

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on the “Final Report of the Integrated Healthcare Collaborative”
- D.C. Commission on the Arts and Humanities announces funding availability for the RIA Event Space Public Artwork Project
- Department of Behavioral Health solicits certification applications for providing eight behavioral health services
- Board of Ethics and Government Accountability extends public comment period for the Draft Advisory Opinion on Ethical Standards for Advisory Neighborhood Commissions (ANCs)
- Executive Office of the Mayor issues a policy on Out-of-Boundary Transfers for the District’s Public Schools (Mayor’s Order 2017-125)
- Department of Small and Local Business Development schedules a public hearing on the recertification application for five Business Improvement Districts
- Office of the State Superintendent of Education solicits grant applications for the Child Development Associate – Training Scholarship and Promotion Program

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

RM 520 – 441 4th ST, ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

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MAYOR

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ADMINISTRATOR

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ENROLLED ORIGINAL

A RESOLUTION

21-648

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To confirm the reappointment of Ms. Margaret A. HacsKaylo to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Interagency Council on Homelessness Margaret A. HacsKaylo Confirmation Resolution of 2016”.

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

Ms. Margaret A. HacsKaylo
1325 13th Street, N.W.
Unit 47
Washington, D.C. 20005
(Ward 2)

as an advocate for the District of Columbia’s homeless population member of the Interagency Council on Homelessness, established by section 4 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01), for a term to end May 1, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-649

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To confirm the reappointment of Ms. Jill Carmichael to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Interagency Council on Homelessness Jill Carmichael Confirmation Resolution of 2016”.

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

Ms. Jill Carmichael
3128 Sherman Avenue, N.W.
Washington, D.C. 20010
(Ward 1)

as an advocate for the District of Columbia’s homeless population member of the Interagency Council on Homelessness, established by section 4 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01), for a term to end May 1, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-705

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 20, 2016

To confirm the appointment of Dr. Charlene Drew Jarvis as a member of the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Trustees of the University of the District of Columbia Charlene Drew Jarvis Confirmation Resolution of 2016”.

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

Dr. Charlene Drew Jarvis
1789 Sycamore Street, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), replacing George Vradenburg, for a term to end May 15, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-17

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To confirm the reappointment of Mr. Warner H. Session to the Metropolitan Washington Airports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Metropolitan Washington Airports Authority Board of Directors Warner H. Session Confirmation Resolution of 2017”.

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

Mr. Warner H. Session
1811 12th Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member of the Metropolitan Washington Airports Authority Board of Directors, established by section 5 of the District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-904), for a term to end January 5, 2023.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-83

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and congratulate Cornell Tayron Gray for winning 2 speed skating gold medals at the 2017 Special Olympics World Winter Games.

WHEREAS, Cornell Tayron Gray is a resident of the Kenilworth community in Ward 7, and is currently enrolled as a junior at H. D. Woodson High School in Ward 7;

WHEREAS, Cornell Tayron Gray is an active athlete, playing football for a team representing the Kenilworth community, playing baseball as a member of the Ward 7 Baseball Team organized by the Sixth District of the Metropolitan Police Department and Ward 7 families, and competing as a Golden Gloves Boxer representing the Umar Sports & Learning Center operating out of the Kenilworth Recreation Center;

WHEREAS, Cornell Tayron Gray has participated in the Special Olympics for 4 years in basketball, soccer, and other sports, and has won multiple medals in volleyball, basketball, and bowling;

WHEREAS, Cornell Tayron Gray started speed skating only 2 years ago, not knowing how to skate, but instead of quitting, decided to persevere, recognizing that the harder he worked, the better he would get;

WHEREAS, Cornell Tayron Gray represented Special Olympics USA in joining more than 2,600 athletes and 1,000 coaches representing 106 countries, along with 10,000 volunteers and thousands more spectators at the 2017 Special Olympics World Winter Games in Graz, Schladming-Rohrmoos and Ramsau, Austria, where athletes competed in sports such as alpine skiing, cross country skiing, figure skating, speed skating, floor hockey, floorball, snowboarding, snowshoeing, and stick shooting at the biennial flagship event that demonstrates sports excellence and promotes equality, respect, and inclusion for people with intellectual disabilities around the world, transcending the boundaries of geography, nationality, political philosophy, gender, age, culture, and religion;

ENROLLED ORIGINAL

WHEREAS, Cornell Tayron Gray is the only District of Columbia athlete to travel to the 2017 Special Olympics World Winter Games, which was his first trip outside of the United States;

WHEREAS, Cornell Tayron Gray, relying on a belief in himself and in his abilities, won a gold medal on March 22, 2017 in the 222-meter Division 14 speed skating race with a time of 35.848 seconds; and

WHEREAS, Cornell Tayron Gray also won a gold medal on March 24, 2017 in the 333-meter Division 16 speed skating race with a time of 51.622 seconds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Cornell Tayron Gray Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia congratulates Cornell Tayron Gray for his perseverance and achievement in representing the United States at the 2017 Special Olympics World Winter Games in Graz, Schladming-Rohrmoos and Ramsau, Austria, where he won 2 gold medals in speed skating, and also congratulates his teachers, coaches, and other members of his support network who have helped him to successfully compete as an international athlete.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-84

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize Asian American and Pacific Islander Heritage Month and the Asian American and Pacific Islander community as an integral and celebrated cultural community in the District of Columbia.

WHEREAS, the District is home to 32,376 Asian American and Pacific Islander residents;

WHEREAS, the Mayor’s Office on Asian and Pacific Islander Affairs is celebrating its 30th anniversary;

WHEREAS, in June 1977, Representatives Frank Horton of New York and Norman Y. Mineta of California introduced a House of Representatives resolution to proclaim the first 10 days of May as Asian-Pacific Heritage week, and the following month, Senators Daniel K. Inouye and Spark Matsunaga from Hawaii introduced a similar bill in the Senate;

WHEREAS, on October 5, 1978, President Jimmy Carter signed a Joint Resolution designating the annual celebration;

WHEREAS, in 1990, President George H. W. Bush signed a bill passed by Congress to extend the week-long celebration to a month-long celebration;

WHEREAS, in 1992, the official designation of May as Asian-Pacific American Heritage Month was signed into law;

WHEREAS, Asian American and Pacific Islander immigrants have contributed greatly the social, economic, and political development of the District throughout its history;

WHEREAS, countless residents of Asian and Pacific Island heritage serve the District of Columbia in the areas of public service, education, business, technology, healthcare, family services, the arts, and culture; and

ENROLLED ORIGINAL

WHEREAS, May has become a symbolic month in which Asian Americans and Pacific Islanders, and their supporters, come together in various celebrations of culture, traditions, and history.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Asian American and Pacific Islander Heritage Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the outstanding contributions and valued accomplishments of the Asian American and Pacific Islander community in the District of Columbia and the United States of America, celebrates the rich cultural heritage of Asian Americans and Pacific Islanders, and recognizes District residents who trace their ancestry to Asia and the Pacific Islands on the occasion of Asian American and Pacific Islander Heritage Month.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-85

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and acknowledge the Humane Rescue Alliance for its commitment to protecting, rescuing, and caring for animals in the District of Columbia and to acknowledge its 30th Annual Bark Ball.

WHEREAS, the Humane Rescue Alliance was created when the Washington Humane Society and the Washington Animal Rescue League united to form a single more powerful voice for animals;

WHEREAS, Washington, D.C., is the only major urban area in the United States that has all of its animal protection programs and services—from medical services and adoptions to animal control and humane law enforcement—unified in one organization;

WHEREAS, the Human Rescue Alliance is regarded as the Washington, D.C. area's premier animal welfare organization;

WHEREAS, the Human Rescue Alliance provides many programs and services, including matching people with companion animals, providing affordable veterinary care, offering a humane education program, and ensuring the safety and welfare of all animals;

WHEREAS, the Humane Rescue Alliance's annual Bark Ball honors the programs and services of the Humane Rescue Alliance;

WHEREAS, the Humane Rescue Alliance's 30th Annual Bark Ball will be held on Saturday, June 17, 2017 at the Washington Hilton; and

WHEREAS, under the leadership of its President and Chief Executive Officer, Lisa LaFontaine, and a hardworking and dedicated staff, the Humane Rescue Alliance continues to protect animals and support people's love and compassion for them.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Humane Rescue Alliance's 30th Annual Bark Ball Recognition Resolution of 2017".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and congratulates the Humane Rescue Alliance on the occasion of its 30th Annual Bark Ball and commends its commitment to serving the animals and people of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and honor all members of the United States Armed Forces, past and present, as well as their families for their service and sacrifice, and to declare May as “National Military Appreciation Month” in the District of Columbia.

WHEREAS, in 1999, the U.S. Senate passed a resolution designating May as National Military Appreciation Month;

WHEREAS, National Military Appreciation Month serves as a way to gather America around its military family to honor, remember, recognize, and appreciate those who have served and to know the history behind it all,

WHEREAS, the vigilance of the members of the United States Armed Forces has been instrumental to the preservation of the freedom, security, and prosperity enjoyed by the people of the United States;

WHEREAS, to foster and sustain such a commitment, it is vital for the youth of the United States to understand that the service provided by members of the United States Armed Forces is an honorable legacy that protects the freedoms enjoyed by citizens of the United States as well as citizens of many other nations;

WHEREAS, the District of Columbia has a proud history of service in the United States Armed Forces in times of peace and war;

WHEREAS, the District of Columbia is home to over 28,000 brave veterans;

WHEREAS, the District of Columbia is committed to its veterans and the District of Columbia government has a responsibility to raise awareness of and respect for this aspect of the heritage of the United States and to encourage the people of the United States to dedicate

ENROLLED ORIGINAL

themselves to the values and principles for which Americans have served and sacrificed throughout the history of the Nation; and

WHEREAS, the month of May is a time to remember those who gave their lives in defense of freedom and to honor the men and women of the United States Armed Services who have served, or are currently serving, our country.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Military Appreciation Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors the men and women of the United States Armed Services who have served and are now serving our country, together with their families, and declares May as “National Military Appreciation Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-87

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and celebrate the accomplishments of professional nurses, to show appreciation for the efforts of professional nurses to improve our healthcare system, and to declare May 6 through 12 as “National Nurses Week” in the District of Columbia.

WHEREAS, National Nurses Week is celebrated annually from May 6 through May 12, the period that culminates on the birthday of Florence Nightingale, the founder of modern nursing;

WHEREAS, in 1974, a week was designated by the White House as National Nurse Week, and President Nixon issued a proclamation;

WHEREAS, in 1982, President Ronald Reagan signed a proclamation on March 25 proclaiming "National Recognition Day for Nurses" to be May 6, 1982;

WHEREAS, in 1990, the American Nurses Association (“ANA”) Board of Directors expanded the recognition of nurses to a week-long celebration, declaring May 6 through May 12, 1991, as National Nurses Week;

WHEREAS, in 1993, the ANA Board of Directors designated May 6 through May 12 as permanent dates to observe National Nurses Week in 1994 and in all subsequent years;

WHEREAS, nursing is a profession that embraces dedicated people with varied interests, strengths, and passions because of the many opportunities the profession offers;

WHEREAS, the nearly 3.1 million registered nurses in the United States comprise our nation’s largest healthcare profession;

WHEREAS, nurses are the first line of defense in prevention of illness and injury, while constantly championing and promoting the health of our nation;

ENROLLED ORIGINAL

WHEREAS, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings;

WHEREAS, now more than ever, registered nurses are positioned to assume leadership roles in health care, provide primary care services to meet increased demand, implement strategies to improve the quality of care, and play a key role in innovative, patient-centered care delivery models;

WHEREAS, the nursing profession plays an essential role in improving patient outcomes, increasing access, coordinating care, and reducing health care costs;

WHEREAS, the ANA, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care;

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services;

WHEREAS, professional nurses in the District of Columbia work hard to keep our families healthy and to provide high-quality care to patients; and

WHEREAS, nursing has been demonstrated to be an indispensable component in the safety and quality of patient care in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Nurses Week Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia celebrates and appreciates the commitment of registered nurses to providing safe and high-quality patient care and their efforts to improve the health care system in the United States.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize Dr. Steven Knapp for his accomplishments and successes during his tenure as the 16th president of the George Washington University, and to declare May 6, 2017 as “Steven Knapp Day” in the District of Columbia.

WHEREAS, Dr. Steven Knapp will complete a decade of service to the George Washington University (“GWU”) as its 16th president on July 31, 2017;

WHEREAS, President Knapp’s leadership and devotion to the District of Columbia metropolitan community has included increasing access of higher-education opportunities to numerous lower-income District of Columbia high school students with initiatives such as the District Scholars Award;

WHEREAS, President Knapp has strengthened many fruitful partnerships within the District of Columbia metropolitan community, including his service as chair of the board of trustees of the Consortium of Universities of the Washington Metropolitan Area, co-chair of the Age-Friendly DC Taskforce, and service on the boards of the Economic Club of Washington, D.C., the Greater Washington Urban League, the Federal City Council, and the Greater Washington Board of Trade (ex-officio);

WHEREAS, President Knapp has significantly built upon GWU’s culture of public and community service by helping create the Honey W. Nashman Center for Civic Engagement and Public Service, GWU’s Freshman Day of Service, and a record 658,350 hours of community service logged this past year by the GWU community;

WHEREAS, President Knapp has spearheaded GWU’s commitment to sustainable actions that provide us all with a healthier future, including the creation of 13 LEED-certified projects at GWU, the current sourcing of 50% of the university’s electricity from solar power, thus cutting annual CO2 emissions by 42,000 metric tons, and signing a pledge for GWU to achieve carbon neutrality by 2040; and

WHEREAS, President Knapp has catalyzed the university’s continued growth as a world-class research institution and the economic, cultural, and civic life of the District of Columbia metropolitan area with the collaboration between the Corcoran Gallery of Art and the National

ENROLLED ORIGINAL

Gallery of Art to form the Corcoran College of Art and Design, the creation of the GWU School of Nursing, the Science and Engineering Hall, the George Washington University Museum and The Textile Museum, the GW Cancer Center, the Global Women’s Institute, the Computational Biology Initiative, the Autism & Neurodevelopmental Disorders Institute, and the Urban Food Task Force.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “George Washington University President Steven Knapp Legacy Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia acknowledges and honors President Knapp for his outstanding contributions to the people and institutions throughout the District of Columbia metropolitan area, and declares May 6, 2017 as “Steven Knapp Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-89

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize Grace Episcopal Church, Georgetown on the occasion of its 150th anniversary, and to declare May 6, 2017 as “Grace Episcopal Church, Georgetown Day” in the District of Columbia.

WHEREAS, Grace Episcopal Church, Georgetown, was founded to serve the laborers, craftsmen, shopkeepers, and watermen of the Georgetown waterfront;

WHEREAS, regular services were being held in 1857 in a wooden chapel that stood in the southwest corner of the churchyard, where the World War I memorial cross now stands;

WHEREAS, Grace Episcopal Church, Georgetown, was built in 1867 and located at 1041 Wisconsin Avenue, N.W.;

WHEREAS, historically known as Grace Protestant Episcopal Church, it was added under that name to the National Register of Historic Places on May 6, 1971:

WHEREAS, Grace Episcopal Church, Georgetown is an active parish in the Episcopal Diocese of Washington;

WHEREAS, outreach to the community is a vital ministry of Grace Episcopal Church, Georgetown;

WHEREAS, in the late 1960s, programs were created for the many young people living on the streets of Georgetown, including job counseling, a food cooperative, and other programs; and

WHEREAS, Grace Episcopal Church, Georgetown remains the only religious institution in lower Georgetown and is committed to not only continuing its outreach program to the disenfranchised of the community, but also to providing a spiritual refuge for everyone living and working in the Georgetown area regardless of religious affiliation.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Grace Episcopal Church, Georgetown, 150th Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Grace Episcopal Church, Georgetown, on the observance of its 150th anniversary and declares May 6, 2017 as “Grace Episcopal Church, Georgetown, Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-90

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize, honor, and raise community awareness about older Americans in the United States and in the District of Columbia, and to declare May 2017 as “Older Americans Month” in the District of Columbia.

WHEREAS, President Kennedy first celebrated older Americans by designating May 1963 as Senior Citizens Month;

WHEREAS, in 1980, President Jimmy Carter’s proclamation changed the name to Older Americans Month, and the month of May continues to be a time to celebrate those 65 years of age and older through ceremonies, events, and public recognition;

WHEREAS, the theme for 2017’s Older Americans Month is “Age Out Loud,” which places an emphasis on the ways older adults are living their lives with boldness, confidence, and passion while serving as an inspiration to people of all ages;

WHEREAS, the District of Columbia is home to many older Americans who richly contribute to our community;

WHEREAS, older Americans of every race, class, and ethnic background have made historic contributions to the growth and strength of the District of Columbia in countless recorded and unrecorded ways;

WHEREAS, the District’s Office on Aging, under the leadership of Executive Director Laura Newland, is dedicated to serving the needs of senior residents in the District of Columbia;

WHEREAS, the District of Columbia is one of the most age-friendly cities in the United States and on pace to become only the third U.S. city designated by the World Health Organization as an Age-Friendly City in October 2017;

ENROLLED ORIGINAL

WHEREAS, the District of Columbia acknowledges the contributions and sacrifices older persons have made to ensure a better life for the future generations of Washingtonians and Americans, especially those seniors who defended our freedoms as veterans of the United States Armed Forces; and

WHEREAS, the District of Columbia strives to provide opportunities to enrich the lives of individuals of all ages by involving older adults in the redefinition of aging in our community, promoting home and community-based services that support independent living, encouraging older adults to speak up for themselves and others, and providing opportunities for older adults to share their experiences.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Older Americans Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia declares May 2017 as “Older Americans Month” in the District of Columbia and urges every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.

Sec. 3. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Registrar.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-91

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To honor the life of Bernard M. “Coach” Nedab, in remembrance.

WHEREAS, Bernard M. “Coach” Nedab was born on March, 12, 1955 and was the third and youngest child of Chester R. (deceased) and Matilda D. Nedab;

WHEREAS, Bernard M. “Coach” Nedab received his education in the District of Columbia Public Schools (“DCPS”) and was a part of the graduating class of 1972 at Western Senior High School;

WHEREAS, Bernard M. “Coach” Nedab attended Johnson C. Smith University in Charlotte, North Carolina, where he majored in Health & Physical Education and graduated in 1977;

WHEREAS, Bernard M. “Coach” Nedab navigated his way throughout the work force, teaching at Van Ness Elementary School, Hine Junior High School, Eastern Senior High School, and Daniel C. Payne Elementary School, the last school at which he taught;

WHEREAS, Bernard M. “Coach” Nedab’s ultimate goal throughout his career was to make a difference in DCPS schools by motivating students, mentoring, and coaching.

WHEREAS, Bernard M. “Coach” Nedab loved the Washington Redskins, playing golf, and, most of all, culinary arts;

WHEREAS, Bernard M. “Coach” Nedab joined and served at the St. Stephen Baptist Church under the leadership of Bishop Lanier C. Twyman, Sr., who called Mr. Nedab a platinum member, and First Lady Twyman, and where he served on the kitchen ministry;

WHEREAS, Bernard M. “Coach” Nedab was a beloved husband, father, grandfather, son, brother, family member, coworker, and friend; and

WHEREAS, Bernard M. “Coach” Nedab passed away on March 27, 2017.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Bernard M. “Coach” Nedab Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia honors and remembers the life of Bernard M. “Coach” Nedab, expresses condolences on his passing, and posthumously declares March 25, 2017 as “Bernard M. “Coach” Nedab Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-92

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and congratulate Reverend Raymond B. Kemp on his 50th ordination anniversary.

WHEREAS, Reverend Raymond B. Kemp is a native Washingtonian, Catholic priest, tireless advocate for the poor and homeless, and a Georgetown University professor on race, class, and social justice;

WHEREAS, Reverend Raymond B. Kemp was ordained on May 6, 1967, at Saint Matthews Cathedral;

WHEREAS, Reverend Raymond B. Kemp graduated from Gonzaga College High School in 1959 and Saint Mary's Seminary and University, the oldest Catholic seminary in the United States;

WHEREAS, Reverend Raymond B. Kemp served the Saints Paul and Augustine parish from 1967 to 1981, one of the largest parishes in Washington, D.C., and the oldest black Catholic church in the Nation's Capital;

WHEREAS, Reverend Raymond B. Kemp's distinguished contributions to education in the District of Columbia include service on the Board of Trustees for the University of the District of Columbia and the Board of Directors for Gonzaga College High school, and as an Elected Member of the Board of Education;

WHEREAS, Reverend Raymond B. Kemp has served on the District of Columbia Mayor's Interfaith Council since 2008;

WHEREAS, Reverend Raymond B. Kemp's service to civic affairs in the District of Columbia includes membership on numerous boards of directors, including DC Special Olympics, DC Central Kitchen, College Campus Kitchens, The Georgetown Center for Liturgy Advisory Board, Neediest Kids Fund, and DC Bar Board of Governors;

WHEREAS, Reverend Raymond B. Kemp was a founder of the 14th and U Streets Coalition, founder of the Capitol Hill Housing Improvement Partnership, and past-President of the Community Action Group;

ENROLLED ORIGINAL

WHEREAS, Reverend Raymond B. Kemp is renowned for his decades of commitment to social activism and education in the District of Columbia and Georgetown University communities, engaging the church, students, and community on biblical and social justice; and

WHEREAS, Reverend Raymond B. Kemp's distinguished career with Georgetown University includes his current position as Special Assistant to the President of the University, adjunct professor in the Georgetown University Department of Theology, and team member for the McDonough School of Business's Executive Masters in Leadership for District of Columbia Public School and Public Charter School principals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reverend Raymond B. Kemp Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Reverend Raymond B. Kemp on his 50th ordination anniversary for his decades of service to residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-93

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To posthumously recognize, honor, and commemorate the contributions of Paul Devrouax, Jr. to architecture and African American history in the District of Columbia.

WHEREAS, Paul S. Devrouax, Jr. was born October 4, 1942, in New Orleans, Louisiana, and received his degree in architecture from Southern University in Baton Rouge, Louisiana;

WHEREAS, Paul Devrouax was drafted into the United States Army and was promoted to Sergeant in the 6th Armored Cavalry Regiment;

WHEREAS, in 1968, Paul Devrouax's unit was deployed to Washington, D.C. in the wake of the assassination of Martin Luther King, Jr.;

WHEREAS, Paul Devrouax, an architect and active Ward 4 resident, founded Devrouax & Purnell Architects along with Marshall Purnell in 1973;

WHEREAS, Devrouax & Purnell Architects was a leader in the architectural community in the District from 1973 until it closed its doors in 2011, and designed award winning structures that helped to create a new spirit in Washington, D.C.;

WHEREAS, in 1986, Devrouax & Purnell designed the Frank D. Reeves Municipal Center, the first major building to rise on U Street in decades, spurring the neighborhood's revival;

WHEREAS, Paul Devrouax was elected president of the National Organization of Minority Architects in 1980 and the Washington Project for the Arts in 1988;

WHEREAS, Paul Devrouax was actively involved in tutoring and mentoring young architects and regarded them as his most-enduring edifice;

WHEREAS, the Devrouax family established the Paul Devrouax, Jr. Memorial Lecture to provide a forum for dialogue to inform, delight, and fortify the aspirations of young students through lecture and interactive events;

ENROLLED ORIGINAL

WHEREAS, Paul Devrouax provided tutelage and inspiration to many aspiring architects and served as a trailblazer for African American architectural firms in the District of Columbia;

WHEREAS, Paul Devrouax helped design many landmark buildings in the Washington, D.C. region, including the Walter E. Washington Convention Center, Nationals Park, the African American Civil War Museum, the Pepco building, and Freddie Mac headquarters; and

WHEREAS, Paul Devrouax Jr. died March 22, 2010 at 67 years of age, leaving behind a legacy that will remain in the District of Columbia for generations to come.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Paul Devrouax Jr. Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia posthumously recognizes Paul Devrouax Jr.’s impact on architecture and African American history in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To congratulate native Washingtonian Richard J. Dyer on becoming President and General Manager of WUSA9.

WHEREAS, Richard J. Dyer is a native Washingtonian and grew up in the Riggs Park neighborhood with his parents, who are also native Washingtonians;

WHEREAS, Richard J. Dyer is a graduate of Archbishop Carroll High School;

WHEREAS, Richard J. Dyer holds a master's degree in marketing from the University of Maryland and a bachelor's degree in economics and communications from Boston College, where he was an outstanding member of the Boston College Eagles football team and served as its captain his senior year;

WHEREAS, Richard J. Dyer is the past Board Chairman for the Ohio Association of Broadcasters, the Development Chairperson for the Urban League of Greater Cincinnati, and a member of the University of Cincinnati Electronic Media Advisory Board;

WHEREAS, Richard J. Dyer was an Advisory Board member of the Hamilton County American Cancer Society and past Board Chairman of the Ruth Lyon's Children's Fund;

WHEREAS, Richard J. Dyer previously served in various roles at WUSA9, the CBS affiliate and TEGNA owned television station in Washington, D.C., including Vice President and Station Manager;

WHEREAS, Richard J. Dyer worked as the Vice President of Broadcast at Gannett's KSDK-TV in St. Louis, Missouri;

WHEREAS, Richard J. Dyer became the Corporate Vice President of Television Sales at Gannett Television, which is now TEGNA Media;

WHEREAS, Richard J. Dyer was the President and General Manager of Hearst Television's ABC affiliate television station in Omaha, Nebraska, KETV;

ENROLLED ORIGINAL

WHEREAS, Richard J. Dyer joined WLWT in December 2002 and served 14 years as the President and General Manager of WLWT- TV, the Hearst Television affiliate television station in Cincinnati, Ohio; and

WHEREAS, Richard J. Dyer, returning to his hometown, became the President and General Manager of WUSA9 in Washington, D.C., in January of 2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Richard Dyer Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia congratulates native Washingtonian Richard J. Dyer on becoming President and General Manager of WUSA9 and welcomes him back to his hometown, the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and honor Mr. David Marshall Culp, Jr., in remembrance, for protecting the environment and his outstanding years of public service in the District of Columbia.

WHEREAS, David Marshall Culp, Jr., was born in Huntington, Indiana, and devoted his life to working for the greater good of society;

WHEREAS, Mr. Culp, while in Indiana, lobbied the state legislature on issues of preserving the environment;

WHEREAS, Mr. Culp moved to Washington, D.C. in the late 1980s;

WHEREAS, Mr. Culp was the dean of lobbyists in the arms control community and focused on the issue at the Friends Committee on National Legislation;

WHEREAS, Mr. Culp has been highly regarded on Capitol Hill for his strategic political insight, for his direct communication with members of Congress and staff, and for his abiding commitment to a world free of nuclear weapons;

WHEREAS, Mr. Culp led the efforts at the Friends Committee on National Legislation for more than 15 years in the arms control community to defeat 3 different proposals to build new nuclear weapons;

WHEREAS, Mr. Culp's swing list of senators was used by constituents, senators, and the White House as the basis for much of the advocacy work during the campaign to win Senate ratification of the New Strategic Arms Reduction Treaty that reduced the number of deployed nuclear weapons in Russia and the United States;

WHEREAS, Mr. Culp also cared passionately about his Washington, D.C. home environment;

WHEREAS, Mr. Culp worked on the cleanup of the Anacostia River and loved to lead walks for the conservation society;

ENROLLED ORIGINAL

WHEREAS, Mr. Culp was an avid birdwatcher and in recent years led walks in Fort DuPont Park as part of the Wild Washington Walk Series; and

WHEREAS, Mr. Culp was a forceful advocate for DC Statehood with whom he canvassed and made phone calls for candidates for the Council of the District of Columbia, Mayor, and President of the United States.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “David Culp, Jr., Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Mr. David Culp, Jr., in remembrance, for his passion for protecting the environment, his volunteerism, and his commitment to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-96

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize the importance of DC Black Pride to the community and to welcome visitors from this region, across the country, and around the world to the festival and associated events.

WHEREAS, May 21, 2017, through May 29, 2017, marks the 27th Annual DC Black Pride celebration;

WHEREAS, DC Black Pride is the oldest and among the largest Black Pride events in the world, drawing more than 30,000 people to the Nation's Capital from across the United States as well as Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands;

WHEREAS, as the first Black Pride festival, DC Black Pride fostered the beginning of the Center for Black Equity and the "Black Pride Movement," which now consists of 40 Black Pride festivals on 4 continents;

WHEREAS, the mission of DC Black Pride is to increase awareness of and pride in the diversity of the lesbian, gay, bisexual, and transgender in the African American community as well as support organizations that focus on health disparities, education, youth, and families;

WHEREAS, DC Black Pride is led by a volunteer Advisory Board that assists Earl D. Fowlkes, Jr. and Kenya Hutton with the coordination, planning, and execution of this annual event, which consists of Shannon Garcon, Genise Chambers-Woods, Re'ginald Shaw-Richardson, Ralph "Rocky" Ferguson, and Gladece Knight;

WHEREAS, Earl Fowlkes is celebrating 20 years of involvement with DC Black Pride and the Black Pride Movement around the globe;

WHEREAS, DC Black Pride 2017 is a multi-day festival featuring an awards reception, HIV/AIDS community town hall meeting and workshops, the Black Pride Film Festival and Poetry Slam, an interfaith service, and much more; and

ENROLLED ORIGINAL

WHEREAS, the theme for this year’s celebrations is “The Ties that Bind: Twenty-Seven Years of DC Black Pride!”.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the “27th Annual DC Black Pride Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia hereby honors the hard work of all those involved in organizing the 27th Annual DC Black Pride Celebration and welcomes visitors from across the region, the country, and the world to DC Black Pride 2017 and associated events.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-97

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To honor and recognize the work of law firm Arnold & Porter Kaye Scholer in providing pro bono legal services on behalf of low-income immigrants in the District of Columbia.

WHEREAS, in 1986, following the passage of the Immigration Control and Reform Act, Arnold & Porter attorney Lawrence Schneider saw an opportunity for many District of Columbia immigrant residents to qualify for citizenship;

WHEREAS, Arnold & Porter organized a pro bono network of area law firms to work with immigrants seeking citizenship;

WHEREAS, in 1987, Arnold & Porter became the first pro bono partner to Ayuda, a nonprofit organization that provides immigration legal services to the growing immigrant population of the District of Columbia;

WHEREAS, this year, Ayuda celebrates 3 decades of partnership with the firm, now known as Arnold & Porter Kaye Scholer;

WHEREAS, more than 300 immigrants contact Ayuda each week seeking assistance with valid claims to obtain legal status in the United States;

WHEREAS, in addition to working with Ayuda, Arnold & Porter Kaye Scholer works with Capital Area Immigrants' Rights Coalition, Tahirih Justice Center, Catholic Charities, Kids in Need of Defense, and Human Rights First, among other organizations that support immigrants;

WHEREAS, Arnold & Porter Kaye Scholer's pro bono work includes helping immigrants who are seeking asylum, who have been persecuted or fear persecution because of their race, religion, nationality, or political views, and who are victims of domestic violence, human trafficking, and other crimes;

ENROLLED ORIGINAL

WHEREAS, the work of Arnold & Porter helped establish the precedent that immigration judges must consider all the evidence presented when making a decision regarding relief under the United Nations Convention against Torture;

WHEREAS, Arnold & Porter successfully represented construction workers, many of whom were undocumented, who were not paid the wages due to them and who were subjected to intimidation tactics to prevent them from seeking legal recourse;

WHEREAS, Arnold & Porter successfully challenged immigration-related admissions policies at public colleges and state universities, thereby opening the doors of higher education to many immigrant children; and

WHEREAS, Arnold & Porter Kaye Scholer, working with Ayuda and Ayuda-referred clients, has donated close to 22,000 pro bono hours with a value of more than \$6.5 million during their 3 decades of partnership.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Arnold & Porter Kaye Scholer Pro Bono Immigration Legal Services Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia honors and recognizes the pro bono immigration legal services contributions of Arnold & Porter Kaye Scholer.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To commemorate the 100th anniversary of John F. Kennedy's birth and to declare May 29, 2017 as "John Fitzgerald Kennedy Day" in the District of Columbia.

WHEREAS, John Fitzgerald Kennedy was born May 29, 1917 in Brookline, Massachusetts to Joseph P. Kennedy, Sr. and Rose Kennedy;

WHEREAS, John Fitzgerald Kennedy served as the 35th President of the United States from January 1961 until his assassination in November 1963;

WHEREAS, John Fitzgerald Kennedy attended Harvard University before joining the United States Naval Reserve in 1941;

WHEREAS, during World War II, he commanded a series of PT boats in the Pacific and earned the Navy and Marine Corps Medal for his service;

WHEREAS, after the war, he represented Massachusetts' 11th congressional district in the United States House of Representatives from 1947 to 1953;

WHEREAS, John Fitzgerald Kennedy was elected to the U.S. Senate and served as the junior Senator from Massachusetts from 1953 until 1960;

WHEREAS, while serving in the Senate, he published *Profiles in Courage*, which won the Pulitzer Prize for Biography;

WHEREAS, in the 1960 presidential election, John Fitzgerald Kennedy narrowly defeated incumbent Vice President and Republican opponent Richard Nixon; and

WHEREAS, John Fitzgerald Kennedy served at the height of the Cold War, and much of his presidency focused on managing relations with the Soviet Union.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "100th Anniversary of the Birth of John Fitzgerald Kennedy Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia celebrates the 100th anniversary of the birth of John Fitzgerald Kennedy, honors the 35th President whose many proposals were

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enacted, including the Civil Rights Act of 1964 and the Revenue Act of 1964, and declares May 29, 2017 as “John Fitzgerald Kennedy Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize the historic Capital Yacht Club of Washington D.C., on its 125th anniversary and on the occasion of its 125th Flag Raising.

WHEREAS, the Capital Yacht Club was founded in 1892, on the Washington Channel in Southwest D.C., shortly after Major General Peter C. Hains of the US Army Corps of Engineers renovated the waterway system within the Nation's Capital;

WHEREAS, the Capital Yacht Club, as one of the longest continuously operating nonprofit businesses in the Nation's Capital, continues to contribute to the vibrancy, life, and economy of the Southwest Waterfront through its active championing of, participation in, and support of events such as the regionally famous Parade of Lights, the Blessing of the Fleet, and the annual Cherry Blossom Festival;

WHEREAS, members of the Capital Yacht Club readily committed their vessels to the national defense in both World Wars I and II;

WHEREAS, continuing that tradition of assistance and cooperation in times of emergency, the Capital Yacht Club stepped forward and offered its facilities and vessels to the Metropolitan Police Department and the Fire and Emergency Medical Service Department to support all first responders to the Pentagon on September 11, 2001;

WHEREAS, the Capital Yacht Club, in furtherance of its commitment to its founding principles, continues to work closely with and provide meeting space to the U.S. Coast Guard Auxiliary and the US Power Squadron's Potomac River Unit as part of its ongoing efforts to promote boating safety;

WHEREAS, the Capital Yacht Club, as a nonprofit promoting philanthropy throughout its 125-year-presence on the Southwest Waterfront, has provided leadership, contributed vessels, as appropriate, provided meeting space to, and given assistance to such activities as the Easter Seals (Cruise for Kids), the Cure for Cancer Walk, the Leukemia Cup Fundraiser, US Marine Corps Reserve Toys for Tots Program, DC Sail Youth Sailing and Scholastic Sailing Programs, Cantina Cup, Washington Channel Poker Run, and its own annual Boxing Day Warm Clothing Drive;

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WHEREAS, the Capital Yacht Club, over 35 years ago, created and continuously sponsors its annual Police, Firefighters, and Emergency Medical Services Picnic to honor and thank the brave first responders of our Nation’s Capital;

WHEREAS, the Capital Yacht Club, in further commitment to its Charter, continues to work closely with the US Coast Guard and the Metropolitan Police Department’s Harbor Patrol Unit in support of their security efforts on the Potomac and Anacostia Rivers within the jurisdictional boundaries of the District of Columbia, including its Eyes on the Potomac program; and

WHEREAS, the Capitol Yacht Club has been a community partner in and long standing stalwart of the Wharf redevelopment and a continuously active participant in the redevelopment of the Southwest Waterfront and a leader in preserving boating and vibrancy in Southwest Washington, D.C.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Capital Yacht Club 125th Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia finds this a most appropriate time to recognize the Capital Yacht Club for its continued community involvement and support, and for its continuous contributions to the rejuvenation and sustainability of America’s national waterfront, The Wharf.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To declare June 2017 as “Gun Violence Awareness Month” in the District of Columbia.

WHEREAS, on an average day, 93 Americans are killed with guns;

WHEREAS, on an average day, 7 children and teens are killed with guns in the United States;

WHEREAS, every year, on average, 33,000 people die in the United States from gun violence and another approximately 90,000 are injured as a result of gun violence;

WHEREAS, in 2016, 105 people died as a result of gun violence in the District of Columbia;

WHEREAS, the gun homicide rate in the United States is more than 25 times the average of other developed countries;

WHEREAS, for every one person killed with guns, 2 more are injured;

WHEREAS, the presence of a gun in a domestic violence situation increases the risk of the victim being shot and killed by 5 times;

WHEREAS, orange is the official color for National Gun Violence Awareness Day because Hadiya Pendleton’s friends wore the color in her honor when she was shot and killed in Chicago at 15 years of age — just one week after performing at President Barack Obama’s Inaugural Parade in 2013;

WHEREAS, June 2 is National Gun Violence Awareness Day, and Americans across the country will wear orange to send a powerful message about the importance of ending gun violence;

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WHEREAS, National Gun Violence Awareness Day is followed by the entire month of June as Gun Violence Awareness Month;

WHEREAS, the goals of Gun Violence Awareness Month are to promote greater awareness about gun violence safety, to concentrate heightened attention to gun violence during the summer months, when gun violence typically increases, and to bring residents and community leaders together to discuss ways to make our communities healthier; and

WHEREAS, communities across the country, including the District of Columbia, will participate in educational and outreach activities during Gun Violence Awareness Month.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Gun Violence Awareness Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia declares June 2017 as “Gun Violence Awareness Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and honor Angela Franco for her years of service to the people of the District of Columbia and its business community as the President and CEO of the Greater Washington Hispanic Chamber of Commerce.

WHEREAS, Angela Franco was born in Berkley, California;

WHEREAS, she earned a degree in Business Administration from CESA University and holds a Masters in Finance from EAFIT University, both prestigious universities in Colombia;

WHEREAS, she embarked on a successful career in insurance and banking over 18 years in customer relationship management and business development;

WHEREAS, Ms. Franco was named President and CEO of the Greater Washington Hispanic Chamber of Commerce on November 1, 2009;

WHEREAS, since its founding in 1976, the Greater Washington Hispanic Chamber of Commerce has worked to grow our local economy by assisting all small businesses in the Washington, D.C. region, including entrepreneurs in underserved communities, so they can reach their full potential;

WHEREAS, during her tenure, the chamber has grown its funding, programs, and operations, has significantly increased its membership, visibility, and business impact, and helped establish and grow hundreds of area small and medium-sized businesses;

WHEREAS, under Ms. Franco’s leadership, the Greater Washington Hispanic Chamber of Commerce was named Chamber of the Year in 2015 by the US Hispanic Chamber of Commerce and in 2013 received that organization’s award for the best midsized chamber in the nation;

WHEREAS, Ms. Franco is an advocate for economic growth in the region, having served as an appointee to the Maryland Economic Development Commission and the Maryland

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Governor's Commission on Hispanic Affairs, and as a member of the Executive Committee of Destination DC;

WHEREAS, currently she is a member of the US Chamber of Commerce and the Council on Small Business, a board member at large for the United Way Capital Region, a board member of the Washington DC Economic Partnership, and an appointee to the DC Workforce Investment Council;

WHEREAS, Ms. Franco has received numerous honors for her work, including the Presidential Ambassadors for Global Entrepreneurship Award, the American Airlines Extra Mile Award for positively impacting the economic growth of communities in which she lives and works, and the NFL Hispanic Leadership Award as part of Hispanic Heritage month;

WHEREAS, for her work creating opportunities for Hispanic American, and Latino youth, the Boy Scouts of America National Capital Area Council recognized Ms. Franco with the Scouting Vale La Pena Service Award;

WHEREAS, in 2012, she was honored by the Washington Business Journal as the 2012 Minority Business Leader and as one of the 50 Most Powerful US and International Business Executives by the Minority Enterprise Advocate Magazine in 2012; and

WHEREAS, Ms. Franco will be leaving her position on June 30, 2017, and will continue making an impact in the District and the region.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Angela Franco Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Angela Franco for her years of service to the community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and honor Lori M. Kaplan for her years of vision and service to the District of Columbia’s immigrant community.

WHEREAS, Lori M. Kaplan was born in San Antonio, Texas in 1953;

WHEREAS, Lori M. Kaplan completed her undergraduate studies at Antioch University in 1976 and earned her master’s degree from George Washington University in 1986;

WHEREAS, Lori M. Kaplan began supporting the Latin American Youth Center (“LAYC”) in 1979 as a volunteer, joined the staff in 1982, and became Executive Director in 1987;

WHEREAS, for 36 years, Lori M. Kaplan has led LAYC from a grassroots organization to national prominence, creating an award-winning network of youth programs in the District;

WHEREAS, under Lori M. Kaplan’s direction, LAYC has helped guide thousands of low-income youth to better opportunity;

WHEREAS, Lori M. Kaplan has dedicated her life to the mission and growth of the LAYC, with unwavering commitment, tenacity, vision, and leadership;

WHEREAS, Lori M. Kaplan is a co-founder of 3 District charter schools: Next Step, YouthBuild, and LAYC Career Academy;

WHEREAS, Lori M. Kaplan works alongside other community leaders and is recognized by countless local and national organizations for her philanthropy, community leadership, and commitment to education;

WHEREAS, Lori M. Kaplan has received numerous awards, including the Washingtonian of the Year in 1997, the 2001 Lewis Hine Award for her work on child labor issues, the Children’s Champion award by DC Action for Children, and the Community

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Champion Award from the Hispanic Heritage Foundation, and has been named one of Washington's 50 influencers by The Washington Informer Charities;

WHEREAS, Lori M. Kaplan is a founding board member of and served as chair of the DC Alliance for Youth Advocates, served on the Board of Directors of the Consortium on Child Welfare, the Roundtable for Nonprofit Excellence, and the DC Workforce Investment Board, served as an advisor to the Clinton Global Initiative, is a member of Leadership Greater Washington, and continues to work with Youth Radio; and

WHEREAS, Lori M. Kaplan has often said, "Working with youth keeps you youthful."

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Lori M. Kaplan Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Lori M. Kaplan for her years of service to the District of Columbia's immigrant population.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize the many contributions of the DC Bar Foundation and its continued support over the last 10 years of a shared legal interpreter bank for civil legal services providers, to emphasize the importance of ensuring that low-income people who have limited English proficiency or who are deaf or are hard of hearing are able to effectively communicate with their legal counsel to provide for better representation, and to affirm its commitment to ensuring access to justice to vulnerable populations in the District of Columbia.

WHEREAS, the DC Bar Foundation, organized in 1977, is the leading funder of civil legal aid in the District of Columbia, dedicated to ensuring that residents of the District have equal access to justice regardless of income;

WHEREAS, with approximately 5% of the District population having limited English proficiency, and more than 12,000 people having hearing difficulty that may correlate with using sign language to communicate, the DC Bar Foundation understands the urgent need to bridge the communication gap between these populations and their legal representatives;

WHEREAS, the DC Bar Foundation understands that without the vital services provided by interpreters, those who are not proficient in English or who are deaf or hard of hearing would not be able to communicate effectively with their attorneys to solicit help and prepare their cases;

WHEREAS, the Council of the District of Columbia designated the DC Bar Foundation as administrator of the funds for the Access to Justice Grants Program, and, since 2007, a portion of those funds has been invested in a shared legal interpreter bank, the Ayuda Community Legal Interpreter Bank, which provides free interpretation and translation services to low-income legal services clients who are District residents or have a legal matter in the District and are either not proficient in English or are deaf or hard of hearing;

WHEREAS, because of the continued support of the DC Bar Foundation, language access services are available to more than 3 dozen civil legal services nonprofits to aid them in assisting limited English proficient, deaf, and hard of hearing clients using spoken language interpreters, sign language interpreters, and document translation;

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WHEREAS, with the assistance of the DC Bar Foundation, the Ayuda Community Legal Interpreter Bank has been able to interpret for clients and to assist with a wide range of cases, such as unpaid wages, immigration matters, public benefit cases, child custody matters, representation of a tenant association with a housing matter, employment, and many others;

WHEREAS, with the help of the DC Bar Foundation funding, the Ayuda Community Legal Interpreter Bank has undergone tremendous growth so that in the last 5 years the annual number of in-person and telephonic interpretation sessions handled by the Ayuda Community Legal Interpreter Bank has risen from 1,715 to 2,316; and

WHEREAS, the District, with the support of the DC Bar Foundation, is the only jurisdiction in the country in which a public interest lawyer can get the assistance of a specially trained interpreter without charge whenever necessary.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Bar Foundation 10th Anniversary of Supporting the Ayuda Community Legal Interpreter Bank Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the DC Bar Foundation for its contributions to the community and celebrates its 10th anniversary of supporting language access in civil legal services.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-104

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and celebrate the 30th anniversary of the Anne Frank House, a nonprofit organization in the District of Columbia that provides vital supportive housing assistance to those recovering from chronic homelessness and mental health disabilities.

WHEREAS, the Anne Frank House was established in 1987 by a group of members of Adas Israel Congregation to provide housing assistance and social support services to men and women experiencing homelessness due to chronic mental illness, and was established as an independent 501(c)(3) organization with ties to Adas Israel;

WHEREAS, the Anne Frank House is named in honor of Anne Frank who, along with millions of others, suffered displacement and was made homeless throughout the Holocaust;

WHEREAS, the organization has adopted what is known as a “permanent supportive housing” model to address homelessness by purchasing and leasing single-occupancy rental properties in Wards 3 and 4 to provide safe shelter for homeless residents;

WHEREAS, the Anne Frank House’s success and expansion of the number of supportive housing units it is able to provide is largely due to the dedication and passion of the all-volunteer board, which has extensive expertise in real estate, legal and social services, and non-profit management;

WHEREAS, to help clients achieve greater independence, the Anne Frank House has built a close partnership with Friendship Place to provide the much-needed medical, psychological, and social support services necessary for stable housing and mental and emotional well-being;

WHEREAS, the Anne Frank House’s strong network of volunteers build caring, one-on-one relationships with clients, thus providing them with a strong sense of security, self-reliance, and belonging in the community;

WHEREAS, the Anne Frank House has always focused on raising awareness of the plight of people experiencing homelessness and frequently organizes fundraising events and opportunities for the community to volunteer time or expertise;

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WHEREAS, the Anne Frank House is primarily supported by the consistent generosity of faith-based communities, individual donors, foundations, and corporate supporters; and

WHEREAS, with the focus on helping those in need, the Anne Frank House serves as a strong expression of the Jewish value of “Tikkun Olam” – that by improving the lives of others one can, in turn, improve the world.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Anne Frank House 30th Anniversary Celebration Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia honors the Anne Frank House and celebrates the organization’s 30th anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-105

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and celebrate the growing partnership between “parkrun,” a free community-based fitness activity, and the District of Columbia, and to declare June 3, 2017, as “Parkrun Day” in the District of Columbia.

WHEREAS, parkrun is a free, weekly 5-kilometer run that is completely managed by volunteers;

WHEREAS, originated in London in 2004, parkrun has grown to over 1,100 events worldwide with over 200,000 people participating each weekend in 15 countries, including the United States;

WHEREAS, on January 9, 2016, Fletcher’s Cove parkrun began in Ward 3 along the C&O Canal towpath, becoming the first parkrun in the northeast United States;

WHEREAS, since then, over 1,400 runners, joggers, and walkers have participated in the Saturday morning event, in cooperation with the National Park Service and Mayor Muriel Bowser’s FitDC initiative;

WHEREAS, since the launching of Fletcher’s Cove parkrun, 2 other parkruns have begun in the area, the Roosevelt Island parkrun and College Park parkrun, bringing the total number of registered participants in the region to over 3,000 people;

WHEREAS, community participation in parks and public lands is a policy objective shared by the Council and by the National Park Service and parkrun offers a free, weekly opportunity for all District residents to engage in physical activity among beautiful surroundings and in a friendly, supportive atmosphere; and

WHEREAS, the founder of parkrun, Paul Sinton-Hewitt, Commander of the Most Excellent Order of the British Empire, will be visiting the District of Columbia to participate in local parkruns.

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RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Parkrun Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia celebrates parkrun’s growing success in helping many residents lead healthier, happier lives, and hereby declares June 3, 2017, as “Parkrun Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-106

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and congratulate the Woodrow Wilson High School Tigers Boys Basketball Team for winning the 2017 DCIAA Championship.

WHEREAS, the Woodrow Wilson High School Tigers Boys Basketball Team won the DCIAA Championship for the first time in 33 years after defeating the Theodore Roosevelt Roughriders on February 22, 2017, by a score of 57-38;

WHEREAS, the Woodrow Wilson High School Tigers Boys Basketball Team has an impressive 27-3 record for the 2016-2017 season, including a 21-game winning streak, and was ranked 11th in the region by the Washington Post;

WHEREAS, the Woodrow Wilson High School Tigers Boys Basketball Team was led by Head Coach Angelo Hernandez, who was named the DCIAA Coach of the Year for his outstanding leadership and commitment to his team and individual players;

WHEREAS, the success of the 2016-2017 boys basketball season and the 2017 DCIAA Championship would not have been possible without the support and dedication of the entire coaching staff, including: Associate Head Coaches Andrew Barnes and Kendrick Hawkins and Assistant Head Coaches Donta Anderson, Gus Antifantis, Collus Brown, Marcel Gavin, David Johnson, Johnnie Tutt, and Henry Martinez;

WHEREAS, the Woodrow Wilson High School Tigers Boys Basketball team for the 2016-2017 season roster included the following team members:

#1 Isaiah Jennings, SF/PF, Sr.

#2 Ayinde Hikim, PG, Jr.

#3 Carlos Dunn, SG/PG, So.

#4 Sean Savoy, PG/G/SG, Sr.

#5 Marquis Copeland, C/PF, Sr.

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- #13 Devin Fuller, G/PG, Sr.
- #10 Romaro Hutchinson, SG, So.
- #11 Freddie Harris, PF, Sr.
- #20 Cameron Harrison, PG/SG, Jr.
- #23 Ricardo Lindo, PG/SG/SF, Jr.
- #31 Deandre Perkins, SG, So.
- #33 Josiah Marable, C/PF, Jr.
- #41 George Allen SF/PF/C, Jr.

WHEREAS, Woodrow Wilson High School Tigers Boys Basketball Team members Ayinde Hikim and Ricky Lindo Jr. were both named to the All DCIAA First Team, and Isiah Jennings was named to the All DCIAA Second Team; and

WHEREAS, Woodrow Wilson High School and the Ward 3 community celebrate the historic achievement of the Woodrow Wilson High School Tigers Boys Basketball Team and growth of the school’s basketball program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Woodrow Wilson High School Tigers Boys Basketball Team Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates the achievement of the Woodrow Wilson High School Tigers Boys Basketball Team and commends the players and coaches on a successful season.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-107

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize and honor Starr Valentino for creating a special occasion to spread love and kindness among neighbors, and to declare May 16, 2017 as “Do Something Good for Your Neighbor Day” in the District of Columbia.

WHEREAS, "Do Something Good For Your Neighbor Day" is a nationwide effort observed in over 100 cities, towns, and villages across the United States, to celebrate its true meaning in spreading love and kindness for all humanity;

WHEREAS, in 2009, "Do Something Good For Your Neighbor Day" founder Starr Valentino began walking down the street handing out gift cards, t-shirts, flags, ribbons, and simply displaying acts of kindness in his neighborhood;

WHEREAS, the vision for "Do Something Good For Your Neighbor Day" is for millions of Americans across this nation to have compassion, spread love, and perform acts of kindness and assistance to others without any selfish motive; and

WHEREAS, "Do Something Good for Your Neighbor Day" was first declared on May 16, 2011, and is celebrating its seventh consecutive year.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Do Something Good for Your Neighbor Day Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Starr Valentino and the “Do Something Good for Your Neighbor Day”, joins with other cities, towns, and villages in encouraging residents of all ages, religions, cultures, and of all economic background to participate in acts of kindness throughout their communities, and declares May 16, 2017, as “Do Something Good for Your Neighbor Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-108

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To recognize the teachers at Garfield Elementary School in honor of National Teacher Appreciation Week.

WHEREAS, Garfield Elementary School (“Garfield”) of Washington, D.C. was built in 1910 in honor of James A. Garfield, the 20th President of the United States, and has a rich history of educating boys and girls in Ward 8 of Washington, D.C. for over a century;

WHEREAS, teaching is a profession that plays an essential role in preparing our young people to become contributing members of our communities, thereby strengthening our democracy;

WHEREAS, Garfield’s vision is to deliver a year-round, inquiry-based, blended-learning instruction program that is structured to develop rich content knowledge across all grade levels;

WHEREAS, through their dedicated efforts, Garfield’s teachers ensure students learn the knowledge and skills needed to defy the rigors of college, career, and life;

WHEREAS, excellent teaching is a labor of love, and the dedicated professionals at Garfield often use their own resources to enhance and enrich the daily learning experiences of students with innovative and individualized lessons; and

WHEREAS, Garfield teachers are vital, often hidden figures, in the Ward 8 community and are among the best professional educators who proudly take the responsibility of helping to shape the destiny of our Ward 8, our city, and our nation by training and guiding our children.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Thank A Garfield Teacher Day Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the teachers at Garfield Elementary School in honor of National Teacher Appreciation Week, a time to recognize the efforts of educators in our Ward 8 and our city.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA
PROPOSED LEGISLATION
BILLS

- | | |
|---------|---|
| B22-285 | Community Impact Investment Tax Credit Act of 2017

Intro. 5-16-17 by Councilmembers Grosso, Allen, R. White, Silverman, and Bonds and referred sequentially to the Committee on Finance and Revenue and the Committee on Housing and Neighborhood Revitalization |
| <hr/> | |
| B22-286 | Diversity in Fund Management Amendment Act of 2017

Intro. 5-16-17 by Councilmembers McDuffie and R. White and referred to the Committee of the Whole |
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| B22-287 | Injured Metropolitan Police Officer Relief Amendment Act of 2017

Intro. 5-16-17 by Councilmember Allen and Chairman Mendelson and referred to the Committee on Judiciary and Public Safety |
| <hr/> | |
| B22-288 | Human Rights Amendment Act of 2017

Intro. 5-16-17 by Councilmembers Allen, Grosso, Todd, Bonds, Cheh, Gray, and R. White and referred to the Committee on Judiciary and Public Safety |
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B22-289 Office to Affordable Housing Task Force Establishment Act of 2017
Intro. 5-16-17 by Councilmembers R. White, Todd, Gray, Silverman, Grosso, Cheh, and Bonds and referred to the Committee on Housing and Neighborhood Revitalization

B22-290 Senior Citizen Real Property Tax Relief Amendment Act of 2017
Intro. 5-16-17 by Councilmembers Gray, Cheh, T. White, Bonds, Evans, McDuffie, R. White, and Todd and referred to the Committee on Finance and Revenue

PROPOSED RESOLUTIONS

PR22-307 Commission on Re-Entry and Returning Citizen Affairs James Berry Jr.
Confirmation Resolution of 2017
Intro. 5-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

PR22-308 Commission on Re-Entry and Returning Citizen Affairs Yasmine A. Arrington
Confirmation Resolution of 2017
Intro. 5-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

PR22-309 Commission on Re-Entry and Returning Citizen Affairs Keith Campbell
Confirmation Resolution of 2017
Intro. 5-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

PR22-310 Commission on Re-Entry and Returning Citizen Affairs Esther Ford
Confirmation Resolution of 2017
Intro. 5-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

- PR22-311 Commission of African Affairs Abdoul K. Niang Confirmation Resolution of 2017
Intro. 5-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-312 Commission on African Affairs Noel Lebondzo Gandou Confirmation Resolution of 2017
Intro. 5-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-313 Office of Employee Appeals Jelani Freeman Confirmation Resolution of 2017
Intro. 5-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
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- PR22-314 Local Rent Supplement Program Contract No. 2015-LRSP-04A Approval Resolution of 2017
Intro. 5-10-17 by Chairman Mendelson at the request of the District of Columbia Housing Authority and Retained by the Council with comments from the Committee on Housing and Neighborhood Revitalization
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**Council of the District of Columbia
 COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
 NOTICE OF PUBLIC HEARING
 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
 COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING TO CONSIDER

**A REVIEW OF THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT’S
 CONTRACT WITH AMERICAN MEDICAL RESPONSE**

THE FINAL REPORT OF THE INTEGRATED HEALTHCARE COLLABORATIVE

AND

**BILL 22-0183, THE “AFFORDABLE EMERGENCY TRANSPORTATION AND PRE-
 HOSPITAL MEDICAL SERVICES AMENDMENT ACT OF 2017”**

**Thursday, June 8, 2017, 9:30 a.m.
 Room 120, John A. Wilson Building
 1350 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004**

On Thursday, June 8, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public hearing to consider “A Review of the Fire and Emergency Medical Services Department’s Contract with American Medical Response, the Final Report of the Integrated Healthcare Collaborative, and Bill 22-0183, the ‘Affordable Emergency Transportation and Pre-Hospital Medical Services Amendment Act of 2017’”. The hearing will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m.

First, the Committee will review the Fire and Emergency Medical Services Department’s (“FEMS”) Contract with American Medical Response (“AMR”). FEMS entered into a letter contract with AMR on February 12, 2016, in an effort to respond to increasing EMS call volume and demand for EMS services that outpaced the Department’s resources. FEMS contended that entering into a private contract would help meet response time goals, more frequently train providers, preserve resources for the highest acuity patients, provide better field supervision and performance evaluation, perform preventative maintenance on fleet, and improve agency culture surrounding EMS. In this hearing, the Committee will explore AMR’s performance and outcomes under the first year of the contract.

The hearing will also review the Final Report of the Integrated Healthcare Collaborative, released on February 22, 2017. The Council established the Integrated Health Care Task Force – now known as the Collaborative – in the Fiscal Year 2017 Budget Support Act of 2016 to “study nationally recognized best practices and develop recommendations regarding strategies or reducing EMS call volume, improving EMS delivery, and providing for collaboration between agencies, hospitals, health care organization, and community-based organizations, as well as strategies to achieve these goals by connecting patients with appropriate health care and social services.” The Final Report can be accessed here:

https://fems.dc.gov/sites/default/files/dc/sites/fems/page_content/attachments/Integrated%20Healthcare%20Collaborative%20Report%20%28PUBLISHED%29.pdf.

The stated purpose of Bill 22-0183, the “Affordable Emergency Transportation and Pre-Hospital Medical Services Amendment Act of 2017”, is to amend the Access to Emergency Medical Services Act of 1998 to ensure that consumers have access to affordable emergency pre-hospital medical care and ambulance services in the District and to create a special purpose revenue fund for the purpose of reform and improvement of the delivery of emergency medical services in the District.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, June 5**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on June 22.**

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B22-283, Medical Marijuana Cultivation Center Relocation Temporary Amendment Act of 2017 was adopted on first reading on May 16, 2017. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur on June 6, 2017.

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

Reprog. 22-39 Request to reprogram \$750,653 of Fiscal Year 2017 Local funds budget authority within the District of Columbia Office on Aging (DCOA) was filed in the Office of the Secretary on May 10, 2017. This reprogramming is needed to correctly align the budget with the agency's spending requirements.

RECEIVED: 14 day review begins May 11, 2017

Reprog. 22-40: Request to reprogram \$2,442,000 of Fiscal Year 2017 Special Purpose Revenue funds budget authority within the Department of Health (DOH) was filed in the Office of the Secretary on May 10, 2017. This reprogramming is needed to ensure that DOH will be able to correctly align the budget with agency initiatives.

RECEIVED: 14 day review begins May 11, 2017

Reprog. 22-41: Request to reprogram \$1,000,000 of Fiscal Year 2017 Capital funds budget authority and allotment within the Department of Corrections (DOC) was filed in the Office of the Secretary on May 10, 2017. This reprogramming is needed for upgrades to the Offender Management System (OMS) at the DOC facility.

RECEIVED: 14 day review begins May 11, 2017

Reprog. 22-42: Request to reprogram \$3,000,000 of Capital funds budget authority and allotment from various agencies to the District of Columbia Board of Elections (BOE) was filed in the Office of the Secretary on May 12, 2017. The reprogramming is needed for BOE to solicit proposals for the development, implementation, data conversion, testing, and installation of new centralized, integrated citywide voter registration and election management database system

RECEIVED: 14 day review begins May 15, 2017

Reprog. 22-43: Request to reprogram \$50,348 of Pay-As-You-Go (Paygo) Capital Funds budget authority and allotment from the Department of General Services (DGS) to the Local funds budget of DGS was filed in the Office of the Secretary on May 12, 2017. This reprogramming is needed to procure site furnishings site furnishings at the Joy Evans Recreation Center.

RECEIVED: 14 day review begins May 15, 2017

Reprog. 22-44: Request to reprogram \$48,318 of Pay-As-You-Go (Paygo) Capital Funds budget authority and allotment from the Department of General Services (DGS) to the Local funds budget of DGS was filed in the Office of the Secretary on May 12, 2017. This reprogramming is needed to purchase furniture fixtures, and equipment for the Van Ness Elementary School.

RECEIVED: 14 day review begins April 27, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017

License No.: ABRA-100622
Licensee: Around the Corner, LLC
Trade Name: Bantam King
License Class: Retailer’s Class “C” Restaurant
Address: 501 G Street, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to Add a Sidewalk Café with 17 seats.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION (PREMISES)

Sunday – Thursday 10:00 am - 2:00 am
Friday – Saturday 10:00 am- 3:00 am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION (SIDEWALK CAFÉ)

Sunday – Saturday 11:00 am – 11:00 pm

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

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017

License No.: ABRA-084379
Licensee: Big Bear Café, LLC
Trade Name: Big Bear Café
License Class: Retailer's Class "C" Restaurant
Address: 1700 First Street, N.W.
Contact: Risa Hirao: (202) 544-2200

WARD 5

ANC 5E

SMD 5E06

Notice is hereby given that this licensee has requested Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGES

Applicant requests a Summer Garden Endorsement with 68 seats. Applicant also requests an expansion to the second floor, adding 60 seats for a Total Occupancy Load of 202 for the entire premises.

CURRENT HOURS OF OPERATION FOR PREMISES

Sunday through Thursday 6 am – 12 am, Friday and Saturday 6:00 am – 12:30 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR PREMISES

Sunday 10 am - 12 am, Monday through Thursday 8 am - 12 am, Friday and Saturday 8 am - 12:30 am

PROPOSED HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Thursday 6 am – 12 am, Friday and Saturday 6:00 am – 12:30 am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN

Sunday 10 am - 12 am, Monday through Thursday 8 am - 12 am, Friday and Saturday 8 am - 12:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17 2017
Protest Hearing Date: September 13, 2017

License No.: ABRA-106119
Licensee: Ft Del Mar DC LLC
Trade Name: Del Mar
License Class: Retail Class "C" Restaurant
Address: 791 Wharf Street, S.W.
Contact: Stephen O'Brien: 202 625-7700

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **September 13, 2017 at 1:30 p.m.**

NATURE OF OPERATION

New Restaurant will offer Spanish cuisine, featuring paellas, tapas, and seasonal dishes from the Basque region, Barcelona, and Valencia. Total Occupancy Load of 615 with two Summer Gardens, one with 25 Seats and the other with 45 seats, for a total of 70 seats in the combined Summer Garden space.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISE AND FOR TWO SUMMER GARDENS

Monday through Friday 11:30 am – 2 am, Saturday and Sunday 10:30 am – 2 am

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

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017
Protest Hearing Date: September 13, 2017

License No.: ABRA-106315
Licensee: Donburi Dupont, LLC
Trade Name: Donburi DC
License Class: Retailer's Class "C" Restaurant
Address: 1134 19th Street, N.W.
Contact: Seungjoon Jang: (703)341-7941

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **September 13, 2017 at 4:30 p.m.**

NATURE OF OPERATION

A fast casual restaurant serving Japanese cuisine. Seating capacity of 57 inside. Total Occupancy Load of 92. No entertainment, performances or dancing.

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

Sunday through Saturday 9 am – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: May 12, 2017
Protest Petition Deadline: June 26, 2017
Roll Call Hearing Date: July 10, 2017
Protest Hearing Date: August 16, 2017

License No.: ABRA-106194
Licensee: Dynamix Lounge, LLC
Trade Name: Dynamix Lounge
License Class: Retailer’s Class “C” Tavern
Address: 1220 H Street, N.E.
Contact: John Brown: (202) 704-6055

WARD 6

ANC 6A

SMD 6A01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 10, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **August 16, 2017 at 1:30 p.m.**

NATURE OF OPERATION

New Class “C” Tavern featuring poetry and spoken word and offering alcoholic beverages. Total Occupancy Load of 75. Offering Live Entertainment, which includes Dancing and Cover Charge.

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

Sunday 12:00 pm – 1:00 am, Monday through Friday 11:00 am – 2:00 am, and **Saturday 11:00 am - 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: May 12, 2017
Protest Petition Deadline: June 26, 2017
Roll Call Hearing Date: July 10, 2017
Protest Hearing Date: August 16, 2017

License No.: ABRA-106194
Licensee: Dynamix Lounge, LLC
Trade Name: Dynamix Lounge
License Class: Retailer's Class "C" Tavern
Address: 1220 H Street, N.E.
Contact: John Brown: (202) 704-6055

WARD 6

ANC 6A

SMD 6A01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 10, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **August 16, 2017 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Tavern featuring poetry and spoken word and offering alcoholic beverages. Total Occupancy Load of 75. Offering Live Entertainment, which includes Dancing and Cover Charge.

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

Sunday 12:00 pm – 1:00 am, Monday through Friday 11:00 am – 2:00 am, and **Friday 11:00 am -3:00 am

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

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017

License No.: ABRA-078332
Licensee: A Modo Mio, Inc
Trade Name: Et Voila
License Class: Retailer's Class "C" Restaurant
Address: 5120 MacArthur Blvd, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 3

ANC 3D

SMD 3D05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Applicant has requested to add a wine pub permit to their current "C" restaurant license.

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

Sunday 11:00 am – 10:30 pm, Monday through Thursday 11:00 am – 11:00 pm, Friday and Saturday 11:00 am – 12:00 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFE

Sunday through Saturday 11:00 am – 10:00 pm

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

Placard Posting Date: May 19, 2017
 Protest Petition Deadline: July 3, 2017
 Roll Call Hearing Date: July 17, 2017

License No.: ABRA-097260
 Licensee: Sticky Fingers Bakery Bistro, LLC
 Trade Name: Fare Well
 License Class: Retailer's Class "C" Restaurant
 Address: 406 H Street, N.E.
 Contact: Doron Petersan: (202) 468-2618

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

The licensee has requested an Entertainment Endorsement to offer Live Entertainment, and a Summer Garden with 30 seats.

CURRENT HOURS OF OPERATION

Sunday 9:00 am - 12:00 am, Monday – Wednesday 7:00 am – 12:00 am, Thursday - Friday 7:00 am - 2:00 am, Saturday 8:00 am - 2:00 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday - Wednesday 9:00 am- 12:00 am, Thursday - Saturday 9:00 am- 2:00 am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday 11:00 am - 9:00 pm, Monday - Friday 6:00 pm - 9:00 pm, Saturday 11:00 am - 9:00 pm

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN

Sunday 9:00 am - 10:30 pm, Monday - Thursday 8:00 am - 10:30 pm,
 Friday 8:00 am - 12:00 am, Saturday 9:00 am - 12:00 am

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

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017
Protest Hearing Date: September 13, 2017

License No.: ABRA-105885
Licensee: Hank's on the Wharf, LLC
Trade Name: Hank's on the Wharf
License Class: Retailer's Class "C" Restaurant
Address: 701 Wharf Street, S.W.
Contact: Andrew Kline: (202) 686-7600

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **September 13, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A restaurant serving seafood with a Total Occupancy Load of 95 seats. The Summer Garden will have a total of 84 seats.

HOURS OF OPERATION ON PREMISE

Sunday 11:00 am – 2:00 am, Monday through Thursday 11:30 am – 2:00 am, Friday 11:30 am – 3:00 am, Saturday 11:00 am – 3:00 am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON PREMISE

Sunday 11:00 am – 2:00 am, Monday through Friday 11:30 am – 2:00 am, Saturday 11:00 am – 2:00 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN

Sunday 11:00 am – 2:00 am, Monday through Thursday 11:30 am – 2:00 am, Friday 11:30 am – 3:00 am, Saturday 11:00 am – 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/19/2017

Notice is hereby given that:

License Number: ABRA-086141

License Class/Type: C Tavern

Applicant: Lola's, LLC

Trade Name: Lola's

ANC: 6B03

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

711 8TH ST SE, WASHINGTON, DC 20003

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

7/3/2017

A HEARING WILL BE HELD ON:

7/17/2017

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

ENDORSEMENT(S): Sidewalk Cafe

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

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	10 am - 2 am	10 am - 2 am
Monday:	10 am - 2 am	10 am - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am
Thursday:	10 am - 2 am	10 am - 2 am
Friday:	10 am - 3 am	10 am - 3 am
Saturday:	10 am - 3 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017
Protest Hearing Date: September 13, 2017

License No.: ABRA-105876
Licensee: Catholic University of America (The)
Trade Name: Murphy's Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 620 Michigan Avenue, N.E.
Contact: Michael Fonseca, Esq.: 202-625-7700

WARD 5

ANC 5A

SMD 5A04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **September 13, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A new full-service restaurant on the Catholic University campus. Seating capacity of 135 inside. Total Occupancy Load of 150. The restaurant will include an Entertainment Endorsement.

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

Sunday through Thursday 11 am – 10 pm, Friday and Saturday 11 am – 1 am

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

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017

License No.: ABRA-098174
Licensee: PHCDC1, LLC
Trade Name: Quarter & Glory
License Class: Retailer's Class "C" Tavern
Address: 2017 14th Street, N.W.
Contact: Michael Fonseca: (202) 625-7700

WARD 1

ANC 1B

SMD 1B12

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to Add a Sidewalk Café with 14 seats.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION (PREMISES)

Sunday – Thursday 11:00 am – 2:00 am
Friday – Saturday 11:00 am – 3:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday – Thursday 6:00 pm – 2:00 am
Friday – Saturday 6:00 pm – 3:00 am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION (SIDEWALK CAFÉ)

Sunday – Thursday 11:00 am – 11:00 pm
Friday – Saturday 11:00 am – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: May 5, 2017
 Protest Petition Deadline: June 19, 2017
 Roll Call Hearing Date: July 3 2017
 Protest Hearing Date: August 16, 2017

License No.: ABRA-106176
 Licensee: ReqWharf LLC
 Trade Name: Requin
 License Class: Retailer's Class "C" Restaurant
 Address: 100 District Square, S.W.
 Contact: Jeff Jackson: (301) 251-1566

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 3 2017 at 10 a.m., 4th Floor, 2000 14th 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 **August 16, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New Restaurant serving American and French cuisine. Total Occupancy Load of 300. **Summer Garden with 60 Seats.

HOURS OF OPERATION INSIDE PREMISES

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES

Sunday through Thursday 11 am – 2 am, Friday and Saturday 11 am – 3 am

HOURS OF OPERATION FOR **SUMMER GARDEN

Sunday through Thursday 8 am – 11 pm, Friday and Saturday 8 am – 1 am

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

Sunday through Thursday 11 am – 11 pm, Friday and Saturday 11 am – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: May 5, 2017
 Protest Petition Deadline: June 19, 2017
 Roll Call Hearing Date: July 3 2017
 Protest Hearing Date: August 16, 2017

License No.: ABRA-106176
 Licensee: ReqWharf LLC
 Trade Name: Requin
 License Class: Retailer's Class "C" Restaurant
 Address: 100 District Square, S.W.
 Contact: Jeff Jackson: (301) 251-1566

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 3 2017 at 10 a.m., 4th Floor, 2000 14th 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 **August 16, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New Restaurant serving American and French cuisine. Total Occupancy Load of 300. ****Sidewalk Café with 60 Seats.**

HOURS OF OPERATION INSIDE PREMISES

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES

Sunday through Thursday 11 am – 2 am, Friday and Saturday 11 am – 3 am

HOURS OF OPERATION FOR **SIDWALK CAFÉ****

Sunday through Thursday 8 am – 11 pm, Friday and Saturday 8 am – 1 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR **SIDWALK CAFÉ****

Sunday through Thursday 11 am – 11 pm, Friday and Saturday 11 am – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/19/2017

Notice is hereby given that:

License Number: ABRA-099876

License Class/Type: C Tavern

Applicant: Dos Ventures LLC

Trade Name: Saint Yves

ANC: 2B07

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

1220 CONNECTICUT AVE NW, WASHINGTON, DC 20036

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

7/3/2017

A HEARING WILL BE HELD ON:

7/17/2017

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017
Protest Hearing Date: September 13, 2017

License No.: ABRA-106366
Licensee: Salumeria 2703, LLC
Trade Name: Salumeria 2703
License Class: Retailer's Class "B"
Address: 2703 12th Street, N.E.
Contact: Mariya Rusciano: (202) 699-2397

WARD 5

ANC 5B

SMD 5B04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **September 13, 2017 at 4:30 p.m.**

NATURE OF OPERATION

A Retailer "B" selling Italian deli food that includes fresh pasta, cold cuts, and cheeses.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 10:00 am – 9:00 pm

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

Placard Posting Date: May 19, 2017
Protest Petition Deadline: July 3, 2017
Roll Call Hearing Date: July 17, 2017
Protest Hearing Date: September 13, 2017

License No.: ABRA-105767
Licensee: 46 Hospitality, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Tavern
Address: 116 Kennedy Street, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 4

ANC 4B

SMD 4B08

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 17, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **September 13, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A Retailer's Class "C" Tavern that will be serving American foods along with alcoholic beverages with a Total Occupancy Load of 163 seats. Offering Live Entertainment. Sidewalk Café with a seating capacity of 40.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday 11:00 am - 2:00 am, Monday through Thursday 5:00 pm- 2:00 am, Friday 5:00 pm – 3:00 am, Saturday 11:00 am – 3:00 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR SIDEWALK CAFE

Sunday 11:00 am - 12:00 am, Monday through Friday 5:00 pm – 12:00 am, Saturday 11:00 am – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: May 5, 2017
Protest Petition Deadline: June 19, 2017
Roll Call Hearing Date: July 3, 2017
Protest Hearing Date: August 16, 2017

License No.: ABRA-105767
Licensee: 46 Hospitality, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 116 Kennedy Street, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 4

ANC 4B

SMD 4B08

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 3, 2017 at 10 a.m., 4th Floor, 2000 14th 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 **August 16, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A Retailer's Class "C" Restaurant that will be serving American foods along with alcoholic beverages with a Total Occupancy Load of 99 seats. Offering Live Entertainment. Sidewalk Café with a seating capacity of 40.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday 11:00 am - 2:00 am, Monday through Thursday 5:00 pm- 2:00 am, Friday 5:00 pm – 3:00 am, Saturday 11:00 am – 3:00 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR SIDEWALK CAFE

Sunday 11:00 am - 12:00 am, Monday through Friday 5:00 pm – 12:00 am, Saturday 11:00 am – 12:00 am

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF PUBLIC HEARING AND PRELIMINARY FINDINGONRECERTIFICATION APPLICATION FOR ANACOSTIA BID CORPORATION, INC.;
CAPITOL HILL BID, INC.; CAPITOL RIVERFRONT BID, INC.; DOWNTOWN DC
BID, INC.; NOMA BID, INC.;

Notice is hereby given that, pursuant to section 6 of the Business Improvement Districts Act of 1996 (“Act”), D.C. Official Code § 2-1215.06, the Department of Small and Local Business Development (DSLBD) will hold a public hearing on the recertification application of five Business Improvement Districts (BIDs): the Anacostia Business Improvement District Corporation, the Capitol Hill Business Improvement District, the Capitol Riverfront Business Improvement District, the Downtown DC Business Improvement District, and the NoMa Business Improvement District.

The public hearing will be held from 10:00 am to 4:00 p.m. on Friday, June 23, 2017 in Suite 805S, 441 4th Street, N.W., Washington, D.C.

DSLBD Director Ana R. Harvey has informed the Anacostia Business Improvement District Corporation, the Capitol Hill Business Improvement District, the Capitol Riverfront Business Improvement District, the Downtown DC Business Improvement District, and the NoMa Business Improvement District, announcing her preliminary determination that the filing criteria set forth in D.C. Official Code § 2-1215.04 have been met and their applications are otherwise in conformity with the Act.

The BID applications are available for review by the public online at <https://dslbd.dc.gov/service/business-improvement-districts-bids>.

DSLBD invites the public to testify at the public hearing. Witnesses should bring a copy of their written testimony to the public hearing. Additional written statements are encouraged and will be made part of the official record, if received before 5:00 p.m. on Friday, June 30, 2017. Written statements may be submitted by e-mail to lincoln.lashley@dc.gov or mailed to: Lincoln Lashley, DSLBD, 441 4th Street, N.W., Suite 850N, Washington, DC 20001.

The public hearing record will close five business days following the conclusion of the hearing, or Friday, June 30, 2017. Persons submitting written statements for the record should observe this deadline.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

REVISED NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 08-06J

(Text Amendment – 11 DCMR)

Technical Corrections to Z.C. Order 08-06A

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives revised notice of its intent to amend Subtitles B (Definitions, Rules of Measurement, and Use Categories); C (General Rules); D (Residential House (R) Zones); G (Mixed-Use (MU) Zones); K (Special Purpose Zones); and X (General Procedures) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR), to make minor modifications and technical corrections to the amendments made by Z.C. Order No. 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that became effective on September 6, 2016.

A full explanation for the corrections and modifications proposed may be found in the Office of Planning report, which appears as Exhibit 1 in this case, and which may be accessed on the Office of Zoning website at <http://dcoz.dc.gov>.

A Notice of Proposed Rulemaking was published in the April 28, 2017 edition of the *D.C. Register* at 64 DCR 4070. The notice included a proposed amendment to the definition of “Flat, residential,” which is codified at 11-B DCMR § 100.2. Although the Office of Planning first recommended the amendment, it later rescinded that recommendation in a subsequent report. However, because the Commission’s initial deliberations did not specifically address the issue, the proposed amendment was published. At its regularly scheduled public meeting held May 8, 2017, the Commission expressly stated that it agreed with the Office of Planning’s supplemental report and therefore authorized the publication of this revised notice without the proposed amendment. In all other respects, the proposed amendments are unchanged.

The original notice of proposed rulemaking included a thirty (30-day comment period that would end on May 29th. Given that the only change being made in this revised notice is the elimination of a proposed rule, pursuant to D.C. Official Code 2-505(a), good cause exists for a shorter comment period. Therefore, final rulemaking action shall be taken not less than fourteen (14) days from the date of publication of this notice in the *D.C. Register*. Assuming this notice is published in the May 19th edition of the *D.C. Register*, the comment period will end on June 2nd, which therefore will allow four additional days for the public to comment.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

Title 11-B DCMR, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Chapter 1, DEFINITIONS, § 100, DEFINITIONS, § 100.2 is amended as follows:

The definition of “Lot Occupancy” is amended to read as follows:

Lot Occupancy: The percentage of the total area of a lot that is occupied by the total building area of all buildings and structures on the lot.

Title 11-C DCMR, GENERAL RULES, is amended as follows:

Chapter 3, SUBDIVISION, is amended as follows:

Subsections 304.4 and 304.5 of § 304, RULES OF MEASUREMENT FOR LOT WIDTH, are deleted and new §§ 303.4 and 303.5 of § 303, LOT FRONTAGE, are added to include the former subsection’s text as follows:

303 LOT FRONTAGE

...¹

303.4 Each new lot being created to be used and occupied by a single dwelling unit or flat building, shall have a street frontage measured along the street lot line a distance equal to at least forty percent (40%) of the required minimum width of lot and in no case less than fourteen feet (14 ft.).

303.5 Each new lot being created to be used and occupied by an apartment house shall have a street frontage measured along the street line a distance of not less than thirty feet (30 ft.).

304 RULES OF MEASUREMENT FOR LOT WIDTH

...

~~304.4 Each new lot being created to be used and occupied by a single dwelling unit or flat building, shall have a street frontage measured along the street lot line a distance equal to at least forty percent (40%) of the required minimum width of lot and in no case less than fourteen feet (14 ft.).~~

~~304.5 Each new lot being created to be used and occupied by an apartment house shall have a street frontage measured along the street line a distance of not less than thirty feet (30 ft.).~~

Chapter 7, VEHICLE PARKING, is amended as follows:

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection begin amended and that the omission of the provisions does not signify an intent to repeal.

Paragraph (a) of § 702.3 of § 702, EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS, is amended to read as follows:

702.3 Vehicle parking shall not be required:

- (a) For a detached single dwelling unit, a semi-detached single dwelling unit, an attached single dwelling unit, rowhouse, or flat within the R and RF zones, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

...

Subparagraphs (1) and (5) of paragraph (b) of § 710.2 of § 710, LOCATION RESTRICTIONS, is amended to read as follows:

710.2 Vehicle parking spaces shall be located:

...

- (b) On an open area of the lot, except:
 - (1) Between a building restriction and a front lot ~~line~~line;
 - ...
 - (5) Within all R and RF zones ~~of~~, any surface parking lot for more than ten (10) parking spaces shall be located a minimum of six feet (6 ft.) from any property line, with the space between the surface parking lot and the property line providing landscaping and screening consistent with Subtitle C §§ 714 and 715.

Chapter 15, PENTHOUSES, is amended as follows:

Subparagraph (2) of paragraph (c) of § 1502.1 of § 1502, PENTHOUSE SETBACKS, is amended as follows:

1502.1 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located as follows:

...

- (c) A distance equal to its height from the side building wall of the roof upon which it is located if:
 - (1) ...
 - (2) In the R-1 through R-3 and RF R-4 zones, it is on any building not described in Subtitle C § 1502.1(c)(1) that is:

...

The introductory paragraph of § 1504.1 of § 1504, RELIEF TO PENTHOUSE REQUIREMENTS, is amended as follows:

1504.1 Relief to the requirements of Subtitle C §§ ~~1506~~ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:

...

Title 11-D DCMR, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Subsection 1203.4 through 1203.7 of § 1203, HEIGHT, of Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, are renumbered to eliminate a duplicative § 1203.4, and the renumbered § 1203.5 is amended as follows:

1203.4 In R-19 and R-20 zones, and addition of two (2) or more stories to a principal building which has an existing second story side yard shall not exceed the vertical plane of that existing side yard for the length of the second story addition.

1203.~~5~~4 In R-19 and R-20 zones, any ~~parapet~~, pergola, railing, or similar roof structure, or penthouse shall not exceed the permitted building height by more than four feet (4 ft.).

1203.~~6~~5 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.

1203.~~7~~6 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Title 11-G DCMR, MIXED-USE (MU) ZONES, is amended as follows:

Chapter 3, MIXED-USE ZONES – MU-1 AND MU-2, is amended as follows:

Subsections 305.1 and 305.2 of § 305, REAR YARD, are amended to read as follows:

305.1 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be required above a horizontal plane as described in Subtitle G § 305.2 in the MU-1 and MU-2 zones.

305.2 A horizontal plane may be established at ~~twenty five feet (25 ft.)~~ **twenty feet (20 ft.)** above the mean finished grade at the middle of the rear of the structure for the purposes of measuring rear yards.

...

Title 11-K DCMR, SPECIAL PURPOSE ZONES, is amended as follows:

Chapter 2, SOUTHEAST FEDERAL CENTER ZONES - SEFC-1 THROUGH SEFC-4, is amended as follows:

Paragraph (b) of § 203.1 of § 203, HEIGHT (SEFC-1), is amended to read as follows:

203.1 The maximum permitted building height, not including the penthouse, in the SEFC-1 zone shall be one hundred and ten feet (110 ft.), except as set forth below:

- (a) ...
- (b) For a site within Parcels A, F, G, or H utilizing the bonus density permitted pursuant to **Subtitle K § 202.1** ~~§1803.7 (b)~~, the maximum permitted building height shall be that permitted by ~~the Act to Regulate~~ the Height Act.

Chapter 5, CAPITOL GATEWAY ZONES - CG-1 THROUGH CG-7, is amended as follows:

Subsection 504.8 of § 504, DEVELOPMENT STANDARDS (CG-4), is amended by deleting its current text and replacing it with new text so that it reads as follows:

~~504.8~~ The required rear yard shall be measured as follows:

- ~~(a) Measure a horizontal plane twenty five feet (25 ft.) above the mean elevation of the rear lot line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table; and~~
- ~~(b) From the furthest point from the rear lot line along the horizontal plane up to the maximum height limit of the zone. This vertical plane will form the rear yard.~~

504.8 For the CG-4 zone, a rear yard is required only for residential uses. If required, the rear yard shall be:

- (a) A minimum two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the**

rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided;

(b) Established no lower than the first level of residential use; and

(c) Measured as follows:

(1) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

(2) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

Subsection 505.7 of § 505, DEVELOPMENT STANDARDS (CG-5), is amended as follows:

505.7 A minimum rear yard of twelve feet (12 ft.) shall be provided for residential use in the CG-5 zone, in accordance with the following conditions:

(a) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

...

Title 11-X DCMR, GENERAL PROCEDURES, is amended as follows:

Chapter 3, PLANNED UNIT DEVELOPMENTS, is amended as follows:

Subsection 304.3 of § 304, PLANNED UNIT DEVELOPMENT EVALUATION STANDARDS, is amended to read as follows:

304.3 In deciding a PUD application, the Zoning Commission shall judge, balance, and reconcile the relative value of the public benefits ~~project~~ and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.

Subsections 1001.3 and 1001.4 of § 1001, VARIANCE TYPES, of Chapter 10, VARIANCES, are amended to read as follows:

1001.3 Examples of area variances are requests to deviate from:

...
 (e) The prohibition against certain enlargements and additions to nonconforming structures as stated at Subtitle C § ~~202302.2~~; and

1001.4 ...
 A use variance is a request to permit:

...
 (c) An expansion of a nonconforming use prohibited by Subtitle C § ~~204304.1~~.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than fourteen (14) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 17-02

(Text Amendment – 11 DCMR)

(Text Amendment to Subtitles B and U re: Use Clarification Language)

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its intent to amend Subtitles B (Definitions, Rules of Measurement, and Use Categories) and U (Use Permissions) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The proposed text eliminates confusion over where a Driver's License Road Test Facility is permitted by including it as an example of what types of uses fall within the Local Government use category and excluding it as a permitted Local Government use in an MU-3 zone, formerly the C-1 zone. Also, the proposed rules would permit Automobile and Truck Sales, Boat or Marine Sales, and Mass Transit Facility uses in the same areas as those uses were permitted in the 1958 Zoning Regulations. Clarifying language is also proposed to allow public schools to collocate with other schools and to share recreation facilities.

The proposed rules would also correct the references in Subtitle U §201.1(a) to R-Use Groups instead of listing the individual zone to ensure all the appropriate zones are in the correct use category, delete Subtitle U § 201.1(c), which references home occupation use, because home occupation is included by reference as an Accessory Use (Subtitle U § 250.1(e)), and delete Subtitle U § 201.1(d), which references accessory apartments and instead add that use in the list of Accessory Uses permitted in R zones.

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

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

Title 11-B DCMR, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Chapter 2, USE CATEGORIES, is amended as follows:

Subparagraph (t)(2) of § 200.2 of § 200, INTRODUCTION, is amended to read as follows:

(t) Government, Local:
 ...¹

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify and intent to repeal.

- (2) Examples include, but are not limited to: public community centers, police stations, libraries, **drivers' license road test facilities**, or fire stations; and
...

Title 11-U DCMR, USE PERMISSIONS, is amended as follows:

Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Subsection 201.1 of § 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, is amended to read as follows:

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) A principal dwelling unit shall be permitted as follows:
- (1) In the **R-Use Groups A and D** ~~R-1 A, R-1 B, and R-16~~ zones, the principal dwelling unit shall be in a detached ~~dwelling~~ **building**;
 - (2) In the **R-Use Group B** ~~R-2 and R-10~~ zones, the principal dwelling unit may be in either a detached or semi-detached ~~dwelling~~ **building**; and
 - (3) In the **R-Use Group C** ~~R-3, R-13, R-17, and R-20~~ zones, the principal dwelling unit may be **in** either a detached, semi-detached, or an attached ~~dwelling~~ **building**; **and**
- (b) Clerical and religious group residences for no more than fifteen (15) persons;
- ~~(c) Home occupation, subject to Subtitle U § 251; and~~
- ~~(d) One accessory apartment shall be permitted in any single principal dwelling unit in an R zone as an accessory use and subject the conditions of Subtitle U § 253.~~

Subsection 202.1 of § 202, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, AND C, is amended as follows:

Paragraph (n) is amended to read as follows:

- (n) Public schools, **collocation of** ~~reuse of a former District of Columbia public school subject to the conditions of Subtitle U § 252,~~ **Public schools may collocate with other permitted schools or uses provided all applicable**

requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and field, and these shared recreation spaces may count toward the minimum lot area provided that the school is adjacent to the shared recreation space; on-site office use must be ancillary and necessary to the operation of the particular school;

Paragraph (p) is amended to read as follows:

- (p) Temporary use of premises by fairs, circuses, or carnivals, subject to the provisions of Title 19 DCMR, Chapter 13 (Amusements, Parks, and Recreation); ~~and~~

New paragraphs (q) and (r) are added to read as follows:

(q) Mass transit facility; and

(r) Reuse of former District of Columbia public school subject to the conditions of Subtitle U § 252.

Subsection 250.1 of § 250, ACCESSORY USES (R), is amended by amending its introductory text, striking the word “and” from paragraph (d), re-designating the existing text of paragraph (e) as a new paragraph (f), and inserting replacement text in paragraph (e) as follows:

250.1 The following accessory uses shall be permitted as a matter of right in all R use groups ~~zones~~ subject to the associated conditions:

...

(d) Home Occupation subject to the conditions of Subtitle U § 251; ~~and~~

(e) An accessory apartment subject to the conditions of Subtitle U § 253;
and

(f) Other accessory uses, buildings or structures customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one (1) sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period.

Section 252, USES IN FORMER PUBLIC SCHOOLS (R), is amended to revise its title to read as follows:

252 ~~USES IN FORMER PUBLIC SCHOOLS~~ REUSE OF FORMER PUBLIC SCHOOLS
(R)

Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, is amended as follows:

Subparagraph (a)(8) of § 507.1 of § 507, MATTER-OF-RIGHT USES (MU-USE GROUP C), is amended to read as follows:

507.1 In addition to the uses permitted by Subtitle U § 501, the following uses shall be permitted in MU Use Group C as a matter of right subject to any applicable conditions:

(a) Any use within the following use categories:

...

(8) Local government uses ~~except a Driver’s License Road Test Facility shall only be permitted in the MU 12 and MU 13 zones;~~

...

Paragraph (n) of § 510.1 of § 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), is amended to read as follows:

510.1 The following uses shall be permitted in MU-Use Group D as a matter of right subject to any applicable conditions:

...

(n) Local government uses except a Driver’s License Road Test Facility;

...

Subsection 512.1 of § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), is amended by striking the word “and” from subparagraph (l)(7), re-designating the existing text of paragraph (m) as a new paragraph (n), and inserting replacement text in paragraph (m) is amended to read as follows:

512.1 The following uses shall be permitted in MU-USE Group E as a matter of right subject to any applicable conditions:

...

(l) An animal boarding use located in a basement or cellar space subject to the following:

...

(7) Floor finish materials and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor shall be impervious and washable; ~~and~~

(m) Automobile, truck, boat or marine sales; and

(n) Other accessory uses customarily incidental and subordinate to the uses permitted by this section.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning

Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Office of Victim Services and Justice Grants, pursuant to the authority under Section 214(f) of the Neighborhood Engagement Achieves Results Amendment Act of 2016 (“Act”), effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2831(f) (2012 Repl.)) and Mayor’s Order 2016-17, dated February 1, 2016, hereby gives notice of the adoption, on an emergency basis, of a new Chapter 42 (Private Security Camera Voucher Program) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking establishes a voucher program for qualifying residents to have a security camera system installed on a residential property and registered with the Metropolitan Police Department. There is an immediate need to protect the health, safety, and welfare of District residents by creating a voucher program for the purchase and installation of security cameras on private residences and whose footage is available for law enforcement investigations.

This emergency rulemaking was adopted on May 8, 2017, and became effective on that date. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on September 5, 2017, or upon publication of a final rulemaking in the *D.C. Register*, whichever occurs first.

The Director of the Office of Victim Services and Justice Grants also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

A new Chapter 42, PRIVATE SECURITY CAMERA VOUCHER PROGRAM, is added to Title 24 DCMR, PUBLIC SPACE AND SAFETY, to read as follows:

CHAPTER 42 PRIVATE SECURITY CAMERA VOUCHER PROGRAM

Sec.	Title
4200	General provisions
4201	Application
4202	Prioritization of eligible locations
4203	Third party installation of security camera
4299	Definitions

4200 GENERAL PROVISIONS

4200.1 This chapter implements the private security camera voucher program, which creates an incentive for eligible residents and residential property owners to install security cameras that are intended to help deter crime and assist law enforcement with investigations.

4200.2 An owner or tenant of a property that is used as a residence (the Applicant) and who is receiving public assistance under the District of Columbia Public

Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §§ 4-201.01 *et seq.*), may be eligible to participate in the private security camera voucher program.

- 4200.3 An Applicant approved by the Office of Victim Services and Justice Grants (the Office) shall receive, at no cost, a security camera system that is purchased and installed by a third party entity pursuant to § 4203; the Office shall register the security camera system with the Metropolitan Police Department.
- 4200.4 The maximum costs of the security camera system shall be up to two hundred dollars (\$200) per camera purchased and no more than five hundred dollars (\$500) per address of a property used as a residence
- 4200.5 Only one (1) security camera system per property address shall be eligible for this program.
- 4200.6 Residents of properties owned by the District of Columbia Housing Authority shall not be eligible for a voucher under this chapter.
- 4200.7 To be eligible for the voucher in § 4200.2, the Applicant must submit an application after the effective date of these regulations and before all available funds are expended.
- 4200.8 As part of this program, the Metropolitan Police Department will not have access to live video from the camera.
- 4200.9 By participating in this program, the Applicant acknowledges that he or she will not use the security camera for any unlawful or harassing purposes and will comply with any property requirements related to the installation of the security camera system.

4201 APPLICATION

- 4201.1 An Applicant shall submit a security camera voucher application on the form prescribed by the Office.
- 4201.2 A completed application shall include:
- (a) The completed form prescribed by the Office; and
 - (b) Proof of current receipt of public assistance pursuant to the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; §§ 4-201.01 *et seq.*), under one of the following programs:
 - (1) General Assistance for Children;
 - (2) Emergency Shelter Family Services;
 - (3) Temporary Assistance for Needy Families;
 - (4) Program on Work, Employment, and Responsibility; or

(5) Interim Disability Assistance.

4201.3 Upon the determination that an Applicant has complied with all the requirements of § 4201.2, and subject to the availability of funds, the voucher application shall be approved and processed by the Office.

4202 PRIORITIZATION OF ELIGIBLE LOCATIONS

4202.1 Until August 31, 2017, the Office shall accept applications only from Applicants whose property is located in the following Police Service Areas (PSA):

(a) First District:

(1) PSA 103;

(2) PSA 104;

(3) PSA 105;

(4) PSA 106;

(5) PSA 107;

(6) PSA 108;

(b) Second District:

(1) PSA 202;

(2) PSA 207;

(3) PSA 208;

(c) Third District:

(1) PSA 302;

(2) PSA 303;

(3) PSA 305;

(4) PSA 307;

(5) PSA 308;

(d) Fourth District:

(1) PSA 402;

(2) PSA 403;

(3) PSA 404;

- (4) PSA 405;
- (5) PSA 406;
- (6) PSA 407;
- (7) PSA 409;
- (e) Fifth District: All PSAs;
- (f) Sixth District:
 - (1) PSA 601;
 - (2) PSA 602;
 - (3) PSA 603;
 - (4) PSA 604;
 - (5) PSA 608; and
- (g) Seventh District: All PSAs.

4202.2 Beginning September 1, 2017, the Office shall accept applications from Applicants whose property is located in any PSA.

4202.3 PSA borders can be found online at: <http://mpdc.dc.gov/page/police-districts-and-police-service-areas>.

4202.4 Each Applicant can find relevant property address PSAs online at: <http://geospatial.dcgis.dc.gov/PSAFinder/>.

4203 THIRD PARTY INSTALLATION OF SECURITY CAMERA

4203.1 The Office shall contract with a third party entity to provide the following services:

- (a) Purchase of the security camera systems; and
- (b) Installation of the security camera system at the Applicant's residence.

4203.2 Upon determination that the third party entity has complied with all the requirements of this section, payment shall be made to the third party entity.

4203.3 The third party entity shall:

- (a) Coordinate with the Applicant the date and time of installing the security camera system at the Applicant's residence; and
- (b) Be solely responsible for the purchase and installation of the security camera system at the Applicant's residence.

4203.4 The third party entity shall not provide an uninstalled security camera system to any Applicant.

4203.5 Once the installation is complete, the Applicant shall own the security camera system.

4299 DEFINITIONS

4299.1 The following definitions shall apply to terms used in this chapter:

Applicant – A property owner that submits an application for a security camera voucher; provided, that a tenant of a property owner may submit an application with the consent of the property owner.

Office – The Office of Victim Services and Justice Grants.

PSA – Police Service Area.

All persons interested in commenting on this proposed rulemaking action may submit comments in writing to Christopher Dyer, Office of Victim Services and Justice Grants, 441 4th St. N.W., Suite 727N, Washington, D.C. 20001, or via email at christopher.dyer@dc.gov. Comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. Copies of this proposal may be obtained, at cost, by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-118
May 10, 2017

SUBJECT: Appointment — Not-for-Profit Hospital Corporation Board of Directors

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 5115 of the Not-For-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011, D.C. Law 19-21; D.C. Official Code § 44-951.04 (2013 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.), it is hereby **ORDERED** that:

1. **LARUBY Z. MAY**, pursuant to the Not-For-Profit Hospital Corporation Board of Directors LaRuby Z. May Confirmation Resolution of 2017, effective April 4, 2017, R 22-0075, is appointed as a member of the Not-for-Profit Hospital Corporation Board of Directors, replacing Jacqueline Bowens, for a term to end July 9, 2017, and for a new term to end July 9, 2020.
2. **LARUBY Z. MAY** is appointed as the Interim Chairperson of the Not-for-Profit Hospital Corporation Board of Directors, serving at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** Section 1 of the Order shall be effective *nunc pro tunc* to April 4, 2017. Section 2 of the Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN

SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2017-119
May 11, 2017

SUBJECT: Appointments — Commission for Women


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 3 of the District of Columbia Commission for Women Act of 1978, effective September 22, 1978, D.C. Law 2-109, D.C. Official Code § 3-702 (2016 Repl.), it is hereby **ORDERED** that:

1. The following persons are appointed as public members of the Commission for Women, to fill the balance of unexpired terms ending April 20, 2018:
 - a. **JENNIFER PORTER** replacing Shana Heilbron.
 - b. **SHELLEY TOMKIN** replacing Patricia Raspberry.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-120
May 11, 2017

SUBJECT: Appointment — Board of Audiology and Speech-Language Pathology

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 218 of the District of Columbia Health Occupations Revision Act of 1985, effective March 6, 2007, D.C. Law 16-219, D.C. Official Code § 3-1202.18 (2016 Repl.), it is hereby **ORDERED** that:

1. **ROBERT TRAINA JR.** is appointed as a consumer member of the Board of Audiology and Speech-Language Pathology, replacing Raul Echevarria, for a term ending February 26, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-121
May 11, 2017

SUBJECT: Appointments — State Advisory Panel on Special Education


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2012-48, dated April 5, 2012, it is hereby **ORDERED** that:

1. The following persons are appointed to the State Advisory Panel on Special Education:
 - a. **AN ALMQUIST** as parent of a child with a disability member, replacing Claudia Sauls, for a term to end September 17, 2019.
 - b. **JENNIFER HALPER** as a designee of the Office of the State Superintendent of Education, replacing Shawn Ullman, serving at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-122
May 11, 2017

SUBJECT: Appointment — Mayor's Interfaith Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2011-110, dated June 20, 2011, it is hereby **ORDERED** that:

1. The following persons are appointed as public members of the Mayor's Interfaith Council:
 - a. **REVEREND WILLIAM H. LAMAR** replacing David Bava, to fill the balance of an unexpired term ending July 29, 2018.
 - b. **PASTOR GABRIEL SOBARZO** replacing Maria Barrera, for a term ending July 29, 2019.
 - c. **FATHER MOISES VILLALTA** replacing Clark Lobenstein, for a term ending July 29, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-123
May 11, 2017

SUBJECT: Appointments — Advisory Board on Veterans Affairs

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2001-92, dated June 22, 2001, as amended by Mayor's Order 2002-142, dated August 19, 2002, it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Advisory Board on Veterans Affairs ("**Board**"), serving at the pleasure of the Mayor:
 - a. **ANDRE JONES**, as a public member, replacing Harry Wingo.
 - b. **CLAUDIA TREADWELL**, as an *ex officio*, non-voting District government member.
2. **LUKE DIER** is appointed as chairperson of the Board, and shall serve in that capacity at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-124
May 11, 2017

SUBJECT: Appointment — Commission on Fashion Arts and Events

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 3 of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008, D.C. Law 17-148, D.C. Official Code § 3-652 (2016 Repl.), it is hereby **ORDERED** that:

1. **KRISTOPHER JOHNSON-HOYLE** is appointed as Chairperson of the Commission on Fashion Arts and Events, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-125
May 12, 2017

SUBJECT: Creation of a Policy Regarding Out-of-Boundary Transfers


ORIGINATOR: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2), (3), and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), (3), and (11) (2012 Repl.), and section 103 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172) (2012 Repl.), it is hereby **ORDERED** that:

1. The Chancellor of the District of Columbia Public Schools ("Chancellor") shall publish, within thirty (30) days after the effective date of this Order, a policy that clarifies the criteria under which his or her discretionary authority will be exercised pursuant to 5E DCMR § 2106.6.
2. No discretionary transfers shall be granted by the Chancellor pursuant to 5E DCMR § 2106.6 until the publication of the policy required by paragraph 1 of this Order.
3. Once the policy required by paragraph 1 of this Order is established, if the Chancellor determines that it is appropriate to grant an out-of-boundary transfer requested by a current or former public official, the Chancellor shall consult with the Board of Ethics and Government Accountability before granting such transfer.
4. Prior to requesting that the Chancellor exercise his or her discretionary authority in granting an out-of-boundary transfer, any public official appointed by the Mayor shall consult with the Board of Ethics and Government Accountability.
5. For the purposes of this Order, a public official is any individual listed in the definition of the term "public official" set forth in section 101(47) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(47)).

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


MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MAY 24, 2017
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Jake Perry, Donald Isaac, Sr.

- Protest Hearing (Status)** **9:30 AM**
Case # 17-PRO-00018; Jenkins Capital BBQ, LLC, t/a Jenkins Capital BBQ
3365 14th Street NW, License #105010, Retailer CR, ANC 1A, **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 # 17-CMP-00037; P&P Corp., t/a La Chaumiere, 2813 M Street NW
License #850, Retailer CR, ANC 2E
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 17-CC-00013; Tariq Hussain, t/a 7-Eleven, 1101 South Capitol Street
SW, License #26520, Retailer B, ANC 6D
**Sale to Minor Violation, Failed to Require Production of Valid
Identification**
- Show Cause Hearing (Status)** **9:30 AM**
Case # 16-CC-00163; Foggy Bottom Grocery, LLC, t/a FoBoGro, 2140 F Street
NW, License #82431, Retailer B, ANC 2A
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal
Drinking Age, No ABC Manager on Duty**
- Fact Finding Hearing*** **10:30 AM**
Case # 17-CMP-00204; The Griffin Group, LLC, t/a Policy/Colada Shop, 1904
14th Street NW, License #76804, Retailer CR, ANC 2B
**Ownership Issues, Substantial Change without Boards Approval
(Expansion of Operation)**

Board's Calendar
May 24, 2017

Fact Finding Hearing* **11:00 AM**
Case # 17-251-00033; U Street Music Hall, LLC, t/a U Street Music Hall
1115 U Street NW, License #83219, Retailer CX , ANC 1B
Simple Assault, Assault with a Dangerous Weapon

Fact Finding Hearing* **11:30 AM**
Case # 17-251-00025; 1215 CT, LLC, t/a Rosebar Lounge, 1215 Connecticut
Ave NW, License #77883, Retailer CT, ANC 2B
Assault with Bodily Injuries

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

Protest Hearing* **1:30 PM**
Case # 17-PRO-00014; 476 K, LLC, t/a Cloakroom, 476 K Street NW, License
#87875, Retailer CN, ANC 6E
Substantial Change (Request for a Summer Garden Endorsement)

Protest Hearing* **4:30 PM**
Case # 16-PRO-00114; 1624 U Street, Inc., t/a Chi-Cha Lounge, 1624 U Street
NW, License #26519, Retailer CT, ANC 2B
Application to Renew the 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
CANCELLATION AGENDA

WEDNESDAY, MAY 24, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-001428 – **Bistro Francais** – Retailer – C – Restaurant – 3124 M STREET NW
[Licensee did not make 2nd year payment.]

ABRA-020251 – **Little Fountain Café/Angles** – Retailer – C – Restaurant – 2339 18TH STREET NW
[Licensee did not make 2nd year payment.]

ABRA-073795 – **Zengo** – Retailer – C – Restaurant – 781 7TH STREET NW
[Licensee did not make 2nd year payment.]

ABRA-076750 – **Asian Spice** – Retailer – C – Restaurant – 717-719 H STREET NW
[Licensee did not make 2nd year payment.]

ABRA-078743 – **Chix** – Retailer – D – Restaurant – 2019 11TH STREET NW
[Licensee did not make 2nd year payment.]

ABRA-079873 – **Corina's Restaurant** – Retailer – C – Restaurant – 831 KENNEDY STREET, NW
[Licensee did not make 2nd year payment.]

ABRA-090601 – **Chix** – Retailer – D – Restaurant – 1121 14TH STREET NW
[Licensee did not make 2nd year payment.]

ABRA-090797 – **Radius** – Retailer – C – Restaurant – 3155 MT PLEASANT STREET, NW
[Licensee did not make 2nd year payment.]

ABRA-093028 – **Alphonse Italian Market & Osteria** – Retailer – C – Restaurant – 1212 U STREET NW

[Licensee did not make 2nd year payment.]

ABRA-095178 – **Cheerz** – Retailer – C – Restaurant – 7303 GEORGIA AVENUE NW

[Licensee did not make 2nd year payment.]

ABRA-097857 – **Chao Ku** – Retailer – C – Restaurant – 1414 9TH STREET NW

[Licensee did not make 2nd year payment.]

ABRA-098268 – **Olivia's Diner** – Retailer – C – Restaurant – 1120 19TH STREET NW

[Licensee did not make 2nd year payment.]

ABRA-100161 – **Shanghai Tokyo Café** – Retailer – D – Restaurant – 1376 PARK ROAD NW

[Licensee did not make 2nd year payment.]

ABRA-101276 – **Czars 11** – Retailer – C – Restaurant – 2309 18th STREET NW

[Licensee did not make 2nd year payment.]

ABRA-097277 – **Freedom Lounge** – Retailer – C – Tavern – 1920 9th Street, NW

[Licensee did not renew.]

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, MAY 24, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, May 24, 2017 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# 17-251-00092, Decades, 1219 Connecticut Avenue N.W., Retailer CN, License # ABRA-103505

2. Case# 17-CC-00049, El Pulgarcito, 5313 Georgia Avenue N.W., Retailer Ct, License # ABRA-095249

3. Case# 17-251-00090, El Rey, 919 U Street N.W., Retailer CT, License # ABRA-086604

4. Case# 17-CMP-00240, Night “N” Day 24 hour Convenience Store, 5026 Benning Road S.E., Retailer B, License # ABRA-081343

5. Case# 17-251-00091, Roses Dejavu, 1378 H Street N.E., Retailer CT, License # ABRA-089342

6. Case# 17-CC-00027, Bluejacket/The Arsenal, 300 Tingey Street S.E., Retailer CR, License # ABRA-090281

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, MAY 24, 2017 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Class Change from Retailer D Restaurant to Retailer C Restaurant. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Red, White, and Basil**, 1781 Florida Avenue NW, Retailer DR, License No. 100236.

2. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday-Saturday 8am to 10:30pm. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 9am to 10:30pm. **Proposed Hours of Operation:** Sunday-Saturday 7am to 11pm. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 8am to 11pm. ANC 6C. SMD 6C05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Whole Foods Market**, 600 H Street NE, Retailer B Grocery/DR, License Nos. 104505/104498.

3. Review Request for Change of Hours of Alcoholic Beverage Sales. **Approved Hours of Operation:** Sunday-Saturday 8am to 12am. **Approved Hours of Alcoholic Beverage Sales:** Sunday-Saturday 9am to 10pm. **Proposed Hours of Alcoholic Beverage Sales:** Sunday-Saturday 8am to 12am. ANC 8A. SMD 8A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **J & D Market**, 2201 Minnesota Avenue SE, Retailer B, License No. 103723.

4. Review Request for Change of Hours to open earlier. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 11am to 11pm. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 8am to 11pm. ANC 6E. SMD 6E02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **BKK Cookshop**, 1700 New Jersey Avenue NW, Retailer CR, License No. 086393.

5. Review Request for Change of Hours of Entertainment Endorsement. *Approved Hours of Live Entertainment:* Saturday –Thursday 9pm to 2am, Friday-Saturday 9pm to 3am. *Proposed Hours of Live Entertainment:* Sunday 11am to 2am, Monday-Thursday 6pm to 2am, Friday 6pm to 3am, Saturday 11am to 3am. ANC 6D. SMD 6D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with amended Settlement Agreement. *Masala Art*, 1101 4th Street SW, Retailer CR, License No. 094766.
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6. Review Request to add Cover Charge to existing Entertainment Endorsement. ANC 6D. SMD 6D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with amended Settlement Agreement. *Masala Art*, 1101 4th Street SW, Retailer CR, License No. 094766.
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***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****RIA Event Space Public Artwork**

The DC Commission on the Arts and Humanities (CAH) announces the availability of funds to support the creation and installation of a public artwork at the RIA Event Space surface parking lot at 1325 Rhode Island Ave NE, Washington, DC.

Individual artists or artist teams residing in the District of Columbia are invited to apply. All eligible applications are reviewed through a competitive panel process. Evaluation criteria are based on 1) Artistic Excellence, 2) Community Impact and Engagement, and 3) Capacity and Sustainability. All activities funded must be completed by September 30, 2017. The amount of funding available for this project is \$30,000.00.

The Request for Applications (RFA) will be available electronically beginning June 1, 2017 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is June 30, 2017.

For more information, please contact:

Ron Humberston
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202) 724-56213 or ron.humbertson@dc.gov

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE

The Department of Behavioral Health Establishment Act of 2013 authorizes the Department to “plan, develop, coordinate, and monitor comprehensive and integrated behavioral health systems of care for adults and for children, youth, and their families in the District, so as to maximize utilization of behavioral health services and behavioral health supports and to assure that services for priority populations identified in the Department's annual plan are funded within the Department's appropriations or authorizations by Congress and are available.” The Department has identified a need for additional behavioral health service providers in order to provide high quality behavioral health services for District of Columbia residents.

Therefore, the Director of the Department of Behavioral Health, 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 May 15, 2017, the Department will accept new certification applications for the following services as defined by Title 22-A, D.C. Municipal Regulation, Chapter 34 “Mental Health Rehabilitation Services Provider Certification Standards” and Title 22-A, D.C. Municipal Regulation, Chapter 63 “Certification Standards For Substance Use Disorder Treatment and Recovery Providers.” Certification applications will be accepted only for services indicated below during the specified time frames.

Applications for Supported Employment, Child Parent Psychotherapy (CPP-FV), Trauma Focused-Cognitive Behavioral Therapy (TF-CBT), Multi-systemic Therapy (MST) and Youth SUD Residential Services and Core Services Agency (CSA) will be accepted from May 15, 2017 through July 31, 2017.

Applications for Assertive Community Treatment (ACT), Functional Family Therapy (FFT), and Medication Assisted Treatment (MAT) will be accepted from June 1, 2017 through August 31, 2017.

The moratorium on processing applications for all other MHRS certifications, effective August 18, 2012, will remain in effect. The moratorium on processing applications for all other SUD programs and facilities, effective May 2, 2014, will also remain in effect. Applications received for other MHRS or SUD services not covered in this Notice will be returned to the applicant and will not be reviewed or processed by the Department.

This notice is solely for parties interested in certification. Obtaining certification does not guarantee that the applicant will receive a Human Care Agreement. A Human Care Agreement, if available in the future, is subject to availability of funds. Additionally, a provider must meet all contract requirements as determined by the Department's Office of Contracting and Procurement prior to receiving a Human Care Agreement.

All questions regarding this Notice should be directed to Atiya Frame-Shamblee, Deputy Director of Accountability, DBH, at 64 New York Ave. NE, 3rd floor, Washington D.C. 20002; or Atiya.Frame@dc.gov; or (202) 673-2245.

BRIYA PUBLIC CHARTER SCHOOLS**NOTICE OF INTENT TO ENTER INTO A CONTRACT****IMMIGRATION LEGAL SERVICES**

On April 1, 2017 Briya Public Charter Schools received a District of Columbia grant to provide legal services to immigrants. The grant required legal services be provided by Julia Toro Law Firm PLLC, who was included in the grant application for her expertise and experience working with immigrants and the grant was awarded on the basis of that expertise and experience. This notice is being published to notify the community of Briya Public Charter School's intent of entering into a contract for legal services with Julia Toro Law Firm PLLC for approximately \$84,000.

EAGLE ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****DELINEATION, ABATEMENT AND MONITORING**

Eagle Academy Public Charter School, in accordance with Section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, hereby requests proposals to provide services for delineation, abatement and monitoring of asbestos containing materials related to a school construction project at a property located at 2305 and 2345 R Street, SE, Washington, DC.

Submittal is Due: Monday, Wednesday, May 31, 2017, by 5:00 p.m.

Submittal Terms

1. Submittal Requirements – Please limit your submittal to less than 20 pages, and submit your submittal by the time specified above. No late submittals will be accepted. **Questions and submittals should be directed to the attention of Mayra Martinez-Fernandez, Deputy COO, mmartinez@eagleacademypcs.org.**
2. Award of Contract – If the results of this RFP warrant the awarding of a contract, Eagle Academy will negotiate terms and fees with the top selected firm(s). Eagle Academy PCS reserves the right to reject any and all bids at its sole discretion.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**DISTRICT OF COLUMBIA HIGHER EDUCATION LICENSURE COMMISSION****NOTICE OF RESCHEDULED SEPTEMBER PUBLIC SESSION**

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 announces that it will reschedule its meeting on September 7, 2017 public session to August 30, 2017.

The rescheduled meeting will take place at 810 First St. NE, **Third Floor Grand Hall B**, from 10:30 a.m. -3:00 p.m. For additional information, please contact: the Executive Director of the Education Licensure Commission, Angela Lee at (202) 724-2095 or at Angela.Lee@dc.gov.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY (NOFA)****CHILD DEVELOPMENT ASSOCIATE – TRAINING SCHOLARSHIP AND PROMOTION PROGRAM****Request for Application (RFA) Release Date: June 9, 2017**

The Office of the State Superintendent of Education (OSSE) is soliciting grant applications for a Child Development Associate – Training Scholarship and Promotion Program Grant. The purpose of the Child Development Associate – Training Scholarship and Promotion Program grant is to increase the number of early childhood professionals in the District that demonstrate the competencies needed by providing technical support and funded scholarships for individuals earning the CDA credential issued by the Council for Professional Recognition. The grant is supported through federal funds to support DC's Child Care and Development Fund (CCDF) Plan through the Child Care and Development Block Grant Act of 2014, effective November 19, 2014 ((P.L. 113-186; 42 U.S.C. 9858 *et seq.*) (2012 Repl. and 2015 Supp.)) which calls for OSSE to support early childhood professionals in pursuing relevant postsecondary training.

Eligibility: OSSE will make these grants available through a competitive process. Eligible applicants include public agencies, not-for-profit, for-profit, and faith-based organizations. Applicants must have experience in financial management, quality assurance, and ongoing monitoring of scholarships or other awards to community members, as well as previous experience providing quality instruction to English and bilingual adult learners in early childhood settings.

Available Funding for Award: The total funding available for this award period is at least \$500,000.

OSSE maintains the right to adjust the grant award and amount based on funding availability. OSSE/DEL intends to issue at least two awards. Determinations regarding the number of competitive grants to be awarded will be based on the quality and number of applications received and available funding. Successful applicants may be awarded amounts less than requested.

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions.

For additional information regarding this grant competition, please contact:

Julie Wennekes
Office of the State Superintendent of Education
Division of Early Learning
810 First Street, NE - 5th Floor
Washington, DC 20002
(202) 741-6498
Email Address: julie.wennekes@dc.gov

The Request for Applications (RFA) will be released June 9, 2017 through OSSE's Enterprise Grants Management System (EGMS). The online system and training videos may be accessed by visiting <http://grants.osse.dc.gov>.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF RESCHEDULED JUNE MEETING

FOR THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL CREDIT
ENHANCEMENT FUND COMMITTEE

The Office of the State Superintendent of Education (OSSE) hereby announces that it will reschedule its meeting on June 15, 2017, to June 22, 2017, for the District of Columbia Public Charter School Credit Enhancement Fund Committee.

The rescheduled meeting will take place at 810 First St. NE, **Fifth Floor**, from 12:30-1:30 p.m. For additional information, please contact:

Debra Roane
Financial Program Specialist
Office of Public Charter School Financing and Support
Office of the State Superintendent of Education
810 First St. NE, Eighth Floor
Washington, DC 20002
Cell: (202) 412-5907
Desk: (202) 478-5940
Debra.Roane@dc.gov

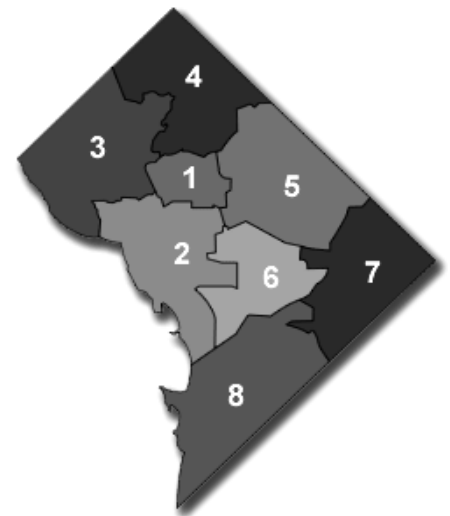
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of APRIL 30, 2017**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	45,425	2,941	648	143	170	11,404	60,731
2	31,140	5,861	213	162	148	10,995	48,519
3	38,297	6,629	350	144	156	11,116	56,692
4	49,196	2,278	515	81	158	8,790	61,018
5	52,120	2,332	567	101	218	9,152	64,490
6	54,507	7,057	485	210	229	13,482	75,970
7	47,562	1,261	417	48	155	6,316	55,759
8	46,207	1,359	431	34	171	7,102	55,304
Totals	364,454	29,718	3,626	923	1,405	78,357	478,483
Percentage By Party	76.17%	6.21%	.76%	.19%	.29%	16.38%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF APRIL 30, 2017

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboee.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of APRIL 30, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,552	30	10	3	4	267	1,866
22	3,759	389	31	13	11	989	5,192
23	2,919	206	45	15	11	793	3,989
24	2,681	254	26	15	13	804	3,793
25	3,831	444	48	12	12	1,107	5,454
35	3,588	229	54	15	8	847	4,741
36	4,271	257	57	5	18	1,034	5,642
37	3,313	156	50	10	11	796	4,336
38	2,895	135	48	16	10	736	3,840
39	4,172	203	70	8	15	929	5,397
40	3,959	191	90	12	19	1,023	5,319
41	3,653	210	60	9	18	1,020	4,970
42	1,858	79	31	2	12	450	2,432
43	1,816	70	20	3	7	359	2,275
137	1,133	88	8	5	1	250	1,485
TOTALS	45,425	2,941	648	143	170	11,404	60,731

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of APRIL 30, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	976	185	7	9	12	572	1,761
3	1,680	400	20	8	13	674	2,795
4	1,892	478	6	12	6	730	3,124
5	2,131	612	12	14	9	795	3,573
6	2,381	883	17	14	15	1,288	4,598
13	1,302	241	4	3	5	419	1,974
14	2,954	495	24	14	11	978	4,476
15	3,075	417	30	17	15	892	4,446
16	3,520	440	24	19	14	982	4,999
17	4,867	630	34	19	17	1,502	7,069
129	2,392	391	11	12	12	902	3,720
141	2,398	317	12	12	11	653	3,403
143	1,572	372	12	9	8	6608	2,581
TOTALS	31,140	5,861	213	162	148	10,995	48,519

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of APRIL 30, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,281	403	15	3	7	559	2,268
8	2,441	637	29	6	9	777	3,899
9	1,144	497	7	10	8	474	2,140
10	1,891	433	20	7	13	703	3,067
11	3,461	934	41	27	25	1,258	5,746
12	482	195	0	4	5	210	896
26	2,931	350	19	8	6	868	4,182
27	2,451	248	25	10	3	592	3,329
28	2,526	517	39	7	9	778	3,876
29	1,352	242	12	8	9	416	2,039
30	1,304	207	12	3	6	300	1,832
31	2,414	303	19	7	11	559	3,313
32	2,739	300	22	6	10	570	3,647
33	2,914	306	23	5	5	686	3,939
34	3,720	427	34	13	9	1,111	5,314
50	2,168	269	15	7	6	481	2,946
136	868	99	6	2	2	270	1,247
138	2,210	262	12	11	13	504	3,012
TOTALS	38,297	6,629	350	144	156	11,116	56,692

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of APRIL 30, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,274	64	31	5	9	387	2,770
46	2,853	95	32	6	12	493	3,491
47	3,399	148	40	10	14	748	4,359
48	2,810	134	25	5	6	542	3,522
49	930	46	15	1	6	207	1,205
51	3,339	527	22	6	8	628	4,530
52	1,252	157	8	0	2	237	1,656
53	1,250	69	21	2	5	236	1,583
54	2,379	100	26	2	5	440	2,952
55	2,454	77	18	1	9	433	2,992
56	3,123	98	34	8	14	619	3,896
57	2,476	73	32	5	12	457	3,055
58	2,233	63	19	4	8	340	2,667
59	2,646	87	29	7	6	427	3,202
60	2,172	72	24	4	7	586	2,865
61	1,620	55	13	0	4	268	1,960
62	3,178	125	23	2	3	385	3,716
63	3,721	129	57	2	17	650	4,576
64	2,360	74	20	7	6	345	2,812
65	2,727	85	26	4	5	362	3,209
Totals	49,196	2,278	515	81	158	8,790	61,018

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of APRIL 30, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,359	197	59	8	14	966	5,603
44	2,799	238	26	8	18	653	3,742
66	4,510	96	43	4	14	566	5,233
67	2,887	103	22	4	10	408	3,434
68	1,920	168	22	8	5	401	2,524
69	2,075	72	20	1	10	282	2,460
70	1,467	80	22	0	4	219	1,792
71	2,370	68	25	4	10	308	2,785
72	4,352	141	37	7	25	719	5,281
73	1,943	94	22	6	10	362	2,437
74	4,612	251	58	9	20	941	5,891
75	3,899	213	49	15	18	825	5,019
76	1,617	84	23	5	8	340	2,077
77	2,869	120	27	3	12	478	3,509
78	2,975	96	41	6	12	461	3,591
79	2,053	76	20	3	12	358	2,522
135	3,019	182	37	8	10	573	3,829
139	2,394	53	14	2	6	292	2,761
TOTALS	52,120	2,332	567	101	218	9,152	64,490

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of APRIL 30, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,567	564	44	23	18	1,249	6,465
18	4,931	367	45	14	20	1,079	6,456
21	1,185	54	9	6	0	263	1,517
81	4,649	380	44	9	21	928	6,031
82	2,598	267	35	9	9	595	3,513
83	5,044	687	38	22	23	1,315	7,129
84	1,995	413	20	6	9	550	2,993
85	2,696	518	16	11	11	739	3,991
86	2,199	261	23	10	9	460	2,962
87	2,744	274	19	3	13	586	3,639
88	2,167	292	16	5	3	522	3,005
89	2,602	661	21	9	10	778	4,081
90	1,602	255	10	6	9	482	2,364
91	4,070	385	39	17	20	964	5,495
127	4,054	308	41	21	14	833	5,271
128	2,476	216	28	8	11	627	3,366
130	791	312	6	3	3	287	1,402
131	2,571	666	16	19	17	804	4,093
142	1,566	177	15	9	9	421	2,197
TOTALS	54,507	7,057	485	210	229	13,482	75,970

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of APRIL 30, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,500	82	18	4	4	255	1,863
92	1,596	34	13	2	5	222	1,872
93	1,583	39	17	2	5	222	1,868
94	1,926	52	18	0	6	259	2,261
95	1,656	48	13	0	3	261	1,981
96	2,344	64	17	2	10	342	2,779
97	1,425	45	14	1	7	204	1,696
98	1,870	46	22	2	6	247	2,193
99	1,456	53	14	5	6	213	1,747
100	2,346	46	15	3	7	267	2,684
101	1,583	28	13	2	5	172	1,803
102	2,298	50	18	0	8	267	2,641
103	3,475	76	42	3	9	479	4,084
104	3,070	85	32	0	18	431	3,636
105	2,435	64	19	3	8	363	2,892
106	2,777	55	18	4	11	353	3,218
107	1,773	65	14	2	9	212	2,075
108	1,096	29	6	1	2	122	1,256
109	950	37	5	0	1	92	1,085
110	3,718	94	20	6	9	408	4,255
111	2,485	65	32	1	5	370	2,958
113	2,175	53	21	3	8	267	2,527
132	2,025	51	16	2	3	288	2,385
TOTALS	47,562	1,261	417	48	155	6,316	55,759

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of APRIL 30, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,211	63	17	0	10	305	2,606
114	3,531	131	32	2	21	561	4,278
115	2,871	68	20	5	10	594	3,568
116	4,165	102	41	5	12	627	4,952
117	2,090	49	18	2	12	339	2,510
118	2,762	76	33	2	10	415	3,298
119	2,766	116	30	1	14	481	3,408
120	1,867	31	16	1	2	224	2,141
121	3,381	80	25	3	6	455	3,950
122	1,803	43	19	0	9	238	2,112
123	2,365	157	24	7	17	369	2,939
124	2,648	67	22	0	8	351	3,096
125	4,517	100	37	1	14	690	5,359
126	3,831	129	47	3	15	715	4,740
133	1,318	44	12	0	0	179	1,553
134	2,225	46	28	1	5	289	2,594
140	1,856	57	10	1	6	270	2,200
TOTALS	46,207	1,359	431	34	171	7,102	55,304

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 3/31/2017 and 4/30/2017

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	359,454	29,781	3,736	923	1,452	78,504	473,850
Board of Elections Over the Counter	42	1	1	1	1	22	68
Board of Elections by Mail	13	0	0	0	0	8	21
Board of Elections Online Registration	37	3	1	0	1	15	57
Department of Motor Vehicle	88	11	1	0	1	40	141
Department of Disability Services	0	0	0	0	0	0	0
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	0	0	0	0	0	0	0
Department of Human Services	0	0	0	0	0	0	0
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	1	0	0	0	0	1	2
+Total New Registrations	181	15	3	1	3	86	289

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	60	4	1	0	1	18	84
Administrative Corrections	5,946	5	0	0	0	145	6,106
+TOTAL ACTIVATIONS	6,006	19	1	0	1	163	6,190

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	1,106	76	10	5	12	312	1,521
Moved Out of District (Deleted)	0	0	0	0	0	0	0
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	1	0	0	0	0	0	1
Administrative Corrections	135	22	108	4	36	48	353
-TOTAL DEACTIVATIONS	1,242	98	118	9	48	360	1,875

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	110	22	6	10	4	62	
- Changed From Party	55	-21	-2	-2	-7	-98	
ENDING TOTALS	364,454	29,718	3,626	923	1,405	78,357	478,483

ELSIE WHITLOW STOKES COMMUNITY FREEDOM PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****INTERNATIONAL BACCALAUREATE**

Elsie Whitlow Stokes Community Freedom Public Charter School (EW Stokes PCS) intends to enter into a sole source contract with International Baccalaureate. In order to offer one or more International Baccalaureate (IB) programmes of education, EW Stokes PCS must complete the authorization process. Once authorized, EW Stokes will be known as an IB World School. The decision to sole source is based on International Baccalaureate being the only vendor providing the IB certificates to schools and EW Stokes is currently working with this vendor to become an IB World School. The estimated total costs to International Baccalaureate are not expected to be exceed \$125,000. The contract term shall be automatically renewed.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**

**1341 14th Street, NW
Case No. VCP2017-050**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 1341 14th Street, NW, Washington, DC 20005, is 1341 Fourteenth Street LLC, located at Meyers/Hurvitz LLC, 3206 Tower Oaks Blvd, Suite 400, Rockville, MD 20852. The application identifies the presence of petroleum compounds in the soil and petroleum compounds and chlorinated solvents in the groundwater. The applicant intends to redevelop the subject property into a residential building with 34 units.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-2F) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty-one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2017-050 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#7034) to Best Capitol Auto Body to operate one (1) semi-down draft, heated paint booth at the facility located at 1225 W St. NE, Washington, DC 20018. The contact person for the facility is Charles Utley at (202) 269-1430.

Emissions Estimate:

AQD estimates that the potential to emit volatile organic compounds (VOC) from the automotive paint spray booth will not exceed 3.12 tons per year.

The proposed emission limits are as follows:

- a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]
- b. The Permittee shall not use or apply to a motor vehicle, mobile equipment, or associated parts and components, an automotive coating with a VOC regulatory content calculated in accordance with the methods specified in this permit that exceeds the VOC content requirements of Table I below. [20 DCMR 718.3]

Table I. Allowable VOC Content in Automotive Coatings for Motor Vehicle and Mobile Equipment Non-Assembly Line Refinishing and Recoating

Coating Category	VOC Regulatory Limit As Applied*	
	(Pounds per gallon)	(Grams per liter)
Adhesion promoter	4.5	540
Automotive pretreatment coating	5.5	660
Automotive primer	2.1	250
Clear coating	2.1	250
Color coating, including metallic/iridescent color coating	3.5	420
Multicolor coating	5.7	680
Other automotive coating type	2.1	250
Single-stage coating, including single-stage metallic/iridescent coating	2.8	340
Temporary protective coating	0.50	60
Truck bed liner coating	1.7	200
Underbody coating	3.6	430
Uniform finish coating	4.5	540

*VOC regulatory limit as applied = weight of VOC per volume of coating (prepared to manufacturer's recommended maximum VOC content, minus water and non-VOC solvents)

- c. Each cleaning solvent present at the facility shall not exceed a VOC content of twenty-five (25) grams per liter (twenty-one one-hundredths (0.21) pound per gallon), calculated in accordance with the methods specified in this permit, except for [20 DCMR 718.4]:
 1. Cleaning solvent used as bug and tar remover if the VOC content of the cleaning solvent does not exceed three hundred fifty (350) grams per liter (two and nine-tenths (2.9) pounds per gallon), where usage of cleaning solvent used as bug and tar remover is limited as follows:
 - A. Twenty (20) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with four hundred (400) gallons or more of coating usage during the preceding twelve (12) calendar months;
 - B. Fifteen (15) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with one hundred fifty (150) gallons or more of coating usage during the preceding twelve (12) calendar months; or
 - C. Ten (10) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with less than one hundred fifty (150) gallons of coating usage during the preceding twelve (12) calendar months;
 2. Cleaning solvents used to clean plastic parts just prior to coating or VOC-containing materials for the removal of wax and grease provided that non-aerosol, hand-held spray bottles are used with a maximum cleaning solvent VOC content of seven hundred eighty (780) grams per liter and the total volume of the cleaning solvent does not exceed twenty (20) gallons per consecutive twelve-month (12) period per automotive refinishing facility;
 3. Aerosol cleaning solvents if one hundred sixty (160) ounces or less are used per day per automotive refinishing facility; or
 4. Cleaning solvent with a VOC content no greater than three hundred fifty (350) grams per liter may be used at a volume equal to two-and-one-half percent (2.5%) of the preceding calendar year's annual coating usage up to a maximum of fifteen (15) gallons per calendar year of cleaning solvent.
- d. The Permittee may not possess either of the following [20 DCMR 718.9]:
 1. An automotive coating that is not in compliance with Condition (b) (relating to coating VOC content limits); and
 2. A cleaning solvent that does not meet the requirements of Condition (c) (relating to cleaning solvent VOC content limits).

- e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited [20 DCMR 903.1]
- f. Visible emissions shall not be emitted into the outdoor atmosphere from the paint booth. [20 DCMR 201.1, 20 DCMR 606, and 20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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

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

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

No comments or hearing requests submitted after June 19, 2017 will be accepted.

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

**NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD
ON DRAFT ADVISORY OPINION – ANC ETHICAL STANDARDS**

The Director of Government Ethics, pursuant to the authority set forth in section 219(a-1)(2) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective February 22, 2014 (D.C. Law 20-75; D.C. Official Code § 1-1162.19(a-1)(2)) (“Ethics Act”), hereby gives notice that he is extending the public comment period on the Draft Advisory Opinion on Ethical Standards Applicable to Advisory Neighborhood Commissioners. The public comment period, scheduled to end on May 21, 2017, is being extended until June 21, 2017.

The Draft Advisory Opinion was published in the *D.C. Register* at 64 DCR 3859, on April 21, 2017. All comments received by Wednesday, June 21, 2017 will be considered.

A copy of the draft Advisory Opinion is available at the following link: <http://dcregs.dc.gov/Gateway/NoticeHome.aspx?NoticeID=6500860>.

Comment Submission:

All persons interested in commenting on the draft Advisory Opinion may do so not later than June 21, 2017 by sending comments electronically to bega@dc.gov or by filing comments in writing with Brian K. Flowers, General Counsel, Board of Ethics and Government Accountability, 441 4th Street, N.W., 830 South, Washington, D.C. 20001.

Copies of this draft Advisory Opinion are available by writing to the above address and may be obtained at no cost at the website listed above.

Electronic submission is preferred.

**D.C. DEPARTMENT OF HUMAN RESOURCES
NOTICE OF CERTIFICATE OF GOOD STANDING**

As of May 16, 2017

D.C. Official Code § 1-608.81(b) requires the annual publication of attorneys, hearings officers, and administrative law judges who have not met the Certificate of Good Standing filing requirement.

AGENCY NAME	POSITION TITLE	LAST NAME	FIRST NAME
District Department of Transportation	Trial Attorney	Staples	Cheri

**DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND
TENURE****Judicial Tenure Commission Begins Reviews Of
Judges Gregory E. Jackson And A. Franklin Burgess, Jr.**

This is to notify members of the bar and the general public that the Commission is reviewing the qualifications of **Judge Gregory E. Jackson** of the Superior Court of the District of Columbia, who is retiring and has requested a recommendation for an initial appointment as a Senior Judge. In addition, the Commission is reviewing the qualifications of **Judge A. Franklin Burgess, Jr.** of the Superior Court of the District of Columbia who has requested a recommendation for reappointment as a Senior Judge.

The District of Columbia Retired Judge Service Act P.L. 98-598, 98 Stat. 3142, as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §13(1) provides in part as follows:

"...A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

(2) The Commission shall submit a written report of its recommendations and findings to the appropriate chief judge of the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final."

The Commission hereby requests members of the bar, litigants, former jurors, interested organizations, and members of the public to submit any information bearing on the qualifications of Judges Jackson and Burgess which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials will be kept confidential unless expressly authorized by the person submitting the information.

All communications should be mailed, faxed, or e-mailed by **June 30, 2017**, and addressed to:

District of Columbia Commission on Judicial Disabilities and Tenure
Building A, Room 246
515 Fifth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 727-1363
FAX: (202) 727-9718
E-Mail: dc.cjdt@dc.gov

In addition, comments may be submitted by an online survey available on the Commission's website, <https://www.cjdt.dc.gov>, and using the link "Evaluate Candidates", or using the link <https://www.surveymonkey.com/r/SeniorJudgeSuperiorCourt1216>.

The members of the Commission are:

Jeannine C. Sanford, Esq., Chairperson
Anthony T. Pierce, Esq., Vice Chairperson
Hon. Joan L. Goldfrank
Hon. Colleen Kollar-Kotelly
William P. Lightfoot, Esq.
David P. Milzman, M.D.
Nikki Sertsu

BY: /s/ Jeannine C. Sanford, Esq.
Chairperson

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****School Books**

KIPP DC is soliciting proposals from qualified vendors for School Books. The RFP can be found at <https://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 PM EST, on May 31, 2017. Questions can be addressed to nate.schwartz@kippdc.org.

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

LARUBY Z. MAY, INTERIM BOARD CHAIR

The Governing Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will convene at 9:00 am on Wednesday, May 24, 2017. 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 enter a closed/executive session is listed below and will be published in the D.C. Register, posted in the Hospital, and posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. READING AND APPROVAL OF MINUTES**
Saturday, April 29, 2017
- V. CONSENT AGENDA**
 - A. Dr. Julian R. Craig, Chief Medical Officer
 - B. Dr. Mina Yacoub, Medical Chief of Staff
- VI. EXECUTIVE MANAGEMENT REPORTS**
Luis A. Hernandez, Chief Executive Officer
- VII. COMMITTEE REPORTS**
 - A. Governance Committee Report
 - B. Strategic Steering Committee
 - C. Finance Committee
- VIII. OTHER BUSINESS**
 - A. Old Business
 - B. New Business
- IX. EXECUTIVE/CLOSED SESSION (NON-PUBLIC):**
To discuss contract terms pursuant to D.C. Official Code § 2-575(b)(2) and to seek the legal advice pursuant to D.C. Official Code § 2-575(b)(4).

X. ROLL CALL VOTE TO ENTER CLOSED/EXECUTIVE SESSION

XI. RESUMPTION OF THE PUBLIC MEETING

XII. ANNOUNCEMENT

Next Governing Board Meeting- **Wednesday, June 28, 2017 at 9:00am** in
conference rooms 1-3 on the ground level.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

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

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,¹ of its intent to act upon the proposed Surcharge Update of Washington Gas Light Company (WGL or Company)² in not less than thirty (30) days after the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. The Rights-of-Way (ROW) Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On March 23, 2017, pursuant to D.C. Code § 10-1141.06,³ WGL filed a Surcharge Update to revise the ROW Current Factor.⁴ In the Surcharge Update, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

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

3. WGL's Surcharge Update shows that the ROW Current Factor is 0.0325 with the ROW Reconciliation Factor of 0.0054 due to under collection for the prior period of June 2016 through May 2017, which yields a Net Factor of 0.0379.⁵ In addition, WGL expresses its intent to collect the surcharge beginning with the April 2017 billing cycle.⁶ The Company has a

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

² *GT00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, (GT00-2) Rights-of-Way Current Factor Surcharge Filing of Washington Gas Light Company (Surcharge Update)*, filed March 23, 2017.

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

⁴ *GT00-2, Surcharge Update* at 1.

⁵ *Id.* at 2.

⁶ *Id.* at 1.

statutory right to implement its filed surcharges. However, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge, WGL could be subject to reconciliation of the surcharges.

4. This Surcharge Update may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's web site at www.dcpSC.org. Once at the website, open the "eDocket System" tab, click on "Search Current Dockets" and input "Gas Tariffs-GT" and "00-2" in the "Select Case Number" field. Copies of the tariff pages and attachments are available, upon request, at a per page reproduction fee.

5. Comments on the Surcharge Update must be made in writing to Brinda Westbrook-Sedgwick, at the above address, at psc-commissionsecretary@dc.gov or by clicking on the following link: <http://edocket.dcpSC.org/comments/submitpubliccomments.asp>. All comments must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this NOPT in the *D.C. Register*. Once the comment period has expired, the Commission will take final action on WGL's Surcharge Update.

**THE NEXT STEP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Wireless Security Door Lock System and Installation Services

The Next Step Public Charter School Solicits Proposals for Wireless Security Door Lock System and Installation Services for the 2016-2017 school year (July 1, 2016 – June 30, 2017).

The Request for Proposals (RFP) specifications such as scope and responsibilities can be obtained on Friday, May 19, 2017 from Taunya Melvin via email listed below.

Bids must be received by Friday, June 9, 2017 by 5 pm at the email address listed below. Any bids not addressing all areas as outlined in the IFB (RFP) will not be considered.

SUBMITT BIDS electronically to: rfp@nextsteppcs.org up to 5:00 p.m., June 9, 2017. Please put “Wireless Security Door Lock System” in subject line.

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON, D.C.**REQUEST FOR PROPOSALS****Cleaning Services**

The SEED Public Charter School of Washington, D.C. (“SEED DC”) is issuing this Request for Proposals (“RFP”) to engage a **Cleaning Service company** for the 2017-2018 school year for its four acre campus, located at 4300 C Street, SE Washington, D.C. Additional specifications outlined in the Request for Proposal (RFP) may be obtained between the hours of 8 am – 4pm from:

Colleen Turner
Operations and Finance Coordinator
THE SEED PUBLIC CHARTER SCHOOL of Washington, D.C.
4300 C Street, SE
Washington DC 20019
cturner@seedschooldc.org
202-248-3041

The deadline for submitting bids is June 13th, 2017 at 3:00pm.

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

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

D.C. Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) D.C. Retail Water and Sewer Rates Committee will be holding a meeting on Thursday, May 25, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

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

DRAFT AGENDA

- | | | |
|----|--------------------|-------------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | Monthly Updates | Chief Financial Officer |
| 3. | Committee Workplan | Chief Financial Officer |
| 4. | Other Business | Chief Financial Officer |
| 5. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, May 25, 2017 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|-----------------------------------|------------------------------|
| 1. | Call to Order | Chairman |
| 2. | April 2017 Financial Report | Director of Finance & Budget |
| 3. | Agenda for June Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

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

Application No. 18977-A of Weaver Prospect LLC, pursuant to 11 DCMR Subtitle Y § 705.1¹, for request for time extension of BZA Order No. 18977 approving relief pursuant to the Zoning Regulations of 1958 under 11 DCMR § 3103.2, for a variance from the off-street loading requirements under § 2201, to allow the construction of a two-story commercial retail center in the C-2-A District at premises 3220 Prospect Street, N.W. (Square 1207, Lots 104, 838, and 839).

HEARING DATE (Original Application):	April 14, 2015
DECISION DATE (Original Application):	April 21, 2015
FINAL ORDER ISSUANCE DATE (Order No. 18977):	April 27, 2015
TIME EXTENSION DECISION DATE:	May 3, 2017

**SUMMARY ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 18977**

The Underlying BZA Order

On April 21, 2015, the Board of Zoning Adjustment (the "Board") approved the Applicant's request pursuant to the Zoning Regulations of 1958 under 11 DCMR § 3103.2, for a variance from the off-street loading requirements under § 2201, to allow the construction of a two-story commercial retail center in the C-2-A District at premises 3220 Prospect Street, N.W. (Square 1207, Lots 104, 838, and 839). The Board issued its written order ("Order") on April 27, 2015. Pursuant to 11 DCMR Subtitle Y § 604.11, the Order became final on April 27, 2015 and took effect 10 days later.

Under the Order and pursuant to Subtitle Y § 702.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued -- until April 27, 2017. (Exhibits 1 and 3.)

Motion to Extend Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1

On March 24, 2017, the Applicant submitted an application for a time extension requesting that the Board grant a two-year extension of Order No. 18977. This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time

¹ The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the "1958 Zoning Regulations") but which were repealed on September 6, 2016 and replaced with new text of Title 11, DCMR (the "2016 Regulations"). Other than the description of the original application and its caption, the other references in this Order to provisions contained in Title 11 DCMR are to the 2016 Regulations. The repeal of the 1958 Zoning Regulations and their replacement with the 2016 Regulations has no effect on the vesting and validity of the original application.

periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Criteria for Evaluating Motion to Extend

Pursuant to Subtitle Y § 705.1(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. The record reflects that the Applicant served all parties at least 30 days in advance of the public meeting. The parties to the original application included the affected Advisory Neighborhood Commission (“ANC”) which is ANC 2E. The extension request also was submitted to the Office of Planning (“OP”). (Exhibit 3.)

Pursuant to Subtitle Y § 705.1(b), the Applicant indicated in its request that there has been no substantial change in any of the material facts upon which the Board based its original approval of the application. (Exhibit 3.)

Under Subtitle Y § 705.1(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the following criteria: (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board’s order because of delays that are beyond the applicant’s reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control.

The Applicant stated that there is good cause for the extension due to an inability to obtain sufficient project financing due to economic and market conditions beyond the Applicant’s reasonable control. To demonstrate good cause, the Applicant submitted evidence to support its argument that the Applicant has been unable to secure enough tenants to qualify for construction financing, despite diligent outreach efforts. (Exhibits 3 and 3B.)

The Applicant requests a two-year extension of Order No. 18977 for the following reasons: (a) the Applicant cannot submit an application for a building permit until it secures the construction financing for the project; (b) the Applicant has met with three potential lenders and has been informed by each of them that a prerequisite for securing such financing is pre-leasing at least 65% of the retail space to tenants; and (c) despite its diligent efforts to secure tenants for the space, including speaking to approximately 97 potential tenants, the Applicant has not been able at present to satisfy the 65% threshold required for financing. (See, Exhibits 3 and 3B.) The Applicant also noted that the project is now competing with other retail centers, such as City Center and Shaw and others to attract potential tenants, resulting in a longer marketing period. Even so, the Applicant has been successful in retaining some retailers, just not enough to qualify for construction financing. (Exhibits 3 and 3B.)

The Merits of the Request to Extend the Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1

The Board finds that the motion has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order. To meet the requirements of Subtitle Y § 705.1(a), the record reflects that the Applicant served the parties to the application and all parties were allowed at least 30 days to respond. The only parties to the case were the Applicant and ANC 2E. OP was also served with the motion. ANC 2E did not submit a report regarding the time extension request. OP submitted a timely report recommending approval of the request for the time extension. (Exhibit 5.) No party to the application objected to an extension of the Order.

As required by Subtitle Y § 705(b), the Applicant demonstrated that there is no substantial change in any of the material facts upon which the Board based its original approval in Order No. 18977. There have also been no substantive changes to the Zone District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's order that would affect the approval.

To meet the burden of proof for "good cause" required under Subtitle Y § 705.1(c), the Applicant provided a statement and other evidence regarding its efforts to secure the necessary percentage of pre-leased retail tenants in order to secure construction funding for the project. The project consists of construction of a two-story commercial retail center at 3220 Prospect Street, N.W. Currently, the property is used as a surface parking lot. As part of the approval, the Board granted a variance from the off-street loading requirements. The Applicant is seeking to secure a retail tenant or tenants for the Project and to undertake construction as soon as possible.

In evaluating the extension request, the Board considered the Applicant's good faith and diligent efforts to move forward with the approved project on the Property. The Applicant indicated that it has every intention of proceeding with this commercial retail center project, as shown by its efforts to market the site to numerous retail tenants, obtaining a broker to handle its marketing efforts, exploring possibilities of expansion and redesign to attract tenants, and contacting three banks to secure construction financing. (Exhibits 3 and 3B.) Given the totality of the conditions and circumstances described above and in the information that was provided, the Board finds that the Applicant satisfied the "good cause" requirement under Subtitle Y § 705.1(c), specifically meeting the criteria for Subtitle Y § 705.1(c)(1). The Board finds that the delay in securing construction funding is beyond the Applicant's reasonable control and that the Applicant demonstrated that it has acted diligently, prudently, and in good faith to proceed towards the implementation of the Order.

OP expressed its support for the project and recommended approval of the requested time extension. OP, in its report dated April 22, 2017, reviewed the application for the extension of the Order for "good cause" pursuant to 11 DCMR Subtitle Y § 705.1, and noted that the Applicant had demonstrated that: (a) the application had been served on ANC 2E with time for the ANC to respond; (b) there had been no substantive change in the Zoning Regulations that would impact the material facts upon which the Board based its original approval; and (c) there have been no recorded changes or significant development project in the square or its immediate surroundings that would impact the Board's original approval. Further, OP noted that the Applicant needed the time extension of the Board's previous approval because the Applicant has

not been able to obtain the required project financing due to economic and market conditions beyond their control. Since the project was approved, the Applicant has made efforts to secure tenants, as documented in the application. While significant outreach has been done and some interest has been expressed, not enough retailers have been secured to qualify for construction financing. The Applicant also noted that competition with other retail centers has elongated the marketing period. The Applicant has indicated that they intend to move forward with the project, and are optimistic that securing lead anchor retailers will result in additional tenants, as needed for financing. (Exhibit 5.) Having given OP's recommendation great weight, the Board concludes that extension of the approved relief is appropriate under the current circumstances and that the Applicant has met the burden of proof for a time extension under Subtitle Y § 705.1.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

Pursuant to 11 DCMR Subtitle Y § 702, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18977-A for a two-year time extension of Order No. 18977, which Order shall be valid until **April 27, 2019**, within which time the Applicant must file plans for the proposed project with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: 3-0-2 (Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull, to APPROVE; Frederick L. Hill, not present or participating; one Board seat vacant.)

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: May 10, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

Application No. 19116-A of DC Department of General Services, pursuant to 11 DCMR § 3104.1,¹ for a special exception from the roof structure requirements under § 411.11 to allow roof structures not meeting the setback requirements under § 400.7, and the parking space requirements under § 2116.5, to permit the modernization of an existing public high school in the R-4 District at premises 4301 13th Street N.W. (Square 2915, Lot 802)

HEARING DATE:	November 24, 2015
DECISION DATE:	November 24, 2015
ORDER ISSUED:	December 2, 2015
DECISION ON MOTION FOR RECONSIDERATION:	December 22, 2015

ORDER DENYING MOTION FOR RECONSIDERATION

On December 10, 2015, the Advisory Neighborhood Commission (“ANC”) 4C² submitted a motion for reconsideration of the Board of Zoning Adjustment’s (the “Board’s”) order in BZA Order No. 19116, through which the Board granted the request of the Department of General Services (“DGS” or the “Applicant”) for special exception relief from the roof structure requirements and the parking space requirements of the Zoning Regulations.

In its motion the ANC alleged that DGS misled the Board regarding the extent of its communications with the ANC, claiming that DGS did not provide the additional information that the ANC requested regarding the zoning application. Further, the ANC asserted that the Order should not have been issued without comment from the ANC even though the time period for the ANC to have submitted a report following notice had passed.

At a decision meeting on December 22, 2015, the Board voted to deny the ANC’s motion for the reasons explained below.

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraph, are to provisions that were in effect on the date this Application was decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text. Also, all zone districts described in this order were renamed as of that date. The repeal and replacement of the 1958 Regulations and the renaming of the zone districts has no effect on the validity of the Board’s decision or the validity of this order

² As the ANC for the area within which the subject property was located, the ANC 4C was an automatic party to the application. (*See*, 11 DCMR § 3199.1(b)(2).)

The Underlying BZA Application

The Applicant sought zoning relief related to the modernization of an existing public high school located in the R-4 zone. The application was filed with the District's Office of Zoning ("OZ") on August 21, 2015, and OZ sent notice of this filing to the ANC 4C on that same date. (Exhibit 14.) On or about August 27, 2015, OZ sent the ANC notice that a public hearing in this case was scheduled before the Board on November 24, 2015. (Exhibit 19.) Neither of these notices to the ANC were returned to OZ by the US Post Office, and nothing in the record suggests that these notices were not received by the ANC.³ In addition, the Applicant submitted a letter to the record stating that it intended to meet with the ANC and other community groups to discuss the zoning application. (Exhibit 8.)

The Public Hearing in the Underlying BZA Case

The ANC did not submit a report to the Board reflecting any recommendations relating to the zoning application. Nor did the ANC attend the public hearing that was held by the Board on November 24, 2015. At the hearing, the Board Chair asked the DGS representative whether it had met with the ANC regarding the application before the BZA because no ANC report had been submitted in the case. DGS representative Mary Rankin handed the Chair a September 18, 2014 letter that the ANC had sent to the Public Space Committee (Exhibit 31) and stated:

That's the document I just handed. We met with the ANC twice last year to review the project. The first was July 9th to go over the general plans and our major interventions on the school. The second hearing was September 10th, 2014 specifically at the request we had to go before public space for several of the site interventions, including the curb cuts that the parking that we're talking about today is related to. The letter that you just received was a letter prepared by them and provided to us a week later indicating their support for the project.

(Transcript of Hearing November 24, 2015, "Tr.", p. 25.)

Later the following discourse occurred:

CHAIR: So again, we have received this letter. Although it is for your public space application I understand you've submitted the information, *you've had multiple meetings with the ANC since going through the public space process.* And you've submitted your information regarding this hearing to the ANC. Is that correct?

(Tr., pp. 27-28.) (Emphasis added).

³ Other notices concerning this application were returned to OZ by the Post Office, marked "Return to Sender" (Exhibits 23-26), but notices to the ANC were not returned to OZ.

Although Ms. Rankin had just indicated that only two meetings had been held with the ANC, neither of which occurred “since going through the public space process,” she answered “correct.” (Tr., p. 28.)

The Chair then closed the hearing and the Board voted to approve the application. The BZA Order granting the application was issued on December 2, 2015. (Exhibit 33.).

The Merits of the Motion for Reconsideration

Subsection 3126.4 of the Board’s Rules states that a motion for reconsideration shall specifically state the respects in which the Board’s decision is erroneous, and also state the relief that is sought from the Board. As noted, the ANC alleged that DGS misled the Board regarding the extent of its communications with the ANC, claiming that DGS did not provide the additional information that the ANC requested regarding the zoning application. This claim, however, does not amount to an error in the Board’s decision, as is required under § 3126.4. As noted above, a motion for reconsideration must clearly state the grounds for the motion and the desired relief that is sought. Here, other than stating the case should be “reopened”, the ANC does not state that it would seek a different result once the case was reopened. Nor does the ANC state that the Board’s decision is incorrect in any way.

The ANC states that the Order should not have been issued without comment from the ANC. This assertion suggests that the Board erred by not continuing the case, *sua sponte*, so as to allow the ANC more time to submit a report. However, the Board concludes that it did not abuse its discretion by deliberating on this matter without input from the ANC. Section 13 of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10 (“ANC Act”) requires each ANC be given 30 days’ written notice, excluding Saturdays, Sundays and legal holidays of certain actions, including an application for zoning relief that affects its area. The ANC Act further indicates an agency “may proceed to make its decision” on the action for which notice was given at “the close of business of the day after which the notice period concludes.” (D.C. Official Code § 1-309.10 (d)(2).)

Here, the ANC received written notice of the application on August 21, 2015 and was advised of the November 24th hearing date six days later on August 27, 2015. Therefore, the ANC had approximately twice the minimum comment period to submit its report, yet none was received. The ANC states it lacked the information it needed to submit such a report. If true, it was incumbent upon the ANC to apprise the Board of that circumstance. Instead, the ANC chose to remain silent. In the absence of an ANC Report and with the completion of the minimum ANC comment period, the Board could and did lawfully “proceed to make its decision”.

As noted, the BZA Chair before closing the hearing questioned DGS regarding its efforts to reach out to the ANC. DGS first made it clear that it had met twice with the ANC and that both meetings occurred prior to the completion of the Public Space Committee proceeding. The Board

then asked the Applicant to confirm that it “had multiple meetings with the ANC since going through the public space process,” to which the Applicant’s representative stated “correct” and “yes.”

The Board agrees with the ANC that DGS’ response may have been less than candid; however, the Board itself misstated DGS’ initial accurate representation when asking the question. Had the ANC availed itself of its right to participate during the hearing, it could have stated its concerns over DGS’ outreach deficiencies. Since the issue could have been raised, but was not, the ANC’s attempt to litigate it at the first instance through reconsideration is belated.

Finally, even if the outreach issue had been raised, the Board cannot compel an applicant to meet with an ANC, nor deny a meritorious application because of a failure to do so. The ANC Act only requires the Board to give notice of an application to an affected ANC, and then places the onus on that ANC to express its issues and concerns with the Board within the time allowed. That this ANC chose to not avail itself of that opportunity should not result in the Board reconsidering a decision that the ANC does not dispute on the merits.

In conclusion, the ANC has not identified any legal or factual errors, or any other basis upon which the Board should reconsider its decision in this matter. For these reasons, it is hereby **ORDERED** that the Motion for Reconsideration is **DENIED**.

VOTE: 3-0-2 (Marnique Y. Heath, Marcie I. Cohen, and Jeffrey L. Hinkle to DENY the Motion for Reconsideration; Frederick L. Hill not participating; one Board seat vacant).

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: May 9, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

Application No. 19134-A of The Embassy of Zambia, pursuant to 11 DCMR Subtitle X § 201, to allow the temporary location of a chancery in the D/R-3 District at premises 2200 R Street, N.W. (Square 2512, Lot 808).

HEARING DATE: February 15, 2017

DECISION DATE: February 15, 2017

NOTICE OF FINAL RULEMAKING

and

DETERMINATION AND ORDER

The Board of Zoning Adjustment (“Board”), pursuant to the authority set forth in § 306 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Official Code § 6-1306 (2012 Repl.)) and Subtitle X of the Zoning Regulations of the District of Columbia, Title 11 DCMR, and after having held a public hearing on February 15, 2017, hereby gives notice that it took final action not to disapprove the application of The Embassy of Zambia (“Applicant”) for a modification of consequence to BZA Order No. 19134 to continue to allow the temporary location of a chancery in the D/R-3 District at premises 2200 R Street, N.W. (Square 2512, Lot 808) (the “Subject Property”). A modification of consequence permits the Board to grant modifications to its orders without a hearing, provided that the Board does not determine that the request is for a modification of significance, for which a hearing is required. However, in this instance the Office of Zoning understood that the Applicant desired a hearing, and so one was held.

A notice of proposed rulemaking was published in the December 30, 2016 edition of the *D.C. Register*. (63 DCR 16193.) In accordance with Subtitle Y § 402.1, the Board provided written notice to the public more than 40 days in advance of the public hearing. On December 19, 2016, the Office of Zoning (“OZ”) provided notice of the filing of the application to the United States Department of State, the District of Columbia Office of Planning (“OP”) Advisory Neighborhood Commission (“ANC”) 2D, whose boundaries encompass the Subject Property, the Single Member District Commissioner for ANC 2D02, the District Department of Transportation (“DDOT”), and the Councilmember for Ward 2.

OZ scheduled a public hearing on the application for February 15, 2017 and provided notice of the hearing by mail to the Applicant, ANC 2D, and the owners of all property within 200 feet of the subject property, as well as to the Department of State, the National Capital Planning

Commission, and the Commission of Fine Arts. Notice of the hearing was published in the *D.C. Register* on December 23, 2016. (63 DCR 15735.)

Background

In Order No. 19134, the Board approved the Applicant's request to temporarily locate its chancery operations at the Subject Property for a period of one year while its permanent location at 2419 Massachusetts Avenue, N.W. underwent renovations. Order No. 19134 was issued on February 23, 2016, and contained one condition, as follows:

1. Approval of the temporary use is granted for a period to end on December 31, 2016.

The Applicant's current request is to modify the condition in order to allow the temporary use of the Subject Property to continue for an additional year, as the renovations are not yet completed at 2419 Massachusetts Avenue, N.W. No other changes are proposed to the scope or intensity of the temporary use approved in Order No. 19134.

When determining whether to grant a modification of consequence, the Board applies the standards applicable to the original application. Pursuant to § 406(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d), the Board must consider six enumerated criteria when reviewing a chancery application. The provision further dictates who is to make the relevant finding for certain factors. The factors and relevant findings are as follows:

1. **The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.**

In a letter dated January 9, 2017, the Department of State determined that favorable action on this application would fulfill the international obligation of the United States to facilitate the Embassy of Zambia in acquiring adequate and secure premises to carry out their diplomatic mission. The Department of State indicated that the current chancery located at 2419 Massachusetts Avenue, N.W. is in dire need of repair, and that continuing to allow the temporary location of the chancery at the Subject Property would facilitate the renovation project. (Exhibit 56.)

2. **Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.**

The Subject Property is located within the Sheridan-Kalorama Historic District. In Application No. 19134, staff of the Historic Preservation Office expressed no concerns about the proposed temporary location of the chancery, as no changes to the existing structure are proposed in this

application. (See OP Report, Exhibit 26, p. 2.) The only change proposed in this application is extending the time limit for the temporary use of the Subject Property, therefore, the Board finds that no historic preservation basis exists for it to disapprove this application.

3. The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.

The Board concurs with the findings reached by the Office of Planning (“OP”) in Application No. 19134 (Exhibit 26) that no alteration would be made to affect the adequacy of on-site parking in this case. The Board also credits OP’s original finding that this site is adequately served by public transportation, including the Dupont Circle Metrorail station and various Metrobus routes. (Exhibit 26.) These aspects of the project will not be affected by the modification of the condition; therefore, the Board concurs with OP’s finding that this criterion is met.

The Department of State, after consulting with the Federal agencies authorized to perform protective services, determined that there exist no special security requirements relating to parking in this case. (Exhibit 56.)

4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.

After consulting with Federal agencies authorized to perform protective services, the Department of State determined that the subject site and area are capable of being adequately protected. (Exhibit 56.)

5. The municipal interest, as determined by the Mayor.

OP, on behalf of the Mayor of the District of Columbia, determined that approving Application No. 19134 was in the municipal interest and is generally consistent with the Comprehensive Plan for the Nation's Capital and the Zoning Regulations. (Exhibit 26.) The only change proposed in this application is in the time limit for the temporary use of the property; therefore, the Board finds that this criterion is met by the current application.

6. The federal interest, as determined by the Secretary of State.

The Department of State determined that there is federal interest in this project. Specifically, the Department of State acknowledged the Embassy of Zambia’s generous assistance in accommodating security requirements for the U.S. Embassy in Lusaka. Such cooperation was essential for successfully achieving the Federal Government’s mission for providing safe, secure,

and functional facilities for the conduct of U.S. diplomacy and the promotion of U.S. interests worldwide. (Exhibit 56.)

ANC 2D Recommendation

The Board is required under § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)) to give great weight to the issues and concerns raised in the written report of the affected ANC which is ANC 2D. The ANC submitted a resolution dated January 17, 2017, indicating that at its regularly scheduled, duly noticed public hearing on January 9, 2017, with a quorum present, the ANC voted 2-0-0 to recommend “the denial of allowing the conversion of an existing single family dwelling into a Chancery in D-R-3, but supports granting the embassy the right to continue to operate at this location without street parking for the necessary duration until the permanent quarters are rehabilitated on Massachusetts Avenue NW.” (Exhibit 57.) The Board understands the ANC report to mean that although it would ordinarily oppose the permanent use of the property, it supports this limited extension of the temporary use. As such, the Board finds that the ANC has no issues and concerns with respect to the application that is actually before the Board, and therefore there is nothing to give great weight to. See *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086 (D.C. 2016) (ANC Act “does not require the BZA to give ‘great weight’ to the ANC’s recommendation but requires the BZA to give great weight to any issues and concerns raised by the ANC in reaching its decision”).

Based upon its consideration of the six criteria discussed above, and having given great weight to the ANC, the Board has decided not to disapprove the request to modify the condition of Order No. 19134. As a result, the Applicant will be permitted to continue to allow the temporary location of a chancery in the D/R-3 District at premises 2200 R Street, N.W. Accordingly, it is hereby **ORDERED** that the application is **NOT DISAPPROVED, SUBJECT TO THE FOLLOWING CONDITION:**

1. Approval of the temporary use is granted for a period to end on December 31, 2017.

VOTE: 3-0-2 (Frederick L. Hill, Peter G. May, and Marcel C. Acosta to Not Disapprove; two Board seats vacant.)

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: May 8, 2017

BZA APPLICATION NO. 19134-A
PAGE NO. 4

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Application No. 19191 of Colleen Eubanks, as amended, pursuant to § 3103.2¹ for a variance from the lot occupancy requirements under § 403, and the nonconforming structure requirements under § 2001.3, to allow a third story addition and deck addition to an existing dwelling, located in the R-4 zone at 133 U Street, N.W. (Square 3533, Lot 186).

HEARING DATE: March 1, 2016

DECISION DATE: March 1, 2016

DECISION AND ORDER

On November 13, 2015, the Applicant filed an application with the Board of Zoning Adjustment (the “Board”) requesting variance relief from the lot occupancy requirements, the rear yard requirements, and the open court requirements of the Zoning Regulations, in order to construct a third story addition and deck addition to an existing two-story row dwelling. The relief requested was based upon a referral from the Zoning Administrator (“ZA”), dated September 20, 2015. However, on February 16, 2016, the ZA issued a revised memorandum indicating that relief was required only from the lot occupancy requirements and the nonconforming structure requirements of the Zoning Regulations. The application was amended accordingly. Following a public hearing on March 1, 2016, the Board voted to approve the application, as amended.

PRELIMINARY MATTERS

Notice of Public Hearing Pursuant to 11 DCMR § 3113.13, notice of the hearing was sent by the Office of Zoning to the Applicant, all owners of property within 200 feet of the subject site, Advisory Neighborhood Commission (“ANC”) 5E, and the District of Columbia Office of Planning (“OP”). The Applicant posted placards at the property regarding the application and public hearing in accordance with 11 DCMR §§ 3113.14 through 3113.20. (Exhibit 24.)

ANC 5E Report

The property is located within the area served by ANC 5E, which is automatically a party to this application. By a memorandum dated February 26, 2016, ANC 5E indicated that, at a regular

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraphs, are to provisions that were in effect on the date this Application was decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text. Also, all zone districts described in this order were renamed as of that date. The repeal and replacement of the 1958 Regulations and the renaming of the zone districts has no effect on the validity of the Board’s decision or the validity of this order.

public meeting held February 16, 2016, with a quorum present, the ANC voted 7-1-0 to oppose the requested relief.²

The ANC noted various concerns: (1) The first concern noted by the ANC was the “precedent” that the proposed development would set. The ANC states that the Eckington community (within which the property is located) was established before the enactment of the 1958 Zoning Regulations and that, as a result, many of the homes in the community are nonconforming; (2) The ANC states that the proposal results in a home that is not in proportion with the scale of the other homes on the same side of the block, and that the existing mansard roof will be protracted by five feet to accommodate a third story; (3) According to the ANC, the fact that no windows are proposed on the west side of the addition suggests that the neighbor to the west may also be planning a third story addition.

The ANC did not present any testimony at the public hearing.

Requests for Party Status There were no requests for party status, either in opposition or in support of the application.

Persons in Opposition The Board received a letter in opposition to the application from Michelle Turner, a nearby property owner. (Ex.34.) However, no persons appeared at the hearing to testify in opposition to the application.

Persons in Support The Board received a letter in support of the application from Mike Aiello. (Ex. 35.) The Board also received a letter in support from the Applicant’s adjacent neighbor, Jared Heming. (Ex.26.) Mr. Heming, who is an architect, stated that the block on which the property is located consists entirely of row houses. However, the two end row houses on the block (including the Applicant’s) are narrower and smaller than the several row houses in between. He stated additionally that the proposed third story addition is “sympathetic to the look and character of the surrounding neighborhood” in that, among other things, the addition maintains the slope and lines of the false mansard roofs that are featured on the block, the new windows mimic the scale and detail of the existing windows, and the parapet step down echoes the original row house. Mr. Heming also testified in support of the application, reiterating the several points made in his letter. The Board received a letter from the Eckington Civic Association stating that it supported the variance application by a vote of 12-7. (Ex.22.)

Government Reports

Office of Planning (“OP”) Report

OP reviewed the application and submitted a report stating that it was “not opposed” to the requested relief. (Ex. 27.) The report noted that the proposed third story addition would not extend beyond the footprint of the existing dwelling, and the proposed deck (above the garage) would not extend beyond the limits of the existing garage. OP’s representative, Elisa Vitale,

² The ANC report reflects a review of the original application, not the revised application.

clarified OP's position during testimony at the public hearing on March 1, 2016, stating that OP recommended "approval" of the application.

Department of Transportation ("DDOT") Report

DDOT reviewed the application and submitted a report stating that it had no objection to the approval of the requested relief. (Ex.28.)

FINDINGS OF FACT

The Subject Property

1. The subject property is a substandard lot in the R-4 zone that is 16 feet wide and 1,220 square feet in area. The Zoning Regulations require a lot width of 18 feet and an area of 1,800 square feet. (11 DCMR § 401).
2. The property is improved with a two story brick residential row dwelling that was constructed around 1912 and is used as a flat (i.e. a two-family dwelling), and a garage.
3. Because of the narrow and small size of the lot, the existing dwelling and garage occupy 92% of the lot. Under the 1958 Zoning Regulations, the existing lot occupancy is nonconforming. (11 DCMR § 403.)

The Surrounding Area

4. The nearby properties on the street consist of residential row dwellings.
5. As an end lot property, the subject property is exceptionally narrower and exceptionally smaller than the several properties in between the end lots. As a result, the existing row dwelling is exceptionally narrower and smaller than the other row dwellings on the block, with the exception of the other end lot row dwelling.

The Proposed Project

6. The Applicant proposes to construct a third story addition that would align with the footprint of the existing row dwelling.
7. The Applicant also proposes to construct a deck on top of the existing garage.

The Zoning Relief

8. The proposed project will maintain the nonconforming lot occupancy of 92%. Because the maximum allowable lot occupancy in the R-4 zone is only 60% (11 DCMR § 403), relief is required under this provision.

9. Because the structure is nonconforming with respect to lot occupancy and the nonconforming lot occupancy will be continued by the addition, relief is required under § 2001.3 of the Zoning Regulations.

Constraints of the Property

10. Because the lot and row dwelling are both exceptionally small and narrow, the Applicant is limited in her ability to update or expand her dwelling in a conforming manner.
11. The only way the Applicant could construct an addition and comply with the Zoning Regulations, would be to demolish a portion of the existing structure or demolish the garage.

The Impact of the Proposed Project

12. Neither the footprint of the property nor the use of the property as a flat will be changed by the proposed additions.
13. The proposed third story addition will maintain the row dwelling scale and architectural character.
14. The third story addition will maintain the slope and lines of the false mansard roofs that are a key feature of the row dwellings on the block.
15. The proposed windows mimic the scale and detail of the existing windows.
16. The proposed parapet step down echoes the original parapet design.

CONCLUSIONS OF LAW

The Requested Variances

The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07(g)(3) (2012 Repl.) to grant variance relief from the strict application of the Zoning Regulations. As noted by the Court of Appeals, the Applicant must meet a three-prong test for the Board to grant relief:

An applicant must show, first, that the property is unique because of some physical aspect or “other extraordinary or exceptional situation or condition” inherent in the property; second, that strict application of the zoning regulations will cause undue hardship or practical difficulty to the applicant; and third, that granting the variance will do no harm to the public good or to the zone plan.

Capitol Hill Restoration Society v. District of Columbia Bd. of Zoning Adjustment, 534 A.2d 939, 941 (D.C. 1987).

An applicant for a use variance must show that strict compliance with the applicable regulation will result in an undue hardship, while an applicant for an area variance must meet the less stringent standard that compliance will result in exceptional practical difficulties. (11 DCMR § 3103.7.)

As noted, the Applicant is seeking area variances from the lot occupancy requirements under §403, and the nonconforming structure requirements under § 2001.3. Therefore, the “practical difficult[y]” standard will be applied.

As discussed below, the Board finds that the Applicant has met its burden of proof for the requested area variances in this case.

The exceptional condition

The Board concludes that the Applicant meets this prong of the variance test. As stated in the Findings of Fact, the subject property is exceptionally smaller and narrower than other properties on the block. As a consequence, the existing row dwelling is smaller and narrower than all of the other row dwellings, except for the one row dwelling at the other end of the block. According to Mr. Heming, the architect and neighbor who testified on behalf of the Applicant, the row dwellings in the middle of the block are situated on lots that are comparatively larger and wider than the subject property. In fact, according to Mr. Heming, those property owners would not violate the lot occupancy restrictions were they to propose the same additions as the Applicant has proposed.

The practical difficulty

The Applicant is so constrained by the buildable size of the lot that she cannot expand her residence without demolishing some portion of the existing dwelling or demolishing the garage. The Board believes this situation presents a significant practical difficulty and the Applicant therefore meets the second prong of the variance test.

There will be no detriment to the public good or the zone plan

Finally, the Board is persuaded that the proposed additions meet the third prong of the variance test. The Board finds that the Applicant succeeded in her efforts to ensure that the third story addition was compatible with the other row dwellings on the block, particularly the nearby two-story row dwellings. As stated in the Findings of Fact, the proposal is consistent with the row dwelling scale and architectural character and in keeping with the design of the existing dwelling. The Board agrees with OP’s finding that the proposal will not impair the public good or the zone plan, and notes as OP noted, that the footprint of the structure will not be enlarged and the use as a flat will not change.

ANC

Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code §1-309.10(d)(3)(B) requires that the Board's written orders give "great weight" to the issues and concerns raised in the recommendations of the affected ANC.

In this case the ANC 5E expressed several issues and concerns. However, as will be explained below, the Board finds that the ANC's first and third concerns are not legally relevant. While the ANC's second concern is legally relevant, the Board does not find the articulated advice to be persuasive.

The ANC raised three specific concerns. First, the ANC states that the Eckington community (within which the property is located) was established before the enactment of the 1958 Zoning Regulations and that, as a result, many of the homes in the community are nonconforming with respect to zoning. The ANC claims this project would, therefore, "set a precedent". Second, the ANC states that the proposal results in a home that is not in proportion with the scale of the other homes on the same side of the block, and that the existing mansard roof will be protracted by five feet to accommodate a third story. Third, according to the ANC, the fact that no windows are proposed on the west side of the addition suggests that the neighbor to the west may also be planning a third story addition.

The Board may only consider ANC concerns that are legally relevant. *Concerned Citizens of Brentwood v. Bd. of Zoning Adjustment*, 634 A.2d 1234 (1993), quoting *Bakers Local Union No.118 v. Bd. of Zoning Adjustment*, 437 A.2d 176 (1981). In other words, the expressed concern must be relevant to the legal question that is before the Board.

The first concern: The ANC suggests that because so many of the homes in the area are nonconforming, the grant of this variance will establish a precedent. However, this variance was granted because the subject property is exceptionally narrow and smaller when compared to nearby properties. Because this and all variances must be based upon the exceptional characteristic of a specific piece of property, no precedent is ever established.

The third concern: Here, the ANC expresses concern over a statement in the application that no windows are proposed for the west side of the house to allow the adjacent neighbor to construct a vertical addition, commonly referred to as a "pop-up". Whether or not the neighbor to the west is also planning a third story addition is, of course, speculative. However, even if the Board were to accept the ANC's suggestion as fact, the neighbor's future plans are not a basis for denying the application that is currently before the Board. If the project were to require zoning relief, the grant of the present application could not serve as grounds for granting any future request. As the Board has stated on numerous occasions, each application is evaluated on its own merits.

The second concern regarding compatibility of scale and style: This concern relates to the third prong of the variance test discussed above; i.e., whether the proposal will result in a substantial detriment to the public good and, as such, is legally relevant. Here, the ANC claims that the proposed third story addition will be incompatible with other homes on the same side of the block. However, the Board disagrees with this contention and does not find the ANC's advice to be persuasive in this instance. As OP notes, the addition will not increase the footprint of the structure, it will only increase the height. Also, the property is currently developed as a residential row dwelling that is used as a flat, and will continue to be so. Moreover, as noted by the Board during its deliberations, the proposed project results in a dwelling that is below the 35-foot height limit, and the proposed third story is a "sensitive" and "architecturally appealing" addition.

OP

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

Therefore, for the reasons stated above, it is hereby **ORDERED** that the application, as amended, is **GRANTED** to allow variance relief from the lot occupancy requirements under § 403, and the nonconforming structure requirements under § 2001.3, **AND PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

VOTE: 3-0-2 (Marnique Y. Heath, Frederick L. Hill, and Michael G. Turnbull to APPROVE; Jeffrey L. Hinkle, not participating; one Board seat vacant).

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: May 4, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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

BZA APPLICATION NO. 19191

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APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19470 of Susan Gibbs Hall, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the front yard setback requirements of Subtitle D § 305.1, to construct a two-story addition to the front of an existing one-family dwelling in the R-2 Zone at premises 5821 3rd Street, N.E. (Square 3713N, Lot 22).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: May 3, 2017

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated February 1, 2017, from the Zoning Administrator, certifying the required relief. (Exhibit 5.)

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the Applicant's request for a waiver of its right to a hearing. (Exhibit 2.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on March 27, 2017, at which a quorum was in attendance, ANC 4B voted 7-2-0 to support the application. (Exhibit 26.)

The Office of Planning ("OP") submitted a timely report, dated April 21, 2017, in support of the application. (Exhibit 34.) The District Department of Transportation ("DDOT") submitted a timely report, dated April 20, 2017, expressing no objection to the approval of the application. (Exhibit 33.)

Twelve letters in support of the application by neighbors were submitted to the record. The letters of support included one from the adjacent, adjoining neighbor at 5819 3rd Street, N.E. (Exhibit 27.)

No objections to expedited calendar consideration were made by any person or entity entitled to do so by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the front yard setback requirements of Subtitle D § 305.1, to construct a two-story addition to the front of an existing one-family dwelling in the R-2 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle D §§ 5201 and 305.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR, Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6.**

VOTE: **3-0-2** (Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull to APPROVE;

Frederick L. Hill, not participating; one Board seat vacant.)

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: May 5, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y

BZA APPLICATION NO. 19470

PAGE NO. 2

§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

Government of the District of Columbia
Public Employee Relations Board

_____)	
In the Matter of:)	
)	
District of Columbia Public Schools)	
)	
Complainant,)	PERB Case No. 16-A-09
)	
and)	Opinion No. 1610
)	
Washington Teachers' Union, Local # 6,)	
American Federation of Teachers, AFL-CIO,)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Introduction

On April 25, 2016, the District of Columbia Public Schools (“DCPS,” or “Petitioner”) filed this Arbitration Review Request (“Request”) pursuant to D.C. Official Code § 1-605.02(6).¹ DCPS seeks review of an arbitration award (“Award”) that sustained the grievance filed by the Washington Teachers’ Union (“WTU”) on behalf of Mr. Thomas O’Rourke (“Grievant”). The Arbitrator determined that DCPS did not adhere to the evaluation process that eventually led to the Grievant’s termination. The Arbitrator therefore ordered DCPS to reinstate the Grievant to his former position and make him whole for all losses. DCPS seeks review on the grounds that the Arbitrator exceeded his jurisdiction and that the Award is contrary to law and public policy.”²

For the reasons stated herein, the Board affirms the Award and denies the Request.

¹ D.C. Official Code § 1-605.02(6) (2014).

² Request at 1; See D.C. Official Code § 1-605.02(6) (2014).

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II. Statement of the Case

The Grievant worked as a teacher at Roosevelt High School where he served as a Building Representative for the Union, and was a member of the Roosevelt School Chapter Advisory Committee during his last eight years there. During the 2010-2011 school year, DCPS assessed teacher performance under the evaluation system known as IMPACT. Under this framework, teachers underwent five (5) classroom observations: three (3) by a principal or assistant principal, and two (2) by a Master Educator.³ A teacher with a final school year evaluation of “ineffective” was subject to termination.⁴ Ivor Mitchell, the principal at Roosevelt during the 2010-2011 school year, conducted three of the Grievant’s five observations.⁵ The two Master Educators, Timothy Stroud and Ijeoma Kush, each observed the Grievant once.⁶ The Grievant was terminated at the end of the 2010-2011 school year, as a result of being scored “ineffective” on IMPACT.⁷

On August 15, 2011, the Grievant filed a grievance pursuant to the collective bargaining agreement (“CBA”), alleging that he received the “ineffective” rating as retaliation for his union activities.⁸ The Grievance advanced through the three-step mediation process as provided in the parties’ collective bargaining agreement.⁹ On September 12, 2013, the Union filed a Demand for Arbitration.¹⁰

After the Union submitted a Demand for Arbitration with the American Arbitration Association, DCPS filed a Motion with the D.C. Superior Court to stay the arbitration.¹¹ DCPS argued that the dispute was not arbitrable because final IMPACT evaluation ratings are not subject to arbitration.¹² The Court denied DCPS’s Motion.¹³ For guidance, the Superior Court looked to *Washington Teachers’ Union v. District of Columbia Public Schools*, a D.C. Court of Appeals decision involving the same parties.¹⁴

³ Award at 4. The IMPACT Guidebook describes Master Educators as “impartial, third-party observer(s)” who are “expert practitioner(s) in a particular content area.” (Request, Exhibit 5 at 10).

⁴ *Id.* at 7.

⁵ *Id.* at 4.

⁶ *Id.* at 6.

⁷ *Id.* at 3.

⁸ Request, Exhibit 4 at 2; *DCPS v. WTU, Local # 6, Am. Fed’n of Teachers, AFL-CIO*, 2014 CA 000082 B, Sep. 9, 2014

⁹ *Id.* at 2. The Superior Court explained the three-step mediation process as follows: In Step 1, the Grievant and various officials from DCPS and the WTU meet in a three-stage informal mediation process. If the dispute is not resolved in Step 1, Step 2 allows the grievant to have a hearing in front of a neutral officer, and present witnesses and evidence. Should Step 2 also fail to satisfy either party, they may elect to invoke arbitration in Step 3.

¹⁰ *Id.*

¹¹ Request at 3.

¹² *Id.*

¹³ Request, Exhibit 4 (*DCPS v. WTU, Local # 6, Am. Fed’n of Teachers, AFL-CIO*, 2014 CA 000082 B, Sep. 9, 2011).

¹⁴ Request, Exhibit 4 at 3 (citing *Washington Teachers’ Union v. D.C. Pub. Sch.*, 77 A.3d 441, 458 (D.C. 2013)).

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In *Washington Teachers' Union*, the D.C. Court of Appeals reviewed a decision that concerned whether a grievance challenging the IMPACT teacher ratings during the 2009-2010 school year was arbitrable.¹⁵ The Court of Appeals, affirming the trial court, found that under Article 15, Section 15.3 of the CBA, evaluation results could not be challenged through arbitration.¹⁶ The Court of Appeals stated that if a process violation is found, the Arbitrator could not “rescind” or “amend” the evaluation ratings, “although the arbitrator is free to craft other remedies.”¹⁷ The Superior Court noted that in this case, the Grievant alleged that his IMPACT score was a form of retaliation by DCPS and sought to arbitrate procedural compliance issues, i.e., “faults in the way his evaluation was carried out,” which were arbitrable under the parties’ CBA.¹⁸ As such, the Court directed that, if the Arbitrator found that DCPS used the Grievant’s IMPACT evaluation as a form of retaliation, or that DCPS failed to follow evaluation procedure, the Arbitrator must issue an “alternative remedy.”¹⁹ The parties then proceeded to arbitration.²⁰

III. Arbitrator’s Award

The issues, as clarified by the Arbitrator, were as follows:

- (1) Did DCPS commit a process violation with respect to the Grievant’s 2010-2011 IMPACT evaluation? If so, what shall be the remedy?
- (2) Was the Grievant’s 2010-2011 IMPACT evaluation the result of anti-union bias? If so, what shall be the remedy?²¹

Based on a review of the evidence before him, the Arbitrator found that the Grievant’s claims of anti-union bias during the 2010-2011 school year were unsubstantiated.²² The Arbitrator found the Grievant’s recounting that Principal Mitchell was “briefed” on the faculty and staff was “second-level hearsay, and, even more important, [made] no mention of the Grievant or of Union activities.”²³ Mitchell testified that the alleged “briefings,” were merely an introduction to the teachers and staff and their respective job assignments.²⁴ Finally, the

¹⁵ *Id.*

¹⁶ *Id.* at 5. Article 15, Section 15.3 of the CBA states: “DCPS’s compliance with the evaluation process, and not the evaluation judgment, shall be subject to the grievance and arbitration procedure.” (Request, Exhibit 2 at 50.)

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 6.

²⁰ Award at 3.

²¹ *Id.*

²² The Arbitrator focused solely on events that occurred during the 2010-2011 school year. Accordingly, while the Arbitrator found troubling the testimony that the former principal warned that she would “IMPACT [the Grievant] out,” the evidence is immaterial, because the former principal was no longer there in the 2010-2011 school year and there is no probative evidence that Mitchell was “told, warned, or influenced by [the former principal] or any other administrator at Roosevelt about the Grievant’s union activities.” (Award at 22).

²³ Award at 22.

²⁴ *Id.*

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Arbitrator found little to no evidence to support the Grievant's beliefs that Mitchell "had ill feelings towards [the Grievant] and a desire to retaliate," or that Mitchell deliberately gave the Grievant a low IMPACT score as the result of anti-union bias."²⁵ To the contrary, the Arbitrator noted that Mitchell was open to dialogue and that Mitchell's evaluations were "entirely consistent with, and mostly higher" than those by Master Educators Stroud or Kush.²⁶ Taken together, the Arbitrator found that the Grievant failed to prove that the alleged anti-union sentiment had any effect on his IMPACT evaluations or ratings.

Regarding the allegations of process violations, the Arbitrator first determined that the parties' CBA clearly states that process violations may be challenged in the grievance and arbitration procedure under Sections 15.3 and 15.4.²⁷ Limiting his review to the IMPACT process, the Arbitrator noted three of the alleged process violations: (1) Mitchell conducting his first observation on November 3, 2010; (2) Master Educator Stroud refusing to postpone his observation during a class period where the Grievant held a quiz; and (3) the length of Mitchell's observations.²⁸ The Arbitrator dismissed the first two allegations, finding that WTU failed to prove that DCPS committed process violations.²⁹ As to the third allegation, the Arbitrator determined that Mitchell's three observations of the Grievant violated the IMPACT Guidebook.³⁰ The IMPACT Guidebook states that classroom observations are to be "at least 30 minutes."³¹ Before the Arbitrator, DCPS argued that "at least 30 minutes" only referred to the minimum amount of time for an observation.³² The Arbitrator, however, found the testimony of IMPACT Deputy Chief Michelle Hudacsko on this point particularly compelling. Hudacsko stated that observations should be 30 minutes.³³ Hudacsko explained that "at least" is included in the guidebook language because "evaluators don't set a timer and walk out. But they leave at the 30-minute mark"³⁴ Hudacsko affirmed that this mandate ensures that everyone is observed for the "exact same amount of time."³⁵ The Arbitrator noted that Master Educators Stroud and Kush "scrupulously" observed a 30-minute limit.³⁶ In contrast, Mitchell testified that each of his three observations lasted "easily over 60 minutes," and the Grievant stated that the observations lasted

²⁵ *Id.*

²⁶ *Id.*

²⁷ Award at 25. Article 15, Section 15.3 of the CBA states: "DCPS's compliance with the evaluation process, and not the evaluation judgment, shall be subject to the grievance and arbitration procedure." Article 15, Section 15.4 of the CBA states: "The standard for separation under the evaluation process shall be 'just cause,' which shall be defined as adherence to the evaluation process only." (Request, Exhibit 2 at 50).

²⁸ *Id.* at 26.

²⁹ *Id.* The Arbitrator found that Mitchell's first observation on November 3, 2010 took place within the prescribed IMPACT Guidebook timeframes of September 13 to December 1, 2010. (Award at 26). As to Stroud's observation, the Arbitrator found that the Grievant's claim that he asked Stroud to leave during the quiz was disputed. Assuming that the Grievant asked Stroud to leave and Stroud refused, the Arbitrator determined that "it has not been shown that such refusal would constitute a process violation." (*Id.*)

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 27.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

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for the entire 80-minute class.³⁷ Accordingly, the Arbitrator found that Mitchell's three observations violated the guidelines in the IMPACT Guidebook.

The Arbitrator, finding that DCPS significantly violated the IMPACT process, crafted an alternative remedy pursuant to the Superior Court's decision in this case as well as the Court of Appeals decision in *Washington Teachers Union*. The Arbitrator did not alter the Grievant's "ineffective" rating, but adopted the "No Consequences" status from the 2014-2015 IMPACT assessment guidelines.³⁸ When a teacher is given a "No Consequences" status, neither the teacher's employment nor compensation will be affected by the rating for the current school year.³⁹ Finding that Mitchell's "lengthy" observations were significant violations, the Arbitrator determined that there was no just cause for the Grievant's termination.⁴⁰ Accordingly, the Arbitrator determined that "No Consequences" status was appropriate as it adheres to the limits set out in the CBA and prevailing case law.⁴¹ To remedy the violation, the Arbitrator rescinded the termination and reinstated the Grievant with back pay.⁴² DCPS contended there was no relief available to the Grievant under the terms of the CBA.⁴³ Citing Article 6, Section 6.5.4, DCPS contended that any additional request for relief is untimely.⁴⁴ Additionally, DCPS asserted that crafting an alternate remedy, with respect to the Grievant's removal, would require the Arbitrator to add terms to the parties' agreement or alternatively, substitute the Arbitrator's judgment for that of DCPS.⁴⁵

IV. Discussion

The Board has limited authority to review an arbitration award. In accordance with D.C. Official Code § 1-605.02(6), the Board is permitted to modify or set aside an arbitration award in only three narrow 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.⁴⁶

DCPS seeks to have this Award reversed on the grounds that the Arbitrator exceeded his jurisdiction and because it is contrary to law and public policy.

³⁷ *Id.* at 28.

³⁸ *Id.* at 30.

³⁹ *Id.*

⁴⁰ *Id.* at 31. Article 15, Section 15.4 of the CBA further specifies that, "The standard for separation under the evaluation process shall be 'just cause,' which shall be defined as adherence to the evaluation *process* only." (Emphasis added) (Request, Exhibit 2 at 50).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* Article 6, Section 6.5.4 states, "Once a grievance has been filed it may not be altered, except that the Grievant may delete items from the grievance."

⁴⁵ *Id.*

⁴⁶ *Fraternal Order of Police/D.C. Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 62 D.C. Reg. 12587, Slip Op. 1531, PERB Case No. 15-A-10 (2015) (citing D.C. Code § 1-605.02(6)).

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A. Did the Arbitrator Exceed His Jurisdiction?

DCPS's first argument is that the Award should be reversed because the Arbitrator exceeded his jurisdiction. When determining if an Arbitrator has exceeded his jurisdiction, the Board looks to whether or not "the Award draws its essence from the collective bargaining agreement."⁴⁷ The Board has held that by agreeing to submit a grievance to arbitration, it is the Arbitrator's interpretation, not the Board's, for which the parties have bargained.⁴⁸ The Board has found that by submitting a matter 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."⁴⁹ Moreover, "[t]he Board will not substitute its own interpretation or that of the Agency for that of the duly designated arbitrator."⁵⁰ A party's disagreement with an arbitrator's interpretation of a provision in the parties' collective bargaining agreement does not mean that the arbitrator exceeded his jurisdiction.⁵¹

DCPS first points to Article 15, Section 15.1 of the parties' collective bargaining agreement, that provides that the "evaluation process and instruments" for evaluating teachers are non-negotiable for collective bargaining.⁵² Here, DCPS notes, the Arbitrator determined that DCPS violated the IMPACT process by conducting teacher evaluations for more than 30 minutes.⁵³ DCPS contends that "this finding is in direct contradiction with the IMPACT tool as set out in the 2010-2011 IMPACT Guidebook, which states that evaluations must be *at least* thirty (30) minutes."⁵⁴ DCPS asserts that by refusing to honor DCPS' evaluation instrument, "the Arbitrator passed judgment on a matter which is not subject to arbitration under the Parties' collective bargaining agreement and therefore exceeded his jurisdiction under the contract."⁵⁵

The Board finds that MPD's argument amounts to a disagreement with the Arbitrator's evidentiary findings and conclusions. DCPS's position is a reiteration of the argument presented before the Arbitrator and rejected in the Award. As previously noted, the Arbitrator found that it is IMPACT policy that an observation should be 30 minutes.⁵⁶ The Arbitrator relied on the testimony of Michelle Hudacsko, Deputy Chief of IMPACT, who clarified that, "The reason those words "at least" are in there...is because evaluators don't set a timer and walk out. But

⁴⁷ *UDC v. UDC Faculty Ass'n*, 39 D.C. Reg. 9628, Slip Op. 320, PERB Case No. 92-A-04 (1992) (citing *Michigan Family Resources, Inc. v. SEIU Local 517M*, 475 F.3d 746, 753 (6th Cir. 2007)).

⁴⁸ *UDC v. UDC Faculty Ass'n*, 39 D.C. Reg. 9628, Slip Op. 320, PERB Case No. 92-A-04 (1992).

⁴⁹ *D.C. Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000); *DC Metro. Police Dep't and Fraternal of Police, Metro. Police Dep't Labor Comm. (Grievance of Angela Fisher)*, 51 D.C. Reg. 4173, Slip Op. No. 738 PERB Case No. 02-A-07 (2004).

⁵⁰ *D.C. Dep't of Corr. and Int'l Bhd. of Teamsters, Local Union No. 246*, 34 D.C. Reg. 3616, Slip Op. 157 at 3, PERB Case No. 87-A-02 (1987).

⁵¹ *D.C. Dept. Pub. Works v. AFSCME Local 2091*, Slip Op. 194, PERB Case No. 87-A-08 (1988).

⁵² Request at 4.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Award at 7.

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PERB Case No. 16-A-09
Page 7

they leave at the 30 minute mark....”⁵⁷ Accordingly, the Arbitrator found that DCPS violated the IMPACT process. The Award is not “so untethered from the [collective bargaining agreement] that it casts doubt on whether he was engaged in interpretation, as opposed to implementation of his “own brand of industrial justice.”⁵⁸ Accordingly, the Board finds that DCPS’s Request on this point is only a disagreement with the Arbitrator’s reliance on the credible testimony of IMPACT Deputy Chief Hudacsko. This disagreement is not a basis for the Board to overturn the Award.

Additionally, DCPS asserts, as it did before the Superior Court, that the Arbitrator exceeded his jurisdiction by “subjecting the Grievant’s final rating to the grievance and arbitration process.”⁵⁹ DCPS notes that Article 15, Section 15.3 of the parties’ collective bargaining agreement dictates that the evaluation process shall not be subject to the grievance and arbitration process.⁶⁰ DCPS also notes that this issue was addressed in the Superior Court’s Order, which specifically states that “an arbitrator may not alter [the Grievant’s] ‘Ineffective’ rating.”⁶¹ DCPS argues that the Arbitrator’s “No Consequence” remedy “nullified the Grievant’s final rating,” which thereby exceeded the scope of the Arbitrator’s jurisdiction under the collective bargaining agreement.⁶²

In the instant case, the Arbitrator’s jurisdiction derives from Article 15, Section 15.3 of the parties’ collective bargaining agreement, which states: “DCPS’s compliance with the evaluation process, and not the evaluation judgment, shall be subject to the grievance and arbitration procedure.”⁶³ The Arbitrator arguably construed the collective bargaining agreement, as well as the Superior Court’s decision in this case and the Court of Appeals’ decision in *Washington Teachers’ Union*, and crafted a remedy. The Board finds nothing in the record that suggests that the Arbitrator exceeded his jurisdiction.

Finally, DCPS argues that the Arbitrator adopted a remedy that was established outside the relevant grievance time period, thereby exceeding his jurisdiction.⁶⁴ DCPS notes that under Article 6, Section 6.5.1 of the parties collective bargaining agreement, grievances must be raised with the other party within ten (10) school days.⁶⁵ Further, DCPS points to Article 6, Section 6.5.4, which states that a grievance cannot be altered once filed, except to delete items.⁶⁶ In the instant matter, DCPS notes that the parties agreed that only the 2010-2011 evaluation period was

⁵⁷ *Id.* at 8.

⁵⁸ *D.C. Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm.*, 61 D.C. Reg. 4285 (2014), Slip Op. 1458 at 10, PERB Case No. 14-A-03 (2014) (citing *Michigan Family Resources*, 475 F. 3d. at 754.)

⁵⁹ Request at 5.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Request, Exhibit 2 at 50.

⁶⁴ Request at 5.

⁶⁵ Award at 5.

⁶⁶ Request at 5.

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before the Arbitrator for review.⁶⁷ Despite this limitation, DCPS states that the Arbitrator adopted a remedy based on the introduction of evidence concerning the 2014-2015 school year.⁶⁸

The Board finds that DCPS's position is merely a disagreement with the Arbitrator's interpretation of the collective bargaining agreement. DCPS's position is a reiteration of the argument presented before the Arbitrator and rejected in the Award. As noted by the Arbitrator, the Superior Court directed the Arbitrator to issue an "alternative remedy," but did not dictate that the remedy must have been available during the 2010-2011 school year.⁶⁹ Furthermore, the Arbitrator noted that the remedy is appropriate because it adheres to the limits set out in Article 15, Sections 15.3 and 15.4 of the collective bargaining agreement as well as in *Washington Teachers' Union*.⁷⁰ DCPS's disagreement with the Arbitrator's interpretation of the collective bargaining agreement does not mean that the Arbitrator exceeded his jurisdiction.⁷¹

B. Is the Award Contrary to Law and Public Policy?

In order for the Board to find that the Arbitrator's Award is contrary to law and public policy, the asserting party bears the burden to specify "applicable law and definite public policy that mandates that the Arbitrator arrive at a different result."⁷² By submitting the 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."⁷³ Disagreement with the arbitrator's findings is not a sufficient basis for concluding that an award is contrary to law or public policy.⁷⁴

DCPS contends that the Arbitrator's adopting the "No Consequences" remedy nullified the D.C. Court of Appeals order that the Arbitrator "cannot rescind or amend the final evaluation, i.e., an 'evaluation judgment.'"⁷⁵ Secondly, DCPS contends that the Arbitrator refused to "honor the Agency's evaluation tool and insert[ed] his own interpretation of the IMPACT guidelines."⁷⁶

⁶⁷ *Id.* at 6.

⁶⁸ *Id.*

⁶⁹ Award at 30-31.

⁷⁰ *Id.* at 31.

⁷¹ See *DC Dept. Pub. Works v. AFSCME Local 2091*, Slip Op. 194, PERB Case No. 87-A-08 (1988).

⁷² *Metro. Police Dep't and Fraternal Order of Police/Metro. Police Dep't Labor Committee*, 47 D.C. Reg. 717, Slip Op. 633 at 2, PERB Case No. 00-A-04 (2000); See also *D.C. Pub. Sch. v. Am. Fed'n of State, County and Municipal Emp., District Council 20*, 34 D.C. Reg. 3610, Slip Op. 156 at 6, PERB Case No. 86-A-05 (1987).

⁷³ *D.C. Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. 633 at 3, PERB Case No. 00-A-04 (2000); *D.C. Metro. Police Dep't and Fraternal of Police, Metro. Police Dep't Labor Comm. (Grievance of Angela Fisher)*, 51 D.C. Reg. 4173, Slip Op. 738, PERB Case No. 02-A-07 (2004).

⁷⁴ *D.C. Metro. Police Dep't and Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 31 D.C. Reg. 4159, Slip Op. No. 85, PERB Case No. 84-A0-05 (1984).

⁷⁵ Request at 6-7 (citing *Washington Teachers' Union v. D.C. Pub. Sch.*, 77 A.3d 441, 458 (D.C. 2013)).

⁷⁶ *Id.* at 7.

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The Board finds that DCPS's disagreement with the Arbitrator's findings is not a sufficient basis for concluding that the Award is contrary to law and public policy. As previously stated, in *Washington Teachers' Union*, the Court of Appeals held that if the arbitrator found IMPACT process violations, the Arbitrator may craft a remedy, but cannot rescind or amend the final evaluation.⁷⁷ In this case, the Arbitrator did not alter the Grievant's final IMPACT score. He adopted a "No Consequences" remedy so that the Grievant's employment would not be affected by his "ineffective" rating.⁷⁸ The "ineffective" rating remains unchanged by the Arbitrator. Moreover, the Arbitrator crafted this remedy pursuant to the limitations articulated in *Washington Teachers' Union* and by the Superior Court in this case, based on the Arbitrator's finding that DCPS violated the IMPACT process. Accordingly, the Arbitrator's factual conclusions and remedy are not on its face contrary to law.

V. Conclusion

Based on the foregoing, the Board finds that the Arbitrator did not exceed his authority and that the Arbitrator's Award is not contrary to any specific law or public policy. For these reasons, the Board rejects DCPS's arguments and finds no cause to set aside or modify the Arbitrator's Award. Accordingly, DCPS's Arbitration Review Request is denied and the matter is dismissed in its entirety with prejudice.

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 the unanimous vote of Board Chairperson Charles Murphy and Members Ann Hoffman and Douglas Warshof.

February 23, 2016

Washington, D.C.

⁷⁷ Award at 31.

⁷⁸ *Id.*

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 16-A-09, Op. No. 1610 was sent by File and ServeXpress to the following parties on this the 24th day of February, 2017.

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/s/ Sheryl Harrington
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Government of the District of Columbia
Public Employee Relations Board

In the Matter of:
Washington Teachers' Union, Local # 6
American Federation of Teachers, AFL-CIO,
Complainant,
and
District of Columbia Public Schools,
Respondent.
PERB Case No. 16-U-32
Opinion No. 1611

DECISION AND ORDER

I. Statement of the Case

On August 1, 2016, Washington Teachers' Union ("Union" or "Complainant") filed the above-captioned unfair labor practice complaint ("Complaint") against District of Columbia Public Schools ("DCPS" or "Respondent"). The Union alleges that DCPS has violated D.C. Official Code §§ 1-617.04(a)(1) and (5) by failing to comply with an April 4, 2016 Arbitration Opinion and Award ("Award") issued by Arbitrator Charles Feigenbaum. The Award sustained the Union's grievance on behalf of Mr. Thomas O'Rourke ("Grievant") and reinstated the Grievant with back pay.

The Union asserts that "By failing and refusing to comply with the Award, DCPS interfered with, restrained, and coerced employees in the exercise of their rights and refused to bargain in good faith, in violation of D.C. Official Code §§ 1-617.04(a)(1) and (5)." The Union requests the Board to "Order DCPS...to cease and desist from the violations described [in the

1 D.C. Official Code §§ 1-617.04(a)(1) and (5) provide as follows:
a) The District, its agents, and representatives are prohibited from:
(1) Interfering, restraining, or coercing any employee in the exercise of the rights guaranteed by this subchapter;
...
(5) Refusing to bargain collectively in good faith with the exclusive representative.
2 Complaint at 4.

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Complaint]; comply with the Award in all respects; and pay attorneys' fees and costs."³ The Union also requests the Board to "order preliminary relief or a restraining order from the Superior Court of the District of Columbia," requiring DCPS to take the previously mentioned action "pending a final determination from the Board."⁴

On August 22, 2016, DCPS filed Respondent's Answer to Unfair Labor Practice Complaint, requesting that the Board dismiss the Complaint. DCPS does not dispute the material facts.⁵ As an affirmative defense, DCPS asserts that the Union's Complaint is not ripe because the Respondent's April 25, 2016 Arbitration Review Request, contesting the Arbitrator's Award, was pending before the Board when the Complaint was filed.⁶ DCPS moves to dismiss the Complaint as "Complainant has failed to allege facts to show that DCPS may have committed a violation of the CMPA to establish an unfair labor practice...."⁷

II. Discussion

After reviewing the pleadings and applicable authority, the Board finds that the alleged violations do not turn on disputed material issues of fact, but rather on a question of law. As such, pursuant to Board Rule 520.10, this case can appropriately be decided on the pleadings. Generally, a complainant must assert allegations that, if proven, would establish the alleged statutory violations made in the complaint.⁸ Under Board Rule 520.11, "the party asserting a violation of the CMPA shall have the burden of proving the allegations of the complaint by a preponderance of the evidence."

The Board has held that when a party refuses or fails to implement an award or negotiated agreement where there is no dispute over its terms, such conduct constitutes a failure to bargain in good faith and thereby, an unfair labor practice.⁹ The parties do not dispute that DCPS has not complied with the Award. The pendency of DCPS' Arbitration Review Request, however, gave DCPS a lawful and reasonable basis for declining to implement the Award. Under Board Rule 538.1 a party who is aggrieved by an arbitration award may file an arbitration review request with the Board within twenty-one (21) days after service of the award. Upon review of the record, the Board finds that DCPS filed a timely arbitration review request. As a result, the

³ Complaint at 4.

⁴ Complaint at 5.

⁵ See n. 7.

⁶ Answer at 4.

⁷ Answer at 4-5.

⁸ *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 59 D.C. Reg. 5427, Slip Op. No. 984 at 6, PERB Case No. 08-U-09 (2009) (citing *Virginia Dade v. National Association of Government Employees, Service Employees International Union, Local R3-06*, 46 D.C. Reg. 6876, Slip Op. No. 491 at 4, PERB Case No. 96-U-22 (1996); *Gregory Miller v. American Federation of Government Employees, Local 631, AFL-CIO and D.C. Department of Public Works*, 48 D.C. Reg. 6560, Slip Op. 371, PERB Case Nos. 93-S-02 and 93-U-25 (1994)).

⁹ *American Federation of Government Employees, Local 872, AFL-CIO v. D.C. Water and Sewer Authority*, 46 D.C. Reg. 4398, Slip Op. 497 at 3, PERB Case No. 96-U-23 (1996).

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Board concludes that DCPS's reasons for failing to implement the Award do not constitute a violation of its duty to bargain in good faith under D.C. Official Code § 1-617.04(a)(1) and (5).

Concerning the Complainant's request for attorney fees, the Board has held that D.C. Official Code § 1-617.13 does not authorize it to award attorney fees.¹⁰ Therefore, the Complainant's request for attorney fees is denied. Further, in light of the Board's disposition in this case, it is not necessary to address the Complainant's requests for costs or preliminary relief.

III. Conclusion

The Board finds that the material issues of fact are not in dispute. In view of the Respondent's request for review of the Arbitrator's Award in 16-A-09, the Board finds that the Complaint failed to prove a violation of the Comprehensive Merit Personnel Act. Accordingly DCPS's motion to dismiss is granted and the Complaint is dismissed.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Complaint is dismissed
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 and Douglas Warshof.

Washington, D.C.

¹⁰ See, *International Brotherhood of Police Officers, Local 1446, AFL-CIO/CLC v. District of Columbia General Hospital*, 39 D.C. Reg. 9633, Slip Op. 322, PERB Case No. 91-U-14 (1992); *UDC Faculty Association, NEA v. University of the District of Columbia*, 38 D.C. Reg. 2463, Slip Op. 272, PERB Case No. 90-U-10 (1991).

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 16-U-32, Op. No. 1611 was sent by File and ServeXpress to the following parties on this the 24th day of February, 2017.

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/s/ Sheryl Harrington
PERB

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:
American Federation of Government Employees, Locals 1000, 2725, 2741, 2978, 3444, and 3721,
Petitioner,
and
DHS, DDS, DYRS, DOES, DDOT, DMV, DFHV, DHCD, DCHA, DCRA, DOEE, OSSE, DRP, DOH, MPD, FEMS,
Respondent.
PERB Case No. 17-I-03
Opinion No. 1612

DECISION AND ORDER

I. Statement of the Case

Before the Board is a Notice of Impasse for Non-Compensation Negotiations ("Notice") filed by the American Federation of Government Employees, Locals 1000, 2725, 2741, 2978, 3444, and 3721 ("AFGE") pursuant to PERB Rule 527 et seq. against sixteen (16) District of Columbia agencies¹ ("Agencies"). AFGE asserts that the parties were engaged in terms and conditions of employment bargaining over proposals for ePerformance and drug and alcohol

¹ Department of Human Services, Department of Disability Services, District Department of Transportation, Metropolitan Police Department, Department of Employment Services, Fire and Emergency Medical Services Department, Office of State Superintendent of Education, Department of Youth Rehabilitation Services, Department of Health, District Department of For-Hire Vehicles, and District of Columbia Department of Consumer and Regulatory Affairs, Department of Housing and Community Development, Department of Motor Vehicles, Department of Parks and Recreation, District of Columbia Housing Authority, and Department of Energy and Environment.

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testing programs before reaching impasse on December 7, 2016.² AFGE requests PERB advance the matter through impasse procedures.³

The Agencies filed a Motion to Dismiss, arguing that the parties were engaged in impacts and effects (“I&E”) bargaining, and not negotiations of the terms and conditions of collective bargaining agreements.⁴ The Agencies note that the Board has held that impasse procedures are reserved for negotiations of the terms and conditions of collective bargaining agreements.⁵ For the reasons stated below, AFGE’s Notice is dismissed and the Agencies’ Motion to Dismiss is granted.

II. Background

In April 2009, ten (10) AFGE Locals filed an unfair labor practice complaint against twenty-one (21) District agencies, alleging that the agencies refused to bargain over the development of a new annual electronic performance management system known as ePerformance, and a drug and alcohol testing program.⁶ In June 2015, the Board determined in Slip Opinion 1528 that the Agencies committed an unfair labor practice and ordered the Agencies to engage in I&E bargaining.⁷ Subsequently, at the request of AFGE, the parties commenced negotiations and met four (4) times between June 2, 2016 and September 6, 2016.⁸ The parties continued to bargain and exchange proposals until December 1, 2016.⁹ On December 7, 2016, the Agencies notified AFGE that the parties were not at agreement.¹⁰ Consequently, AFGE filed this Notice.¹¹

III. Analysis

The contentions presented here do not differ significantly from those raised in the Notice of Impasse filed by the District of Columbia Nurses’ Association (DCNA) in PERB Case 16-I-07 (Slip Opinion 1602). There, DCNA asserted it had reached impasse with the District of Columbia Department of Health (“DOH”) during I&E bargaining over relocating the DOH Immunization Clinic, and asked PERB to find that the parties were at impasse.¹² In that case, the Board stated, “Unlike the negotiation of collective bargaining and compensation agreements,

² Notice at 2

³ *Id.*

⁴ Motion to Dismiss at 3.

⁵ *Id.* (citing *D.C. Nurses Ass’n v. D.C. Dep’t of Health*, 64 D.C. Reg. 723, Slip Op. 1602, PERB Case No. 16-I-07 (2016)).

⁶ Motion to Dismiss, Exhibit A.

⁷ *AFGE v. D.C. Gov’t*, 62 D.C. Reg. 11793, Slip Op. 1528, PERB Case No. 9-U-31 (2016).

⁸ Notice at 4; Motion to Dismiss at 2.

⁹ Motion to Dismiss at 3.

¹⁰ Notice at 3.

¹¹ *Id.*

¹² *D.C. Nurses’ Ass’n*, Slip Op. 1602 at 1.

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there is not an obligation to reach an agreement during I&E bargaining.¹³ Thus, I&E bargaining can never reach ‘impasse’ as defined in PERB Rule 599.17¹⁴ and therefore does not qualify for the impasse resolution procedures in PERB Rule 526 and 527.”¹⁵ In rejecting DCNA’s arguments, the Board concluded “that the impasse procedures outlined in PERB Rule 527 *et seq.* are reserved for negotiations of terms and conditions collective bargaining agreements pursuant to D.C. Official Code § 1-617.01(b)(2).”¹⁶

Despite AFGE’s unfounded assertions that the Parties are engaged in non-compensation negotiations over the terms and conditions of a collective bargaining agreement, the Board’s review of the pleadings reveals that the Parties were engaged solely in I&E bargaining.¹⁷ As previously stated, in Slip Opinion 1528, the Board directed the Parties to engage in I&E bargaining over ePerformance and drug and alcohol testing program proposals. The Board finds there is no basis for distinguishing AFGE’s assertions here and the arguments presented in DCNA’s Notice of Impasse in PERB Case 16-I-07 (Slip Opinion 1602). Accordingly, the Board concludes for the reasons stated in Slip Opinion 1602, that the impasse procedures outlined in PERB Rule 527 *et seq.* are not available to the parties over the proposals at issue here. Therefore, AFGE’s Notice of Impasse is denied and the case dismissed.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Agencies’ Motion to Dismiss is granted.
2. AFGE’s Notice of Impasse is dismissed with prejudice.
3. 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 and Douglas Warshof.

¹³ *D.C. Nurses Ass’n*, Slip Op. 1602 at 2.

¹⁴ PERB Rule 599.1: “**Impasse** - The point in collective bargaining negotiations at which no further progress can be made by the parties without the intervention of a neutral third party, except as otherwise defined by the CMPA for compensation bargaining.”

¹⁵ *D.C. Nurses Ass’n*, Slip Op. 1602 at 2; *See AFSCME, Dist. Council 20, Local 240*, Slip Op. No. 1497 .

¹⁶ *D.C. Nurses Ass’n*, Slip Op. 1602 at 1(citing *Am Fed’n of State, Cnty, and Mun. Emp., Dist. Council 20, Local 2401, AFL-CIO and D.C. Child and Family Serv. Agency*, 61 D.C. Reg. 12586, Slip Op. 1497, PERB Case No. 10-I-06 (2014); *see also D.C. Nurses Ass’n and D.C. Dept. of Health*, 62 D.C. Reg. 10498, Slip Op. 1522, PERB Case No. 15-I-06 (2015)).

¹⁷ *See, AFGE v. D.C. Gov’t*, Slip Op. 1528.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 17-I-03, Op. No. 1612 was sent by File and ServeXpress to the following parties on this the 24th day of February, 2017.

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/s/ Sheryl Harrington
PERB

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

_____)	
In the Matter of:)	
)	
Metropolitan Police Department,)	
)	
	Petitioner,)	PERB Case No. 17-A-01
)	
	v.)	Opinion No. 1615
)	
Fraternal Order of Police/Metropolitan Police)	
Department Labor Committee,)	
)	
	Respondent.)	
_____)	

DECISION AND ORDER

I. Introduction

On November 07, 2016, the District of Columbia Metropolitan Police Department (“MPD” or “Petitioner”) filed an Arbitration Review Request (“Request”) in this matter, seeking review of the arbitration award (“Award”) that sustained the grievance filed by the Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”). The Arbitrator determined that MPD failed to commence an adverse action against Officer Hiram Rosario (“Officer Rosario”) within 90 days of when it knew or should have known of alleged misconduct, a violation of D.C. Official Code § 5-1031(a) (also referred to as the “90-day rule”). The issue before the Board is whether the Award on its face is contrary to law and public policy. The Board has reviewed the Arbitrator’s conclusions, the pleadings of the parties and applicable law, and concludes that the Award on its face is not contrary to law and public policy. Therefore, Petitioner’s Request is denied.

II. Statement of the Case

The charges against Officer Rosario involve two separate incidents of alleged misconduct. One incident occurred on July 13, 2004, and the second incident occurred in May of 2004, and was revealed during an investigation of the July 13th event.

On April 15, 2005, MPD served Officer Rosario with a Notice of Proposed Adverse Action. On June 30, 2005, an Adverse Action Hearing was held before a three-member panel of the MPD. The Panel rendered a recommendation that MPD put Officer Rosario on notice that

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his conduct was unacceptable for a Master Patrol Officer and further recommended that MPD remove him from the Master Patrol Officer Program.

On September 7, 2005, Officer Rosario received a Final Notice of Adverse Action from Assistant Chief Cockett who determined that the appropriate penalty was termination.¹ FOP appealed this decision to Chief of Police Charles Ramsey, emphasizing that MPD was in violation of the 90-day rule.² Chief Ramsey granted the appeal in part setting aside Officer Rosario's termination and instead imposed a penalty of removal from the Master Patrol Officer Program.³ On October 20, 2005, FOP demanded arbitration on behalf of Officer Rosario.⁴

III. Arbitrator's Award

The Panel proposed adverse action against Officer Rosario based on charges for events which occurred in May of 2004 and on July 13, 2004. All but one charge relating to the May incidents were dismissed.⁵ MPD argued at arbitration that the 90-day rule should not apply because the incident occurred in May 2004, well before September 30, 2004, when the statute establishing the 90-day rule became effective.⁶

The Arbitrator ruled that MPD failed to show that the 90-day rule was not applicable.⁷ The Arbitrator looked to four prior cases which dismissed adverse actions for misconduct because they were in violation of the 90-day rule. All four of these cases related to misconduct that had arisen prior to the September 30, 2004 effective date of the 90-day rule.⁸ The Arbitrator found that these four decisions were consistent with *Finch v. District of Columbia*,⁹ a case in which the Court held that the 90-day rule should be applied retroactively for events constituting cause that arose prior to September 30, 2004, provided that an appropriate grace period was given.¹⁰ The *Finch* case did not specify an appropriate length of time for the grace period but did observe that a reasonable grace period would echo the 90-day period mandated in the statute.¹¹

Applying this reasoning to the current case, the Arbitrator found that the evidence established that MPD violated the 90-day rule. The event constituting cause occurred in May of 2004 and MPD first learned of this event during the EEO investigation on July 16, 2004.¹² Officer Rosario was served with the Notice of Proposed Adverse Action on April 15, 2005,

¹ Award at 3.

² *Id.* at 4.

³ *Id.* at 5.

⁴ *Id.*

⁵ *Id.* at 19.

⁶ *Id.*

⁷ *Id.* at 20.

⁸ *Id.*

⁹ 894 A.2d 419 (D.C. 2006).

¹⁰ Award at 20.

¹¹ *Id.* at 20-21.

¹² *Id.* at 21.

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about nine months after MPD had knowledge of the event.¹³ Using the approach from *Finch*, the Arbitrator found that by serving Officer Rosario with the Notice of Proposed Adverse Action approximately 133 business days after the date 90-day rule became effective, MPD violated the rule.¹⁴

The Arbitrator further found that MPD failed to meet its burden of establishing either its claim that the violation of the 90-day rule was *de minimis* or its claim that Officer Rosario was not prejudiced by the violation.¹⁵ According to the Arbitrator MPD provided no cogent explanation for why the violation should be characterized as *de minimis*. The Arbitrator once again looked to four previous arbitration decisions which dismissed charges against grievants based on MPD's violation of the 90-day rule. In these previous four cases, the Arbitrators found that MPD knew of the alleged misconduct prior to September 30, 2004, when the 90-day rule took effect, but failed to serve the Notice of Proposed Adverse Action within the 90-day grace period. MPD has made no attempt to distinguish this case from the four previous arbitration decisions.¹⁶ The Arbitrator found that Officer Rosario was prejudiced by the delay because he was not interviewed until March of 2005, ten months after the alleged incident took place.¹⁷ Since Officer Worthington was unable to recall the date in May of 2004 and unable to recall the identity of the ride-along citizen, the Arbitrator found that Officer Rosario's ability to mount a meaningful defense, including providing an alibi or locating a material witness, was compromised by the delay.¹⁸

IV. Discussion

MPD argues that the Arbitrator erred in finding that the 90-day rule was applicable.¹⁹ According to MPD, the Arbitrator misinterpreted the *Finch* decision by stating that the Court "left open the possibility that it could be persuaded in a particular case that the 90-day grace period should be extended, and this presumes that a showing that an extension should be granted will be made."²⁰ The *Finch* decision, according to MPD, shows that a grace period of more than 90 days could be warranted when disciplinary action was commenced more than 90 days after the statute took effect.²¹ MPD further argues that any violation of the 90-day rule would be *de minimis* and therefore not preclude MPD from taking adverse action against Officer Rosario.²² MPD states that the delay did not preclude Officer Rosario from defending himself at the Adverse Action Hearing and there is no evidence that Officer Rosario was unable to locate and/or present any witnesses or evidence material to his case.²³

¹³ *Id.*

¹⁴ *Id.* at 23.

¹⁵ *Id.*.

¹⁶ *Id.*

¹⁷ *Id.* at 24.

¹⁸ *Id.*

¹⁹ Request at 8.

²⁰ *Id.*

²¹ *Id.* at 9

²² *Id.* at 11

²³ *Id.* at 12.

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FOP argues that the Arbitrator's determination that MPD violated the 90-day rule is proper and valid and that MPD's challenge to the Award is a mere disagreement with the Arbitrator's findings.²⁴ FOP further states that although MPD argued that the 90-day period should not be retroactively applied, MPD never argued to the Arbitrator whether there should be a grace period or whether the grace period should be longer than 90 days.²⁵

The 90-day rule took effect on September 30, 2004.²⁶ Before this statute went into effect, the Board looked to its predecessor, D.C. Code § 1-617.1(b-1).²⁷ The previous statute provided that no corrective or adverse action shall be commenced more than 45 days after MPD knew or should have known of the act or occurrence allegedly constituting cause.²⁸ The implementation of the 90-day rule gave MPD double the amount of time to commence an adverse action compared to the previous rule.

Pursuant to D.C. Official Code § 1-605.2(6), the Board is authorized to consider appeals from arbitration awards pursuant to grievance procedures, provided such awards may be reviewed only if the arbitrator was without, or exceeded, his or her jurisdiction; the award on its face is contrary to law and public policy; or was procured by fraud, collusion, or other similar and unlawful means. The Board has long held that it will not overturn an Arbitrator's findings on the basis of a disagreement with the Arbitrator's determination.²⁹ By submitting a matter to arbitration, parties are bound by the Arbitrator's interpretation of the CBA, related rules and regulations, and evidentiary and factual findings.³⁰ In order for the Board to find that the Award was, on its face, contrary to law and public policy, the petitioner has the burden to show the applicable law and public policy that mandates a different result.³¹ The Arbitrator found that *Finch* did not specify an appropriate length of time for the grace period but did observe that a reasonable grace period would echo the 90-day period mandated in the statute. Using this approach, the Arbitrator found that MPD violated the 90-day rule by serving Officer Rosario with the Notice of Proposed Adverse Action approximately 133 business days after the statute became effective. This is the bargained-for interpretation of the statute and the Board may not modify or set aside the Award because MPD offers a different interpretation of *Finch*.³²

²⁴ Response at 6.

²⁵ *Id.* at 7

²⁶ Award at 19.

²⁷ See *Metro. Police Dep't v. Fraternal Order of Police/D.C. Metro. Police Dep't Labor Comm. (on Behalf of Officers Timothy Craggette, Thurston C. Genies and Timothy Toland)*, 41 D.C. Reg. 6092, Slip Op. No. 325, PERB Case Nos. 92-A-06, 92-A-07, 92-A-09 (1992).

²⁸ *District of Columbia v. District of Columbia Office of Employee Appeals*, 883 A.2d 124 (D.C. 2005).

²⁹ *Fraternal Order of Police/D.C. Metro. Police Dep't Labor Comms. v. D.C. Metro. Police Dep't*, 59 D.C. Reg. 9798, Slip Op. No. 1271, PERB Case No. 10-A-20 (2012).

³⁰ See *D.C. Dep't of Health v. AFGE, Local 2725, AFL-CIO*, 60 D.C. Reg 7198, Slip Op. No. 1383, PERB Case No. 13-A-01 (2013); see also *D.C. Metro. Police Dep't v. Fraternal Order of Police/D.C. Metro. Police Dep't Labor Comm.*, 59 D.C. Reg. 11329, Slip Op. No. 1295, PERB Case No. 09-A-11 (2012).

³¹ See *Fraternal Order of Police v. D.C. Pub. Emp. Relations Bd.*, 2015 CA 006517 P(MPA) at p. 8.

³² *D.C. Metro. Police Dep't and FOP/MPD Labor Committee (re: Fred Johnson)*, PERB Case No. 09-A-02, Slip Op. 961, 59 D.C. Reg. 4936 (2012).

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V. Conclusion

The Board rejects MPD's arguments and finds no cause to set aside or modify the Arbitrator's Award. Accordingly, MPD's request is denied and the matter is dismissed in its entirety.

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 the unanimous vote of Board Chairperson Charles Murphy and Members Ann Hoffman and Douglas Warshof.

March 23, 2017

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 17-A-01, Op. No. 1615 was sent by File and ServeXpress to the following parties on this the 4th day of April, 2017.

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/s/ Sheryl Harrington _____

PERB

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

<hr/>)	
In the Matter of:)	
)	
Government of the District of)	
Columbia, Department of)	
Consumer & Regulatory Affairs,)	
)	PERB Case No. 17-A-02
	Petitioner,)	
)	Opinion No. 1616
	v.)	
)	
American Federation of)	
Government Employees, Local 2725,)	
	Respondent.)	
<hr/>)	

DECISION AND ORDER

I. Introduction

On December 19, 2016, the Department of Consumer & Regulator Affairs (“DCRA” or “Petitioner”) filed this Arbitration Review Request regarding an Arbitration Award sustaining a grievance filed by the American Federation of Government Employees, Local 2725 (“AFGE 2725”). The issue before the Board is whether the Award is contrary to law and public policy. The Board has reviewed the Arbitrator’s conclusions, the pleadings of the parties and applicable law, and concludes that the Award on its face is not contrary to law and public policy. Therefore, Petitioner’s Request is denied.

II. Statement of the Case

William C. Smith was employed by DCRA as a Housing Enforcement Specialist.¹ On November 22, 2011, between 3:00pm and 4:00pm Mr. Smith was eating lunch in his government vehicle. According to Mr. Smith a woman tapped on his side window and asked him to give her a ride to the bus stop. Mr. Smith agreed but as he was leaving the parking lot, he was flagged down by a man who claimed the passenger had stolen items from a nearby supermarket. The woman jumped out of the vehicle and fled the scene.²

Service Integrity Officer Hamilton Kuralt conducted an investigation and issued a final report on the incident. Mr. Kuralt’s report noted that Mr. Smith admitted to violating Agency

¹ Award at 3.

² *Id.* at 4.

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policy by giving a non-government individual a ride in a government vehicle and that he was aware of this policy as well as the consequences for the violation.³ The report also stated that Mr. Smith omitted several facts from his written statement and noted inconsistencies between Mr. Smith's statement and eyewitness accounts. The report concluded that Mr. Smith willfully violated the vehicle policy and provided an incomplete and inaccurate account of the incident and his involvement in it.

On January 20, 2012, Mr. Smith received an Advanced Written Notice of Proposed Removal. The notice referenced an incident from January 2008 when Mr. Smith was issued a Notice of Proposed Removal for misuse of a government vehicle.⁴ Following the incident in 2008, Mr. Smith signed a Settlement Agreement which resulted in his removal being reduced to a 15-day suspension.⁵

An administrative review of the proposed removal action in 2012 was conducted by a Hearing Officer. The Hearing Officer's report stated that Mr. Smith's misconduct was knowing and willful, and taking into account the terms of the 2008 Settlement Agreement, his continued employment constituted a serious and unwarranted risk to DCRA and removal was appropriate.⁶ Mr. Smith was terminated effective March 23, 2012.⁷

III. Arbitrator's Award

The Arbitrator stated that there was no question that Mr. Smith violated the Vehicle Use Policy when he offered a ride to the woman who knocked on his truck window.⁸ According to the Arbitrator, it was clear he knew or should have known what the consequences of unauthorized use of a government vehicle would be. The Vehicle Operator's Acknowledgement Form, signed by Mr. Smith on November 3, 2011, clearly set forth the restrictions against transporting non-government employees in government vehicles and that failure to comply with the requirements may result in disciplinary action, up to and including termination.⁹ Mr. Smith had also stated to Mr. Kuralt that he was aware of the rule against transporting non-government employees.¹⁰

On the issue of Mr. Smith's dishonesty, the Arbitrator stated that she could not conclude that his omissions were calculated to deceive or misdirect the investigators.¹¹ The fact that the information given by Mr. Smith contained some inconsistencies and omissions, as compared to the statements given by the eyewitnesses, did not rise to the level of dishonesty in violation of DPM 1603.3(g).¹²

³ *Id.* 6-7.

⁴ *Id.* at 8.

⁵ *Id.*

⁶ *Id.* at 9.

⁷ *Id.*

⁸ *Id.* at 16.

⁹ *Id.* at 17.

¹⁰ *Id.*

¹¹ *Id.* at 19.

¹² *Id.*

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The Arbitrator further stated that DCRA and the Hearing Officer gave inappropriate consideration to the Settlement Agreement in determining the penalty for Mr. Smith's misconduct.¹³ The Arbitrator noted that the Hearing Officer's finding that the Settlement Agreement had no expiration date is directly contrary to the provisions of DPM § 1601.6 which states that "Except as provided in § 1601.7, the final decision notice on a corrective or adverse action shall remain in the employee's Official Personnel Folder (OPF) for not more than three (3) years from the effective date of the action."¹⁴ This issue was raised by AFGE 2725 during the grievance procedure and during the arbitration hearing and the Arbitrator ruled that the Settlement Agreement should not have been considered in determining the penalty for this violation since it was put into effect more than three years prior to the action in this case.¹⁵ According to the Arbitrator, the November 22, 2011 incident should have been considered as a first offense.

To determine an appropriate penalty the Arbitrator looked to DPM § 1619.6(c), which states that the appropriate penalty for a first instance of neglect of duty ranges from reprimand to removal, and the Vehicle Operator's Acknowledgement Form signed by Mr. Smith, which states failure to comply with the requirements may result in disciplinary action up to and including termination of employment.¹⁶ The Arbitrator concluded that the appropriate penalty for the misconduct was a 30-day suspension.¹⁷

With respect to back pay, the Arbitrator ruled that DCRA's back pay liability would be limited because AFGE delayed in advancing the grievance to arbitration and did not present a compelling reason for the delay.¹⁸ The Arbitrator ruled that Mr. Smith was to be reinstated with back pay and benefits from April 23, 2012 until December 31, 2012.¹⁹

IV. Discussion

According to DCRA, the Arbitrator's Award should be overturned because it is contrary to law and public policy. DCRA argues that the Arbitrator incorrectly determined that the Settlement Agreement, signed in January of 2008, was untimely and could not be relied upon by the Agency because it was more than three years old.²⁰ DCRA looks to *Regents of University of Michigan and AFSCME, District Council 25, Local 1583*,²¹ which states that when a "Last Chance Agreement" is not limited within itself in time, it remains in force throughout the duration of the affected employee's tenure with the employer unless otherwise limited by agreement.²² DCRA states that the January 2008 Settlement Agreement is actually a Last

¹³ *Id.* at 20.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 20-21.

¹⁷ *Id.* at 21.

¹⁸ *Id.* at 21-22.

¹⁹ *Id.* at 22.

²⁰ Request at 4.

²¹ 96 LA 688, 689 (February 6, 1991) (Sugarman, Arb.).

²² Request at 4.

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Chance Agreement and by ignoring the Last Chance Agreement and granting reinstatement with back pay, the Arbitrator acted contrary to law and public policy.²³

AFGE 2725 states that DCRA misplaced its reliance on *Regents* and has failed to state a valid reason for overturning the Arbitrator's award.²⁴ AFGE 2725 argues that the Settlement Agreement in question is not a Last Chance Agreement but is a simple settlement of a Step 4 Grievance.²⁵ According to AFGE 2725, a Last Chance Agreement requires the parties to have a meeting of the minds that the purpose of the agreement is to provide the employee his or her last opportunity to follow the rules or they will be terminated.²⁶ AFGE also states that typically Last Chance Agreements are waivers by the employee that in consideration for the agreement the employee cannot appeal the termination decision through Office of Employee Appeals or the grievance process.²⁷ The Settlement Agreement in this case, according to AFGE 2725, is a simple settlement of a Step 4 Grievance and it has been referred to as simply a Settlement Agreement in the Hearing Officer's Report, in DCRA's grievance response and during the arbitration hearing.²⁸ AFGE 2725 states that this is the first time DCRA has alleged that the agreement is a Last Chance Agreement and it is being done only to rely on the *Regents* case.²⁹

AFGE 2725 also states that during the Arbitration hearing, DCRA attempted to admit the Settlement Agreement into the record only as evidence to support a harsher penalty and the Arbitrator determined that consideration of the document was not allowable for penalty determination.³⁰

AFGE 2725 claims that DCRA's current claims in this matter are a mere disagreement with the Arbitrator's determination related to the Settlement Agreement and therefore the arbitration request should be denied.

Pursuant to D.C. Official Code § 1-605.2(6), the Board is authorized to consider appeals from arbitration awards pursuant to grievance procedures, provided such awards may be reviewed only if the arbitrator was without, or exceeded, his or her jurisdiction; the award on its face is contrary to law and public policy; or was procured by fraud, collusion, or other similar and unlawful means. The Board has long held that it will not overturn an Arbitrator's findings on the basis of a mere disagreement with the Arbitrator's determination.³¹ By submitting a matter to arbitration, parties are bound by the arbitrator's interpretation of the collective bargaining agreement, related rules and regulations, and evidentiary and factual findings. In this case, the Arbitrator has determined that the Settlement Agreement should not be used to determine a penalty and the incident should be treated as a first offense. This decision was based

²³ *Id.*

²⁴ Response at 3.

²⁵ *Id.* at 4.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 4-5.

²⁹ *Id.* at 5.

³⁰ *Id.* at 7.

³¹ *Fraternal Order of Police/Metro. Police Dep't Labor Comms. v. D.C. Metro. Police Dep't*, 59 D.C. Reg. 9798, Slip Op. No. 1271, PERB Case No. 10-A-20 (2012).

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on the Arbitrator's interpretation of DPM § 1601.6 which states "except as provided in § 1601.7, the final decision notice on a corrective or adverse action shall remain in the employee's Official Personnel Folder (OPF) for not more than three (3) years from the effective date of the action." Accordingly, the Board finds that DCRA's request is merely a disagreement with the Arbitrator's interpretation and evidentiary and factual findings.

Furthermore, the Board has previously held that an argument may not be raised for the first time in an arbitration review request.³² The Board has exclusive jurisdiction over appeals from grievance-arbitration awards, but it does not have original jurisdiction over such matters.³³ DCRA has not shown that they presented their argument, that the Settlement Agreement is actually a Last Chance Agreement, to the arbitrator. By not presenting this issue at arbitration, DCRA made it impossible for the Arbitrator to rule on this issue and DCRA cannot now bring this argument before the Board for the first time.

V. Conclusion

The Board rejects DCRA's arguments and finds no cause to set aside or modify the Arbitrator's Award. Accordingly, DCRA's request is denied and the matter is dismissed in its entirety.

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 and Douglas Warshof.

March 23, 2017
Washington, D.C.

³² *District of Columbia Housing Authority v. AFGE, Local 2725*, 62 DC Reg. 2893, Op. No. 1503, PERB Case 14-A-07 (2015).

³³ *Id.*

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 17-A-02, Op. No. 1616 was sent by File and ServeXpress to the following parties on this the 4th day of April, 2017.

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PERB

District of Columbia REGISTER – May 19, 2017 – Vol. 64 - No. 20 004701 – 004904