitration award in only three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.<sup>20</sup> In recognizing the policy favoring arbitration, PERB has held that the standard to justify vacating an arbitration award is extremely high.<sup>21</sup> Specifically, the "petitioning party has the burden to specify

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<sup>13</sup> *Id.* at 7.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 8.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 9.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> See PERB Rule 538.3.

<sup>21</sup> See *University of the District of Columbia v. American Federation of State, County, and Municipal Employees, Council 20, Local 2087*, 59 D.C. Reg. 15167, Slip Op No. 1333, PERB Case No. 12-A-01.

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PERB Case No. 16-A-10  
Page 4

applicable law and definite public policy that mandates that the Arbitrator arrive at a different result.”<sup>22</sup> Furthermore, the Board will not substitute its own interpretation of the collective bargaining agreement for that of the parties or of the duly designated arbitrator.<sup>23</sup>

A. The Arbitrator Did Not Exceed His Jurisdiction

The first issue before the Board is whether the Arbitrator exceeded his jurisdiction when he found the Agency had established a basis for disciplining Burton. In determining whether an Arbitrator exceeded his jurisdiction the Board evaluates “whether the award draws its essence from the collective bargaining agreement.”<sup>24</sup> Petitioner begins by contending that the Arbitrator exceeded his authority by resolving an issue not presented for arbitration.<sup>25</sup> Petitioner states:

[t]he Arbitrator exceeded his jurisdiction by resolving an issue not submitted to arbitration. The issue at hearing was whether the Agency had just cause to discipline the grievants for the charges that were alleged against them. The sole charge alleged against the grievants was theft. As it was impossible, based on the Award’s reasoning, to find that Burton engaged in theft, the Award is contrary to law and exceeds the jurisdiction granted to the Arbitrator.<sup>26</sup>

The Board finds that the argument presented by Petitioner is flawed in that the Arbitrator stayed within his authority by addressing the issue presented to him, and drawing his conclusion based on the facts as they were presented. In reviewing the transcript from the hearing, Petitioner presented the issues stating, “So issue A is was the Grievant, Leroy Burton, removed for just cause as required by the parties agreement, if not, what shall be the remedy.”<sup>27</sup> This issue was resolved by the Arbitrator in favor of the Agency, finding they had established that Burton was guilty of theft. It is well established that once parties have submitted a grievance to arbitration “the parties agree to be bound by the Arbitrator’s interpretation of the parties’ agreement, related rules and regulations, as well as the evidentiary findings on which the decision is based.”<sup>28</sup> The parties’ collective bargaining agreement states, “the award of the Arbitrator shall be final and binding.”<sup>29</sup> This provision agreed upon by the parties makes clear the risk and benefits associated with submitting a case to arbitration. PERB will not substitute its own understanding of the CBA for that of the Arbitrator. Petitioner argues against the “reasoning” the Arbitrator used to find

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<sup>22</sup> *D.C. Metro. Police Dep’t v. FOP/Metro Police Dept. Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000).

<sup>23</sup> *D.C. Dep’t of Corrections and International Brotherhood of Teamsters, Local Union 246*, 34 D.C. Reg. 3616, Slip Op. No. 157, PERB Case No. 87-A-02 (1987).

<sup>24</sup> *MPD v. FOP/MPD Labor Comm. (on Behalf of Kenneth Johnson)*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (quoting *D.C. Public Schools v. AFSCME, District Council 20*, 34 D.C. Reg. 3610, Slip. Op. No. 156 PERB Case No. 86-A-06 (1987)).

<sup>25</sup> Request at 6.

<sup>26</sup> *Id.* at 7.

<sup>27</sup> Exhibit C titled, “Arbitration Proceeding” at 9.

<sup>28</sup> *D.C. Metro. Police Dep’t v. FOP/Metro Police Dept. Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000).

<sup>29</sup> Exhibit B titled, “Collective Bargaining Agreement” at 123.

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theft. This argument amounts to nothing more than a mere disagreement with the Arbitrator's decision.<sup>30</sup> PERB has consistently held that a mere disagreement with the arbitrator's award does not constitute a statutory basis for setting aside the Award.<sup>31</sup>

Based on the foregoing reasons, the Board finds the Arbitrator did not exceed his jurisdiction when he found the Agency had a basis for disciplining Burton.

The next issue before the Board is whether the Arbitrator exceeded his jurisdiction by failing to assess the weight to be given to hearsay witness statements. PERB has previously held that "disputes over the weight and the significance to be afforded the evidence is within the domain of the arbitrator and does not state a statutory basis for review."<sup>32</sup> Arbitration hearings are not conducted under the same rules of evidence as courts of law. Rather, Arbitrators are bound by the agreed upon CBA provisions, or law mandating a standard for an arbitration proceeding.<sup>33</sup>

Petitioner cites no law or CBA provision that restricts the Arbitrator's authority to render a decision based on the weight of evidence as he sees it. Petitioner simply asserts the Arbitrator exceeded his jurisdiction by failing to sufficiently assess the weight of hearsay evidence.<sup>34</sup> Assuming, arguendo, the Board was to entertain the argument presented by Petitioner, the Award issued by Arbitrator Kaufmann makes clear the weight given to the written statements by Roy Marshall versus the weight given to the direct testimony of Burton. Arbitrator Kaufmann states, "Burton's demeanor during the testimony and his unforthcoming behavior severely undermined his claims and ended up substantiating the less direct evidence regarding Marshall's claims."<sup>35</sup> The Board finds Petitioner is again merely in disagreement with the determination made by the Arbitrator. This difference of opinion does not constitute a statutory basis for setting aside the Arbitrator's award.

The Board finds that the Arbitrator did not exceed his jurisdiction in allowing hearsay statements in as evidence.

#### B. The Award is Not Contrary to Law and Public Policy

The final issue before the Board is whether "the Award is contrary to law and public policy because the definition of "theft" could not be, and was not, established in the Arbitrator's Award."<sup>36</sup> To set aside an Arbitrator's Award on this basis, the Board has held the petitioner must show that the Award compels the violation of an explicit, well-defined public policy

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<sup>30</sup> Opposition at 8.

<sup>31</sup> See *FEMS and IAF, Local 36, supra*, Slip Op. No. 895 at p. 5, PERB Case No. 06-A-20.

<sup>32</sup> *DCHA v. AFGE, Local 2725 (on Behalf of Grievant Kevin Jhingory)*, 46 D.C. Reg. 10006, Slip Op. No. 598 at p. 3, PERB Case No. 99-A-06.

<sup>33</sup> See *MPD v. FOP/MPD Labor Comm.*, 46 D.C. Reg. 7601, Slip Op. No. 378, PERB Case No. 93-A-04 (where the Board found that the Arbitrator's use of beyond-a-reasonable-doubt standard rather than the lower preponderance-of-the-evidence standard was within the Arbitrator's domain where the agency cited no law or CBA provision mandating standard of proof for an arbitration proceeding).

<sup>34</sup> Request at 9.

<sup>35</sup> Award at 8.

<sup>36</sup> Request at 7.

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grounded in law or legal precedent.<sup>37</sup> Further, the violation must be so significant that the law or public policy mandates that the arbitrator arrive at a different result.<sup>38</sup>

Petitioner begins by citing to FLRA case law, asserting that under the “contrary to law” exception, PERB is required to conduct a *de novo* review for legal sufficiency.<sup>39</sup> The CMPA and PERB precedent contain no such requirement. Petitioner argues the definition of theft was not established by the Arbitrator resulting in an award that was contrary to law.<sup>40</sup> Petitioner cites the common law and D.C. statutory definitions of “theft”, and argues that the Arbitrator failed to make findings of fact that would allow a conclusion that Burton engaged in theft.<sup>41</sup> This argument does not satisfy the standard needed to vacate an arbitrator’s decision based on it being contrary to law and public policy. In our view, it appears that the Petitioner merely disagrees with the Arbitrator’s decision. As stated above, a mere disagreement with the arbitrator’s award does not constitute a statutory basis ground for setting aside the Award.<sup>42</sup>

By submitting a matter to arbitration, “the parties agree to be bound by the Arbitrator’s interpretation of the agreement, related rules and regulations, as well as the evidentiary findings on which the decision is based.”<sup>43</sup>

Based on the record, the Board finds that the Petitioner merely disagrees with the Arbitrator’s decision, and does not present a statutory basis upon which PERB can set aside the Award.

### III. Conclusion

Based on the foregoing, Petitioner’s Arbitration Review Request is denied and the matter is dismissed in its entirety with prejudice.

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<sup>37</sup> See *D.C. Office of the Attorney General v. American Federation of State, County, and Municipal Employees District Council 20*, 59 DC Reg. 15167 (2012), Slip Op. No. 1459, PERB Case No. 14-A-02.

<sup>38</sup> *Id.*

<sup>39</sup> Request at 6.

<sup>40</sup> *Id.* at 7.

<sup>41</sup> *Id.*

<sup>42</sup> See *FEMS and IAF, Local 36, supra*, Slip Op. No. 895 at p. 5, PERB Case No. 06-A-20.

<sup>43</sup> *D.C. Metro. Police Dep’t v. FOP/Metro Police Dept. Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000).

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The arbitration review request is hereby denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, and Members Ann Hoffman, Barbara Somson, and Douglas Warshof. Member Yvonne Dixon was not present.

July 27, 2016

Washington, D.C.

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 16-A-10, Op. No. 1588 was sent by File and ServeXpress to the following parties on this the 3<sup>rd</sup> day of August, 2016.

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