

District of Columbia

REGISTER

HIGHLIGHTS

- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2016 - Temporary Assistance for Needy Families (TANF) Out-of-School Time Grant Program
- Department of Health announces funding availability for the Maternal and Child Health Services Block Grant
- Department of Housing and Community Development schedules a public hearing to discuss the 2016-2020 Five Year Consolidated Plan for the District of Columbia and the 2016 Proposed Citizen Participation Plan
- Office of the Deputy Mayor for Planning and Economic Development announces funding availability for four Fiscal Year 2016 Grants
- D.C. Taxicab Commission schedules a public hearing to discuss structures under which licenses or H-tags may be expanded or limited

DISTRICT OF COLUMBIA REGISTER

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
MAYOR

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ADMINISTRATOR

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ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS - ERRATA NOTICE

The “D.C. ACTS” section of the Table of Contents of the D.C. Register, Volume 62, No. 30, dated July 17, 2015 references an incorrect Bill number for Acts 21-100.

The correct bill number is:

A21-100 Sale of Synthetic Drugs Emergency Amendment Act of 2015 [B21-259]

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ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 17, 2015

To approve, on an emergency basis, Modification Nos. 24 and 25 to Contract No. DCTO-2008-C-0135 with OST, Inc. to provide IT Staff Augmentation services and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 24 and 25 to Contract No. DCTO-2008-C-0135 Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 24 and 25 to Contract No. DCTO-2008-C-0135 with OST, Inc. to provide IT Staff Augmentation services from April 1, 2015 through September 30, 2015, and authorizes payment not to exceed \$35,000,000 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2015

To approve, on an emergency basis, Blanket Purchase Agreement No. DOC108575 and Purchase Orders PO464923, PO480867, PO481916, PO483589, PO488803, PO492965, PO493959, PO493967, PO495335, and PO496400 with Cardiac Connection Quality Compliance Corp. to provide Registered Nurses II services and to authorize payment for the goods and services received and to be received under the contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Blanket Purchase Agreement No. DOC108575 and Purchase Orders Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Blanket Purchase Agreement No. DOC108575 and Purchase Orders PO464923, PO480867, PO481916, PO483589, PO488803, PO492965, PO493959, PO493967, PO495335, and PO496400 with Cardiac Connection Quality Compliance Corp. to provide Registered Nurses II services in the total not-to-exceed amount of \$1,112,561 for goods and services received and to be received under the contracts.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 20, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 17, 2015

To approve, on an emergency basis, Change Order Nos. 002 through 004 to Contract No. DCAM-14-CS-0104 with GCS, Inc., for design-build services for the St. Elizabeths Chapel renovation, and to authorize payment in the aggregate amount of \$1,177,427 for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order Nos. 002 through 004 to Contract No. DCAM-14-CS-0104 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Order Nos. 002 through 004 to Contract No. DCAM-14-CS-0104 with GCS, Inc., for design-build services for the St. Elizabeths Chapel renovation, and authorizes payment in the aggregate amount of \$1,177,427 for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.

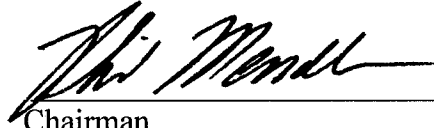
The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

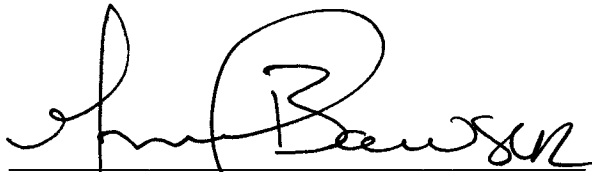
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-104

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2015

To amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to allow any applicant that received notification on July 25, 2014, that its medical marijuana cultivation center was eligible for registration to modify its application, to allow a holder of a cultivation center registration that owns or has a valid lease for the real property adjacent to its existing cultivation center to expand its facility into that adjacent real property for purposes of increasing production of marijuana plants, not to exceed the authorized limit, and to increase the number of living plants a cultivation center may possess at any time to 1000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Cultivation Center Expansion Emergency Amendment Act of 2015".

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1671.01) is amended by adding a new paragraph (1A) to read as follows:

"(1A) "Adjacent" means located within the same physical structure as, and is abutting, adjoining, bordering, touching, contiguous to, or otherwise physically meeting."

(b) Section 7 (D.C. Official Code § 7-1671.06) is amended as follows:

(1) Subsection (d) is amended as follows:

(A) Paragraph (3) is amended by adding a new subparagraph (C) to read as follows:

"(C)(i) Notwithstanding 22 DCMR §§ C5003.2 and C5003.3, any applicant that received notification from the Department on July 25, 2014, that its cultivation center was eligible for registration shall be permitted to modify the location and premises identified on the application within 90 days after the effective date of the Medical Marijuana Cultivation Center Expansion Emergency Amendment Act of 2015, passed on emergency basis on June 30, 2015 (Enrolled version of Bill 21-255), without negatively affecting the current status of the application or registration.

"(ii) Any application that is modified pursuant to sub-subparagraph (i) of this subparagraph shall be exempt from 22 DCMR § C5303.6, adopted on an emergency basis by the Department on May 19, 2015 (62 DCR 8351)."

ENROLLED ORIGINAL

(B) New paragraphs (4) and (5) are added to read as follows:

“(4) The Mayor may approve the holder of a cultivation center registration that also owns, or has a valid lease for, real property adjacent to its existing cultivation center to physically expand the registered cultivation center into that adjacent real property for the purpose of increasing production of marijuana plants, not to exceed the limit permitted under this act.

“(5) For the purposes of this subsection, the non-transferability of ownership provisions set forth in 22 DCMR §§ C5003 and C5501 shall not be construed as prohibiting the restructuring of ownership or changes between officers, directors, or other persons owning or controlling a percentage of the registered cultivation center or the entity named in the cultivation center registration application that was pending as of March 2, 2015, to operate a cultivation center at the same adjacent real property if the application received a score of at least 150 points from the Program’s review panel.”

(2) Subsection (e)(2) is amended by striking the number “500” and inserting the number “1000” in its place.

Sec. 3. Fiscal impact statement.

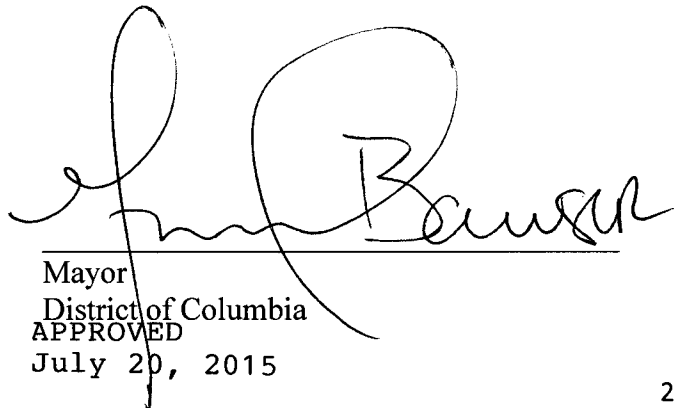
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor, (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
July 20, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-105

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2015

To approve, on an emergency basis, Modification No. 1 and proposed Modification No. 2 to Contract No. DCJM-2013-H-0007-06 with Community Multi-Services, Inc., to provide residential services to District citizens with intellectual and developmental disabilities and to authorize payment for the goods and services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCJM-2013-H-0007-06 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 and proposed Modification No. 2 to Contract No. DCJM-2013-H-0007-06 with Community Multi-Services, Inc., and authorizes payment in an estimated amount of \$1,195,619.90 for goods and services received and to be received under the contract modifications for the period from June 1, 2015, through May 31, 2016.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 20, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-106

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 17, 2015

To approve, on an emergency basis, Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A with Turner Construction Company for design-build services for Kramer Middle School, and to authorize payment in the aggregate amount of \$1,023,848 for the goods and services received and to be received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A with Turner Construction Company for design-build services for Kramer Middle School, and authorizes payment in the aggregate amount of \$1,023,848 for the goods and services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

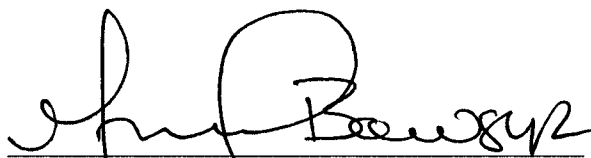
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 17, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-107

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2015

To approve, on an emergency basis, Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 with Trusted Health Plan (District of Columbia), Inc., for managed care organization healthcare services for the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance program and to authorize payment for the services received and to be received under the contract modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 with Trusted Health Plan (District of Columbia), Inc., Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 with Trusted Health Plan (District of Columbia), Inc., and authorizes payment in the total not-to-exceed amount of \$338,670,442 for goods and services received and to be received under the contract modification for the period from May 1, 2015, through September 30, 2015.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

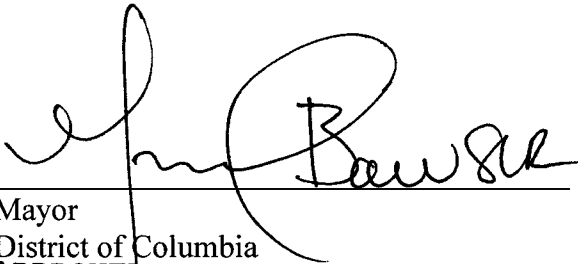
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 20, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-108

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2015

To approve, on an emergency basis, Modification Nos. 7, 9, and 11 to Contract No. DCAM-12-NC-0031 with Allied Barton Security Services, LLC, for city-wide security services, and to authorize payment in the aggregate amount of \$5,216,538.93 for the goods and services received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification Nos. 7, 9, and 11 to Contract No. DCAM-12-NC-0031 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of sections 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.02), the Council approves Modification Nos. 7, 9, and 11 to Contract No. DCAM-12-NC-0031 with Allied Barton Security Services, LLC, for city-wide security services, and authorizes payment in the aggregate amount of \$5,216,538.93 for the goods and services received under these modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

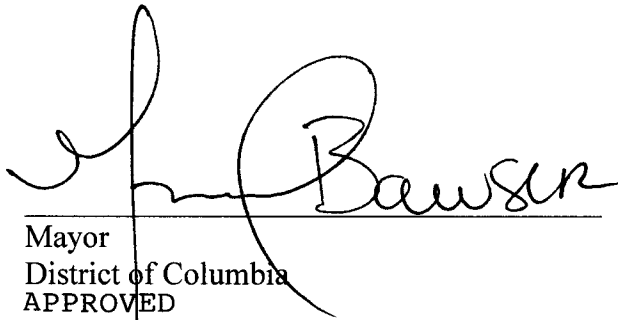
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 20, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-109

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2015

To approve, on an emergency basis, Modification No. 5 and proposed Modification No. 6 to Contract No. GAGA-2014-C-0026A to provide occupational and physical therapy assessment, consultation, and intervention services to the District and to authorize payment for the services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. GAGA-2014-C-0026A Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 5 and proposed Modification No. 6 to Contract No. GAGA-2014-C-0026A with Educational Based Services to provide occupational and physical therapy assessment, consultation, and intervention services and authorizes payment in the amount not to exceed \$1,411,888.10 for services received and to be received under that contract for the period from June 20, 2015 through June 19, 2016.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

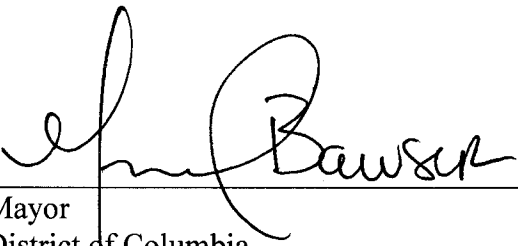
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 20, 2015

ENROLLED ORIGINAL

A RESOLUTION

21-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Contract No. DCHT-2014-C-0021 and Modification Nos. M0001 and M0003 and proposed Modification No. M0005 to Contract DCHT-2014-C-0021 with Mercer Health & Benefits, LLC for actuarial consulting services related to the development and implementation of actuarially sound capitation rates for the District of Columbia Medicaid and DC Healthcare Alliance programs, and to authorize payment for the services received and to be received under the contract and contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCHT-2014-C-0021 and Modifications with Mercer Health & Benefits, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Contract No. DCHT-2014-C-0021 and Modification Nos. M0001 and M0003 and proposed Modification No. M0005 to Contract DCHT-2014-C-0021 with Mercer Health & Benefits, LLC for actuarial consulting services related to the development and implementation of actuarially sound capitation rates for the District of Columbia Medicaid and DC Healthcare Alliance programs and to authorize payment for the services received and to be received under the contract and contract modifications.

(b) On October 17, 2014, the Department of Health Care Finance (“DHCF”) executed Contract No. DCHT-2014-C-0021 for actuarial consulting services with Mercer Health & Benefits, LLC in the amount of \$330,000 for the period from October 17, 2014, through January 15, 2015.

(c) On January 15, 2015, DHCF issued Modification No. DCHT-2014-C-0021 M0001 to extend the period of performance of Contract No. DCHT-2014-C-0021 for the period from January 16, 2015, through May 15, 2015 in the amount of \$460,000.

(d) On May 5, 2015, DHCF issued Modification No. DCHT-2014-C-0021 M0003 to extend the period of performance of Contract No. DCHT-2014-C-0021 for the period from May 16, 2015, through June 30, 2015, in the amount of \$105,500.

ENROLLED ORIGINAL

(e) DHCF now proposes Modification No. DCHT-2014-C-0021 M0005 which will extend the period of performance of Contract No. DCHT-2014-C-0021 for the period from July 1, 2015, through September 30, 2015, in the amount of \$460,000.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Mercer Health & Benefits, LLC cannot be paid for services provided in excess of \$1 million during the proposed period of performance.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHT-2014-C-0021 and Modifications with Mercer Health & Benefits, LLC Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 11 to Contract No. CFSA-11-C-0124 with Integrated Community Services, Inc., to provide Developmentally Disabled Services for developmentally disabled children presenting issues that cannot be served by traditional group home or independent living programs, in accordance with the Adoption and Safe Families Act of 1997, the LaShawn A. v. Bowser Implementation and Exit Plan, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification of Contract No. CFSA-11-C-0124 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification No. 11 to Contract No. CFSA-11-C-0124 with Integrated Community Services, Inc. (“ICS”), to provide Developmentally Disabled Services to District children in accordance with the Adoption and Safe Families Act of 1997 approved November 19, 1997 (Pub. L. No. 05-89; 111 Stat. 2115), the LaShawn A. v. Bowser Implementation and Exit Plan, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, approved October 8, 2008 (Pub. L. No. 110-351; 122 Stat. 3949), and to authorize payment for the services received and to be received under the contract.

(b) The base year contract was awarded to ICS on September 30, 2011, in the not-to-exceed amount of \$494,100, for services to be provided to 3 clients for the period from September 30, 2011, through September 29, 2012.

(c) Modification No. 1, dated March 7, 2012, increased the number of clients by one, from 3 to 4, and increased the total not-to-exceed amount by \$93,150, from \$494,100 to \$587,250, for the period from March 7, 2012, through September 29, 2012 (207 days). This modification necessitated increasing the total not-to-exceed amount of \$494,100 to \$658,800 for Option Years 1 through 4.

(d) Modification No. 2, dated September 28, 2012, clarified that the total not-to-exceed amount for Option Years 1 through 3 had been increased to \$657,000, rather than \$658,800.

ENROLLED ORIGINAL

(e) During Option Year 1, Modification No. 3, dated September 28, 2012, authorized payment in the not-to-exceed amount of \$657,000, for the period from September 30, 2012, through September 29, 2013 (365 days).

(f) During Option Year 1, Modification No. 5, dated April 4, 2013, increased the number of clients by 2, from 4 to 6, and increased the total not-to-exceed amount by \$161,000, from \$657,000 to \$818,000 for Option Year 1, increased the total not-to-exceed amount by \$328,500, from \$657,000 to \$985,500 for Option Years 2 and 3 and increased the total not-to-exceed amount by \$329,400 from \$658,800 to \$988,200 for Option Year 4.

(g) During Option Year 2, Modification No. 6, dated September 27, 2013, authorized payment in the not-to-exceed amount of \$985,500, for the period from September 30, 2013, through September 29, 2014 (365 days).

(h) During Option Year 3, Modification No. 8, dated September 25, 2014, authorized payment in the not-to-exceed amount of \$985,500, for the period from September 30, 2014, through September 29, 2015 (365 days).

(i) During Option Year 3, Modification No. 11, dated March 27, 2015, increased the number of clients by 3, from 6 to 9, for the period from March 30, 2015, through September 29, 2015, and increased the total not-to-exceed amount by \$248,400, from \$985,500 to \$1,233,900 for Option Year 3.

(j) Council approval is necessary because the expenditures under the contract are in an amount in excess of \$1 million during a 12-month period.

(k) Approval is necessary to allow the continuation of these vital services. Without this approval, Integrated Community Services, Inc., cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification of Contract No. CFSA-11-C-0124 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. M0012 and proposed Modification M0013 to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation to continue to provide Teen Bridge Program services, and to authorize payment for the services received and to be received under the human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification of Human Care Agreement No. CFSA-11-H-0097 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Modification No. M0012 and proposed Modification No. M0013 to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation to continue to provide Teen Bridge Program, which provides short-term placement of youth in a structured environment in preparation for self-sufficiency and transition to a less structured environment, and to authorize payment for the services received and to be received under the human care agreement.

(b) On May 24, 2011, the District Child and Family Services Agency ("CFSA") awarded Human Care Agreement No. CFSA-11-H-0097 to God's Anointed New Generation for a base year from June 7, 2011, through June 6, 2012.

(c) Modification No. M0001, dated June 6, 2012, exercised a partial option of Option Year 1 in the estimated amount of \$365,446.15 for the period of June 7, 2012, through September 30, 2012.

(d) Modification No. M0002, dated October 1, 2012, exercised the remainder of Option Year 1 for the period from October 1, 2012, through June 6, 2013, in the amount of \$784,449.05.

(e) Modification No. M0004, dated June 5, 2013, exercised Option Year 2 for the period June 7, 2013, through June 6, 2014, in the amount not to exceed \$1,149,895.20.

(f) Modification No. M0006, dated June 5, 2014, exercised a partial option for Option Year 3 for the period from June 7, 2014, through August 5, 2014, in the not-to-exceed amount of \$197,506.09.

(g) Modification No. M0007, dated August 2, 2014, exercised the remaining option for Option Year 3 for the period of August 6, 2014, through June 6, 2015, in the not-to-exceed

ENROLLED ORIGINAL

amount of \$1,003,989.11, making the total not-to-exceed amount for Option Year 3 \$1,201,495.20.

(h) Modification No. M0012, dated June 5, 2015, exercised a partial option for Option Year 4 for the period from June 7, 2015, through August 5, 2015, in the not-to-exceed amount of \$199,005.24.

(i) Proposed Modification No. M0013 would exercise the remainder of Option Year 4 for the period of August 6, 2015, through June 6, 2016, in an amount not to exceed \$1,014,926.51, making the total not-to-exceed amount for Option Year 4 \$1,213,931.95.

(j) Council approval is necessary because the value of Option Year 4 would increase the expenditures under the contract are in an amount in excess of \$1 million during a 12-month period.

(k) Approval is necessary to allow the continuation of these vital services. Without this approval, God’s Anointed New Generation cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification of Human Care Agreement No. CFSA-11-H-0097 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 1 and proposed Modification No. 2 to Contract No. DCJM-2013-H-0007-06 with Community Multi-Services, Inc., to provide residential services to District citizens with intellectual and developmental disabilities and to authorize payment for the goods and services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCJM-2013-H-0007-06 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists a need to approve Modification No. 1 and proposed Modification No. 2 to Contract No. DCJM-2013-H-0007-06 with Community Multi-Services, Inc., to provide residential services to District citizens with intellectual and developmental disabilities and to authorize payment for the goods and services received and to be received under the contract modifications.

(b) On June 1, 2014, the Department on Disability Services (DDS) awarded Contract No. DCJM-2013-H-0007-06 to Community Multi-Services, Inc., for the period from June 1, 2014 through May 31, 2015.

(c) By Modification No. 1 dated May 29, 2015, DDS exercised a partial option of Option Year One in the amount of \$196,540.26 for the period of June 1, 2015, through July 30, 2015.

(d) Proposed Modification No. 2 is now necessary to exercise the remainder of Option Year One for the total estimated amount of \$1,195,619.90.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Community Multi-Services, Inc., cannot be paid for goods and services provided in excess of \$1 million for each 12- month period of the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCJM-2013-H-0007-06 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. M0006 and proposed Modification No. M0009 to Human Care Agreement No. CW15105 with Opportunities Industrialization Center of DC for work readiness and placement services to non-exempt, adult Temporary Assistance for Needy Families customers, and to authorize payment for the services received and to be received under the human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Human Care Agreement No. CW15105 Modifications with Opportunities Industrialization Center of DC Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification No. M0006 and proposed Modification No. M0009 to Human Care Agreement No. CW15105 with Opportunities Industrialization Center of DC for work readiness and placement services to non-exempt, adult Temporary Assistance for Needy Families customers, and to authorize payment for the services received and to be received under the human care agreement.

(b) On January 27, 2012, the District Department of Human Services (“DHS”) executed Human Care Agreement CW15105 with Opportunities Industrialization Center of DC in the amount of \$753,769 for the period from January 27, 2012, through January 26, 2013.

(c) On January 25, 2013, DHS issued Modification No. M0001 to exercise Option Year 1 to extend the period of performance of the human care agreement for the period from January 27, 2013, through January 26, 2014, in the amount of \$985,440.

(d) On December 29, 2013, DHS issued Modification No. M0003 to exercise Option Year 2 to extend the period of performance of the human care agreement for the period from January 27, 2014, through January 26, 2015, in the amount of \$1,368,748.

(e) On January 26, 2015, DHS issued Modification No. M0006 to exercise Option Year 3 to extend the period of performance of the human care agreement for the period from January 27, 2015, through January 26, 2016, in the amount of \$998,865.

(f) DHS now proposes Modification No. M0009 to increase the not-to-exceed amount of the human care agreement for Option Year 3 by \$453,513, from \$998,865 to \$1,452,378.

ENROLLED ORIGINAL

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Opportunities Industrialization Center of DC cannot be paid for services provided in excess of \$1 million during Option Year 3.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. CW15105 Modifications with Opportunities Industrialization Center of DC Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. M0006 and proposed Modification No. M0010 to Human Care Agreement No. CW15109 with America Works of Washington DC for job placement services to non-exempt, adult Temporary Assistance for Needy Families customers, and to authorize payment for the services received and to be received under the human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Human Care Agreement No. CW15109 Modifications with America Works of Washington DC Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification No. M0006 and proposed Modification No. M0010 to Human Care Agreement No. CW15109 with America Works of Washington DC for job placement services to non-exempt, adult Temporary Assistance for Needy Families customers, and to authorize payment for the services received and to be received under the human care agreement.

(b) On January 27, 2012, the District Department of Human Services (“DHS”) executed Human Care Agreement No. CW15109 with America Works of Washington DC in the amount of \$711,572 for the period from January 27, 2012, through January 26, 2013.

(c) On January 25, 2013, DHS issued Modification No. M0001 to exercise Option Year 1 to extend the period of performance of the human care agreement for the period from January 27, 2013, through January 26, 2014, in the amount of \$961,366.

(d) On December 20, 2013, DHS issued Modification No. M0003 to exercise Option Year 2 to extend the period of performance of the human care agreement for the period from January 27, 2014, through January 26, 2015, in the amount of \$ 845,099.00.

(e) On January 26, 2015, DHS issued Modification No. M0006 to exercise Option Year 3 to extend the period of performance of the human care agreement for the period from January 27, 2015, through January 26, 2016, in the amount of \$921,094.

(f) DHS now proposes Modification No. M0010 to increase the not-to-exceed amount of the human care agreement for Option Year 3 by \$422,381, from \$921,094 to \$1,343,475.

ENROLLED ORIGINAL

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, America Works of Washington DC cannot be paid for services provided in excess of \$1 million during Option Year 3.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. CW15109 Modifications with America Works of Washington DC Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-160

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 3 and proposed Modification No. 4 to Contract No. CW29403 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW29403 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists a need to approve Modification No. 3 and proposed Modification No. 4 to Contract No. CW29403 with Pathways to Housing to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

(b) On May 19, 2015, by Modification No. 3, the Office of Contracting and Procurement (“OCP”), on behalf of the Department of Human Services, exercised a no-cost partial option of option year one of Contract No. CW29403 to provide case management services for the period from May 23, 2015, to June 22, 2015.

(c) Modification No. 4 is now necessary to exercise the remainder of option year one for the total not-to-exceed amount of \$1,474,740.

(d) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Pathways to Housing cannot be paid for services provided in excess of \$1 million for the contract period May 23, 2015, through May 22, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW29403 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-161

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW29396 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW29396 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists a need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW29396 with Transitional Housing Corporation to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

(b) On May 26, 2015, by Modification No. 4, the Office of Contracting and Procurement (“OCP”), on behalf of the Department of Human Services, exercised a no cost partial option of option year one of Contract No. CW29396 to provide case management services for the period from May 27, 2015, to June 26, 2015.

(c) Modification No. 5 is now necessary to exercise the remainder of option year one for the total not-to-exceed amount of \$1,084,500.

(d) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Transitional Housing Corporation cannot be paid for services provided in excess of \$1 million for the contract period May 27, 2015, through May 26, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW29396 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-162

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW29492 for case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW29492 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists a need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW29492 with The Community of Hope for case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

(b) On May 26, 2015, by Modification No. 4, the Office of Contracting and Procurement, on behalf of the Department of Human Services, exercised a no-cost partial option of option year one of Contract No. CW29492 to provide case management services for the period from May 27, 2015, to June 26, 2015.

(c) Modification No. 5 is now necessary to exercise the remainder of option year one for the total not-to-exceed amount of \$1,339,818.

(d) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, The Community of Hope cannot be paid for services provided in excess of \$1 million for the contract period from May 27, 2015, through May 26, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW29492 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-163

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW29494 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW29494 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW29494 with Community Connections to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

(b) On May 26, 2015, by Modification No. 4, the Office of Contracting and Procurement, on behalf of the Department of Human Services, exercised a no-cost partial option of option year one of Contract No. CW29494 to provide case management services for the period from May 27, 2015, to June 26, 2015.

(c) Modification No. 5 is now necessary to exercise the remainder of option year one for the total not-to-exceed amount of \$1,666,140.

(d) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Community Connections cannot be paid for services provided in excess of \$1 million for the contract period from May 27, 2015, through May 26, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW29494 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-164

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW29496 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW29496 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW29496 with Catholic Charities of the Archdiocese of Washington to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

(b) On May 26, 2015, by Modification No. 4, the Office of Contracting and Procurement, on behalf of the Department of Human Services, exercised a no-cost partial option of option year one of Contract No. CW29496 to provide case management services for the period from May 28, 2015, to June 27, 2015.

(c) Modification No. 5 is now necessary to exercise the remainder of option year one for the total not-to-exceed amount of \$3,117,207.72.

(d) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Catholic Charities of the Archdiocese of Washington cannot be paid for services provided in excess of \$1 million for the contract period from May 28, 2015, through May 27, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW29496 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-165

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 6 and proposed Modification No. 7 to Contract No. CW29777 for case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW29777 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Modification No. 6 and proposed Modification No. 7 to Contract No. CW29777 with Friendship Place for case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

(b) On May 26, 2015, by Modification No. 6, the Office of Contracting and Procurement, on behalf of the Department of Human Services, exercised a no-cost partial option of option year one of Contract No. CW29777 to provide case management services for the period from May 27, 2015, to June 26, 2015.

(c) Modification No. 7 is now necessary to exercise the remainder of option year one for the total not-to-exceed amount of \$2,784,780.

(d) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Friendship Place cannot be paid for services provided in excess of \$1 million for the contract period from May 27, 2015, through May 26, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW29777 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-166

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW30986 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW30986 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. CW30986 with Metropolitan Education Solutions, Inc., to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

(b) On May 26, 2015, by Modification No. 4, the Office of Contracting and Procurement, on behalf of the Department of Human Services, exercised a no-cost partial option of option year one of Contract No. CW30986 to provide case management services for the period from May 28, 2015, to June 27, 2015.

(c) Modification No. 4 is now necessary to exercise the remainder of option year one for the total not-to-exceed amount of \$1,842,727.20.

(d) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Metropolitan Education Solutions, Inc., cannot be paid for services provided in excess of \$1 million for the contract period from May 28, 2015, through May 27, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW30986 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-167

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification Nos. 24 and 25 to Contract No. DCTO-2008-C-0135 with OST, Inc. to provide IT Staff Augmentation (ITSA) services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 24 and 25 to Contract No. DCTO-2008-C-0135 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 24 and 25 to Contract No. DCTO-2008-C-0135 with OST, Inc. to IT Staff Augmentation (ITSA) services, and to authorize payment for the goods and services received and to be received under the modifications.

(b) On August 19, 2008 Contract Number DCTO-2008-C-0135 was awarded to OST, Inc., for a term from August 19, 2008, through August 18, 2009, with 4 option years, in an amount not to exceed \$150 million, with a minimum guarantee of \$100,000.

(c) The District exercised all 4 option years through August 18, 2013.

(d) By Modification No. 19, the District extended the term of Contract Number DCTO-2008-C-0135 from August 19, 2013, through January 18, 2014, in an amount not to exceed \$20 million, with a minimum guarantee of \$100,000.

(e) By Modification No. 20, the District extended the term of Contract No. DCTO-2008-C-0135 from January 19, 2014, through May 31, 2014, in an amount not to exceed \$20 million, with a minimum guarantee of \$100,000.

(f) By Modification No. 21, the District extended the term of Contract No. DCTO-2008-C-0135 from June 1, 2014, through August 31, 2014, in an amount not to exceed \$20 million, with a minimum guarantee of \$100,000.

(g) By Modification No. 22, the District extended the term of Contract No. DCTO-2008-C-0135 from September 1, 2014, through November 30, 2014, in an amount not to exceed \$20 million, with a minimum guarantee of \$100,000.

(h) By Modification No. 23, the District extended the term of Contract No. DCTO-2008-C-0135 from December 1, 2014, through March 31, 2015, in an amount not to exceed \$20 million, with a minimum guarantee of \$100,000.

ENROLLED ORIGINAL

(i) By Modification No. 24, the District extended the term of Contract No. DCTO-2008-C-0135 from April 1, 2015, through September 30, 2015, in an amount not to exceed \$50 million, with a minimum guarantee of \$100,00.

(j) By Modification No. 25, the District reduced from \$50 million to \$35 million the not-to-exceed amount for the extension of Contract No. DCTO-2008-C-0135 from April 1, 2015, through September 30, 2015.

(k) Council approval is necessary because Modification Nos. 24 and 25 would increase the contract value to more than \$1 million during a 12-month period.

(1) Approval is necessary to allow the continuation of these vital services. Without this approval, OST Inc., cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 24 and 25 to Contract No. DCTO-2008-C-0135 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

B21-312 Anti-prostitution Vehicle Impoundment Enforcement Amendment Act of 2015

Intro. 7-14-15 by Councilmember Evans and referred to the Committee on
Judiciary

B21-313 Transportation Reorganization Amendment Act of 2015

Intro. 7-14-15 by Councilmembers Cheh, Grosso, Bonds, and Chairman
Mendelson and referred to the Committee on Transportation and the
Environment

B21-314 Consumer Disclosure Act of 2015

Intro. 7-14-15 by Councilmembers Cheh, Allen, Bonds, Grosso, and Todd and
referred to the Committee on Judiciary

B21-315 School Food and Nutrition Services Contract Requirements Act of 2015

Intro. 7-14-15 by Councilmember Cheh and referred to the Committee on
Education

- B21-316 Safe at Home Act of 2015
- Intro. 7-14-15 by Councilmembers Allen, Bonds, and Evans and referred sequentially to the Committee on Finance and Revenue and the Committee on Housing and Community Development
-
- B21-317 Minority and Woman Owned Business Disparity Study Act of 2015
- Intro. 7-14-15 by Councilmember Orange and referred to the Committee on Business, Consumer, and Regulatory Affairs
-
- B21-318 Tree Canopy Protection Amendment Act of 2015
- Intro. 7-14-15 by Councilmembers Allen and Cheh and referred to the Committee on Transportation and the Environment
-
- B21-319 Assessment on Children of Incarcerated Parents Act of 2015
- Intro. 7-14-15 by Councilmembers May, Allen, Nadeau, Alexander, Bonds, Orange, Grosso, Todd, Silverman, McDuffie, Cheh, and Evans and referred to the Committee on Education with comments from the Committee on Judiciary
-
- B21-320 UDC Elder Law Project Establishment Amendment Act of 2015
- Intro. 7-14-15 by Councilmembers Todd, Alexander, Evans, Grosso, Orange, Cheh, May, Bonds, Nadeau, Silverman, and McDuffie and referred to the Committee of the Whole
-
- B21-321 Kennedy Street, N.W., Economic Development and Small Business Revitalization Advisory Committee Establishment Act of 2015
- Intro. 7-14-15 by Councilmember Todd and referred to the Committee of the Whole
-
- B21-322 Tobacco Bar Regulation Amendment Act of 2015
- Intro. 7-14-15 by Councilmembers Alexander, Todd, Bonds, and Cheh and referred to the Committee on Business, Consumer, and Regulatory Affairs with comments from the Committee on Health and Human Services
-

- B21-323 Carbon Monoxide Detector Amendment Act of 2015
- Intro. 7-14-15 by Councilmembers Alexander, McDuffie, Todd, Bonds, Cheh, and Allen and referred to the Committee on Judiciary with comments from the Committee on Health and Human Services
-
- B21-324 Advisory Neighborhood Commission Grantmaking Empowerment Amendment Act of 2015
- Intro. 7-14-15 by Councilmembers Silverman, May, Nadeau, Orange, Alexander, Bonds, and Cheh and referred to the Committee on Housing and Community Development
-
- B21-325 Land Disposition Transparency Act of 2015
- Intro. 7-14-15 by Councilmembers Nadeau, Cheh, Allen, Grosso, May, and Silverman, and Chairman Mendelson and referred to the Committee of the Whole
-
- B21-326 Financial Exploitation of Vulnerable Adults Amendment Act of 2015
- Intro. 7-14-15 by Councilmembers Bonds, Evans, Nadeau, Grosso, Allen, Orange, Todd, and Silverman and referred to the Committee on Judiciary
-
- B21-327 Postsecondary Sexual Assault Prevention Act of 2015
- Intro. 7-14-15 by Councilmembers Bonds, Nadeau, Allen, and Orange and referred sequentially as follows: Section 3 to the Committee on Education until 12/31/15 and then the entire bill to the Committee on Judiciary with comments from the Committee of the Whole
-
- B21-328 Disposition of District Land for Affordable Housing Clarification Amendment Act of 2015
- Intro. 7-14-15 by Councilmembers Bonds, Silverman, and Nadeau and referred to the Committee of the Whole
-

B21-329 Enhanced Penalties for Operation of All-Terrain Vehicles and Dirt Bikes
Amendment Act of 2015

Intro. 7-14-15 by Councilmembers McDuffie, Allen, and Nadeau and referred
to the Committee on Judiciary

B21-330 Community Renewable Energy Amendment Act of 2015

Intro. 7-14-15 by Councilmembers McDuffie, Cheh, Allen, May, Bonds,
Alexander, Grosso, Silverman, Nadeau, and Chairman Mendelson and referred
to the Committee on Business, Consumer, and Regulatory Affairs

B21-331 Building Service Employees Minimum Work Week Act of 2015

Intro. 7-14-15 by Chairman Mendelson and Councilmembers Allen, May,
Orange, Bonds, and Nadeau and referred to the Committee on Business,
Consumer, and Regulatory Affairs

B21-332 Council Financial Disclosure Amendment Act of 2015

Intro. 7-14-15 by Chairman Mendelson and Councilmember Grosso and
referred to the Committee of the Whole with comments from the Committee on
Judiciary

B21-333 James Bunn Way Designation Act of 2015

Intro. 7-14-15 by Councilmember May and Chairman Mendelson and referred
to the Committee of the Whole

PROPOSED RESOLUTIONS

PR21-301 Sense of the Council in Support of Expanding the DCTAG Program Resolution
of 2015

Intro. 7-14-15 by Councilmember Evans and Chairman Mendelson and referred
to the Committee on Education with comments from the Committee of the
Whole

PR21-302 Sense of the Council in Support of a 'Statehood or Else' Signature Campaign
Resolution of 2015

Intro. 7-14-15 by Councilmembers Orange, Bonds, Alexander, and Grosso and
referred to the Committee of the Whole

PR21-303 Not-For-Profit Hospital Corporation Board of Directors Lisa K.
Fitzpatrick Appointment Resolution of 2015

Intro. 7-14-15 by Councilmember Alexander and referred to the Committee of
the Whole

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-093542
Licensee: EZ Group, LLC
Trade Name: Crème
License Class: Retailer’s Class “C” Restaurant
Address: 2436 14th Street, N.W.
Contact: Jeff Jackson, Agent: 202-251-1566

WARD 1 ANC 1B SMD 1B05

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Sidewalk Café with 11 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ

Sunday through Saturday 10 am – 12 am, Monday through Friday 5 pm – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION**

Posting Date: July 17, 2015
 Petition Date: August 31, 2015
 Roll Call Hearing Date: September 14, 2015
 Protest Hearing Date: December 2, 2015

License No.: ABRA-099532
 Licensee: Capital Riverfront Hotel LLC
 Trade Name: Hampton Inn & Suites Washington D.C./Navy Yard Area
 License Class: Retailer’s Class “C” Hotel
 Address: 1265 1st Street, S.E.
 Contact: Paul L. Pascal: 202-544-2200**

WARD 6

ANC 6D

SMD 6D02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for December 2, 2015 at 4:30pm.

NATURE OF OPERATION

New 168 room hotel with food service providing breakfast, lunch and dinner. Rooftop summer garden with seating for approximately 50 patrons. Sidewalk Café with seating for 14 patrons. No entertainment, dancing or nude performances.

HOURS OF OPERATION FOR INSIDE PREMISES, ROOFTOP SUMMER GARDEN AND SIDEWALK CAFÉ

24 Hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES, ROOFTOP SUMMER GARDEN AND SIDEWALK CAFÉ

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: July 17, 2015
 Petition Date: August 31, 2015
 Hearing Date: September 14, 2015

License No.: ABRA-092860
 Licensee: Ivy and Coney, LLC
 Trade Name: Ivy and Coney
 License Class: Retailer’s Class “C” Tavern
 Address: 1537 7th Street, N.W.
 Contact Information: Cheryl Webb: 202-277-7461

WARD **6 ANC **6E SMD **6E02

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. A petition or request to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE:

To add a Summer Garden with seating for 35.

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

Sunday through Thursday 10am-2am, Friday and Saturday 10am-3am

APPROVED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES

Sunday through Thursday: 10am-2am, Friday and Saturday: 10am-3am

APPROVED HOURS OF LIVE ENTERTAINMENT

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

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

Posting Date: July 24, 2015
Petition Date: September 8, 2015
Hearing Date: September 21, 2015

License No.: ABRA-098037
Licensee: 520 Florida Avenue Restaurant LLC
Trade Name: Shaws Tavern
License Class: Retailer's Class "C" Tavern
Address: 520 Florida Ave., N.W.
Contact Information: A. Kline: 202-686-7600

WARD 6

ANC 6E

SMD 6E02

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. A petition or request to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE:

Requesting an expansion of existing licensed premises to include 38 seats (Total Occupancy Load of 43) on the 2nd floor. Current Approved Occupancy Load is 105 on the first floor.

APPROVED HOURS OF OPERATION

Sunday through Thursday 8am-1am, Friday and Saturday 8am-3am

APPROVED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 8am-12:30am, Monday through Thursday 11am-12:30am, Friday 11am-2:30am, Saturday 8am-2:30am

APPROVED HOURS OF LIVE ENTERTAINMENT

Saturday and Sunday 11am-11:30pm, Monday-Friday 6pm-11:30pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 24, 2015
Petition Date: September 8, 2015
Hearing Date: September 21, 2015
Protest Hearing Date: December 2, 2015

License No.: ABRA-099707
Licensee: Watergate Liquors, LLC
Trade Name: Watergate Vintners & Spirits
License Class: Retailer's Class "A" Liquor Store
Address: 2544 Virginia Avenue, N.W.
Contact: Bernard Dietz: 202-548-8000

WARD 2 ANC 2A SMD 2A04

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for December 2, 2015 at 1:30 pm.

NATURE OF OPERATION

Class A Retailer with a Tasting Endorsement.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9 am - 12 am

HOURS OF TASTING

Thursday through Saturday 1 pm - 9 pm

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

NOTICE OF PUBLIC HEARINGS

*Thursday, August 13, 2015 at 6:00 p.m.
Wednesday, August 19, 2015 at 6:00 p.m.*

**“2016-2020 FIVE YEAR CONSOLIDATED PLAN FOR THE DISTRICT OF COLUMBIA”
AND THE “2016 PROPOSED CITIZEN PARTICIPATION PLAN”**

The Department of Housing and Community Development (DHCD) announces two public hearings to take place Thursday, August 13, 2015, and Wednesday, August 19, 2015 in order to receive community comment and input regarding revision of the Agency’s Citizen Participation Plan and development of the Five Year Consolidated Plan and budgets to be submitted to the U.S. Department of Housing and Urban Development (HUD) for the following federal entitlement programs:

- **Community Development Block Grant (CDBG) Program**
- **HOME Investment Partnerships (HOME) Program**
- **Emergency Solutions Grant (ESG) Program**
- **Housing Opportunities for Persons with AIDS (HOPWA) Program**

The previous *Five Year Consolidated Plan: October 1, 2010 to September 30, 2015* document and the Proposed FY 2016 Citizen Participation Plan will be available for review on the Department’s website www.dhcd.dc.gov, on July 27, and in hard copy at the Department’s office at 1800 Martin Luther King, Jr. Avenue, Southeast, Washington, DC 20020 in the Housing Resource Center, First Floor. Additionally, copies will be available at public library branches, Advisory Neighborhood Commission offices, and the following community-based organizations:

AARP Legal Counsel for the Elderly 601 E Street, NW (202) 434-2120	Central American Resource Center 1460 Columbia Rd, NW, #C1 (202) 328-9799	Greater Washington Urban League, Inc. 2901 14 th Street, NW (202) 265-8200	Housing Counseling Services, Inc. 2410 17th Street, NW, Suite 100 (202) 667-7006
Latino Economic Development Center 641 S Street Northwest (202) 588-5102	Lydia’s House 4101 Martin Luther King, Jr. Avenue, Southwest (202) 373-1050	Manna, Inc. 828 Evarts Street, NE (202) 832-1845	Marshall Heights Community Development Organization 3939 Benning Road, NE (202) 396-1200
MiCasa 6230 3 rd Street, Northwest (202) 722-7423	University Legal Services 220 I Street, Northeast Suite 130 (202) 547-4747	University Legal Services 3939 Benning Road, NE (202) 650-5631	University Legal Services 1800 MLK Jr. Ave., SE (202) 889-2196

The Department has scheduled two public hearings:

(1) **Thursday, August 13, 2015 at 6:00 p.m., at our headquarters located at 1800 Martin Luther King, Jr. Avenue Southeast, in the Housing Resource Center.**

(2) **Wednesday, August 19, 2015 at 6:00 p.m., at Martin Luther King, Jr. Memorial Library, Room A-5, 901 G Street, Northwest.**

District of Columbia residents who would like to present oral testimony are encouraged to register in advance either by e-mail at dhcd.events@dc.gov or by calling (202) 442-7203. Please provide your name, address, telephone number, and organization affiliation, if any.

If you wish to provide written comment for the record, please do so by mail or email by close of business Friday, August 21, 2014. Written statements should be mailed to: Polly Donaldson, Director, DHCD, Attention: Five Year Consolidated Plan Comments, 1800 Martin Luther King, Jr. Avenue, Southeast, Washington, DC 20020. Emailed comments should be submitted to dhcd.events@dc.gov with a subject line, "Five Year Consolidated Plan comments."

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter will be provided upon request by calling (202) 442-7251 five days prior to the hearing date. Residents who require language interpretation should specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Interpretation services will be provided to pre-registered persons only. Deadline for requesting services of an interpreter is five days prior to the hearing date. Bilingual staff will provide services on an availability basis to walk-ins without registration.

If you need additional information, contact Booker Roary, Jr. at booker.roary@dc.gov or by phone at (202) 442-7203.

Muriel Bowser, Mayor
Government of the District of Columbia
Brian T. Kenner, Deputy Mayor for Planning and Economic Development
Polly Donaldson, Director
Department of Housing and Community Development

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
GOVERNMENT OF THE DISTRICT OF COLUMBIA****NOTICE OF PUBLIC HEARING****July 30, 2015 at 11:00 AM**

The DC Taxicab Commission (DCTC) has scheduled a Public Hearing from 11 am to 3 pm on Thursday, July 30, 2015, at 2235 Shannon Place, SE, Washington DC 20020, in the Hearing Room, Suite 2023. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

This is the second Panel on Industry (POI) hearing which will continue the focus on a broad study of the DC taxicab marketplace and to adopt a framework for rulemaking. Specifically, the Panel will focus on structures under which licenses/H-tags may be expanded or limited as the appropriate needs of the market, including Wheelchair Accessible Vehicles (WAVs), fuel efficient and clean fuel burning vehicles and other services. The priority will be on whether the Commission should lift the moratorium of H-tags, and if so, under what circumstances and requirements.

Those interested in testifying should register by emailing to poi@dc.gov or by calling (202) 645-4433, no later than Tuesday, July 28, 2015 by 4 pm. Participants should submit ten (10) copies of their remarks in writing prior to the hearing. Statements are limited to three (3) minutes for registered speakers and two (2) minutes for non-registered speakers. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for all non-registered speakers. Written copies of remarks may also be submitted to the Commission Secretary at the hearing. Comments are limited to the specific subject matter of this Public Hearing.

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

THURSDAY, JULY 30, 2015**11 am to 3 pm****2235 Shannon Place, SE****Second Floor Hearing Room****Suite 2023****Washington, DC 20020**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, SEPTEMBER 29, 2015
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD SEVEN

19069
ANC-7D **Application of Natalie Wanamaker Javier**, pursuant to 11 DCMR § 3104.1, for a special exception from the accessory apartment requirements under § 202.10, to allow the conversion of an existing cellar to an accessory apartment in an existing one-family dwelling in the R-1-B District at premises 4005 Anacostia Avenue, N.E. (Square 5071, Lot 812).

WARD ONE

19070
ANC-1A **Application of David and Sheila Hoxie**, pursuant to 11 DCMR § 3104.1, for a special exception from the requirements for a rooming house under § 330.6, to establish a rooming house with four (4) rooms and accessory central area for transient food consumption that includes alcohol in the R-4 District at premises 1207 Kenyon Street, N.W. (Square 2844, Lot 49).

WARD SIX

18275-A
ANC-6B **Application of Maral LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the use requirements under § 350.1, to allow the use of the basement and first floors as an office in an existing two-story building in the R-5-B District at premises 1200 Potomac Avenue S.E. (Square 1021, Lot 34).

WARD FIVE

19074
ANC-5D **Application of Alexander Hastings**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the rear yard requirements under § 404.1, to allow the construction of a two-story rear garage addition and a covered walkway to an existing one-family dwelling in the R-4 District at premises 1329 Holbrook Street, N.E. (Square 4073, Lot 82).

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WARD ONE

19075 **Application of Michelle Munn**, pursuant to 11 DCMR § 3104.1, for a special
ANC-1B exception under § 223, not meeting the lot occupancy requirements under § 403,
the rear yard requirements under § 404, and the side yard requirements under §
405, to allow the enclosure of an existing back porch, and construction of a new
one-story rear addition to an existing one-family dwelling in the R-5-B District at
premises 2118 2nd Street N.W. (Square 3070, Lot 67).

WARD FOUR

18138-C **Application of St. Paul's Episcopal Church**, pursuant to 11 DCMR §
ANC-4D 3104.1, for special exceptions from the child development center requirements
under § 205, and the private school requirements under § 206, to allow the
continued operation of a child development center and private school serving 120
children ages 2.5 through 12 years, including 18 regular staff members, in the R-
3 and R-5-A Districts at premises 201 Allison Street N.W. (Parcel 111, Lot 37).

**THIS APPLICATION WAS MOVED FROM THE PUBLIC HEARING OF JUNE 23, 2015
BY THE BOARD:**

WARD SIX

19021 **Application of Amazing Love Health Services**, pursuant to 11 DCMR §
ANC-6A 3103.2, for a variance from the off-street parking requirements under § 2101.1, to
allow a medical office in the HS-A/C-2-A District at premises 702 15th Street
N.E. (Square 1050, Lot 33).

PLEASE NOTE:

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application**

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Form. This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

LLOYD J. JORDAN, CHAIRMAN, MARNIQUE Y. HEATH, VICE CHAIRPERSON, JEFFREY L. HINKLE, FREDERICK L. HILL, AND A MEMBER OF THE ZONING COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education (“Superintendent”), pursuant to the authority set forth in Sections 3(b)(7), (8), (11), and (15) of the State Education Office Establishment Act of 2000, effective October 21, 2000, (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(7), (8), (11) and (15) (2012 Repl. & 2014 Supp.)); the Special Education Quality Improvement Act of 2014, effective March 10, 2015 (D.C. Law 20-196; 61 DCR 12425 (December 5, 2014)); Section 101(b) of the Enhanced Special Education Services Amendment Act of 2014, effective March 10, 2015 (D.C. Law 20-195; 61 DCR 12419 (December 5, 2014)); and the Special Education Student Rights Act of 2014, effective March 10, 2015 (D.C. Law 20-194; 61 DCR 12411 (December 5, 2014)), hereby gives notice of intent to amend and revise Chapter 30 (Education of the Handicapped) of Subtitle E (Original Title 5) of Title 5 (Education) of the District of Columbia Municipal Regulations (“DCMR”) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rules is to revise and update the current regulations to conform with and implement recent legislation the Enhanced Special Education Services Amendment Act of 2014, the Special Education Student Rights Act of 2014, and the Special Education Quality Improvement Amendment Act of 2014, all effective March 10, 2015. The purpose of the three laws is to enhance the quality of services, procedural protections, placement and location options, funding and service choices, transfer of rights processes, and public charter school preferences made available to eligible students and their families under the IDEA and Section 504 of the Rehabilitation Act.

The Superintendent gives notice of the intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. This notice is being circulated throughout the District for a thirty (30) day period, including an opportunity to submit written comments and attend public hearings on these proposals. Two (2) public hearings have been scheduled for August 5, 2015, between 4:00 p.m. until 6:00 p.m.; and August 20, 2015, between 6:00 p.m. until 8:00 p.m. They will take place at the Office of the State Superintendent of Education, 810 1st Street NE, Washington, D.C. 20002, as detailed and under conditions set forth at the end of this Notice.

Chapter 30, EDUCATION OF THE HANDICAPPED, of Title 5, EDUCATION, Subtitle E, ORIGINAL TITLE 5, is proposed to be amended as follows:

The title of Chapter 30 is amended to read as follows:

CHAPTER 30 SPECIAL EDUCATION

Section 3000, SPECIAL EDUCATION POLICY, is amended as follows:

The following definitions in Subsection 3001.1 are amended to read as follows:

3001.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed.

Act (or IDEA) - the Individuals with Disabilities Education Act, approved April 13, 1970, as amended (84 Stat. 175; 20 U.S.C. §§ 1400 *et seq.*), and its implementing regulations.

Charter School (or public charter school) - a publicly funded public school established pursuant to the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §§ 38-1800 *et seq.*), and is not part of the District of Columbia public schools (DCPS).

Child with a disability –

(a) In general, a child with:

(1) intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this chapter as “emotional disturbance”), orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, or multiple disabilities; and

(2) who, by reason thereof, needs special education and related services.

(b) The term “child with a disability” for a child aged three (3) through seven (7) includes a child who experiences developmental delay as defined in this subsection.

DCPS - the District of Columbia Public Schools, established by Section 102 of the District of Columbia Public Schools Agency Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171).

Individualized Education Program (IEP) - a written statement that specifies the special education programs and services to be provided to meet the unique educational needs of a child with a disability, as required under Section 614(d) of IDEA (20 U.S.C. § 1414(d)) and this chapter.

Individualized Family Service Plan (IFSP) – a written plan for providing early intervention services to an infant or toddler with a disability and the infant’s or toddler’s family that:

(a) Is based on the evaluation and assessment of the child and family, described in 34 C.F.R. § 303.321;

- (b) Includes the content of 34 C.F.R. § 303.344,
- (c) Is implemented as soon as possible once parental consent for the early intervention services in the IFSP is obtained, consistent with 34 C.F.R. § 303.420; and
- (d) Is developed in accordance with the IFSP procedures in 34 C.F.R. §§ 303.342, 303.343, and 303.345.

Local Education Agency (LEA) - an educational institution at the local level that exists primarily to operate a publicly funded school or schools providing elementary or secondary education in the District of Columbia, including the District of Columbia Public Schools and a District of Columbia public charter school. The term includes public charter schools that have elected, pursuant to D.C. Official Code § 38-1802.02(19), DCPS to serve as the LEA for purposes of IDEA, with such election subject to the provisions of D.C. Official Code § 38-1802.10(c), requiring an LEA to be its own LEA for purposes of IDEA and the Rehabilitation Act unless waived by the District of Columbia Public Charter School Board.

Section 3001 is amended by adding the following definitions to Subsection 3001.1:

IDEA (or Act) - the Individuals with Disabilities Education Act, approved April 13, 1970, as amended (84 Stat. 175; 20 U.S.C. §§ 1400 *et seq.*) and its implementing regulations.

Infant or toddler with a disability - shall have the same meaning as provided in Section 632(5) of the IDEA (20 U.S.C. § 1432(5)).

Office of the State Superintendent of Education (OSSE) - is the State Education Agency (SEA) for the District of Columbia established by the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Official Code §§ 38-2601 *et seq.*), with all operational authority for state-level functions, except that delegated to the State Board of Education in D.C. Official Code § 38-2652. As described in D.C. Official Code § 38-2601.01, OSSE performs the functions of a state education agency for the District of Columbia under applicable federal law, including grant-making, oversight, and state educational agency functions for standards, assessments, and federal accountability requirements for elementary and secondary education.

Public charter school - means a publicly funded public school established pursuant to the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §§ 38-1800 *et seq.*), and is not part of DCPS.

Rehabilitation Act - means the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 355; 29 U.S. C. §§ 701 *et seq.*).

The title of Section 3004 is amended to read as follows:

3004 IDENTIFICATION & REFERRAL FOR INITIAL EVALUATION

Section 3004 is amended by amending Subsection 3004.1 to read as follows:

3004.1 Referral to IEP Team

- (a) A child suspected of having a disability who may need special education and is at least two years, eight months of age and less than twenty-two (22) years of age, shall be referred to an IEP team for an evaluation or assessment.
- (b) A referral for an evaluation or assessment for special education services may be oral or written. An LEA shall document any oral referral within three (3) business days of receipt.

Section 3005, EVALUATION AND REEVALUATION, is amended by amending Subsection 3005.2 to read as follows:

3005.2 Before paragraph (a) of this subsection takes effect, an LEA shall assess or evaluate a student who may have a disability and who may require special education services within one hundred twenty (120) days from the date that the student was referred for an evaluation or assessment, consistent with Federal and local law.

- (a) Beginning July 1, 2017, or upon the inclusion of the fiscal effect of the subsection in an approved budget and financial plan as certified by the District of Columbia Chief Financial Officer and published in the *District of Columbia Register*, whichever occurs later, an LEA shall assess or evaluate a student who may have a disability and who may require special education services within sixty (60) days from the date that the student's parent or guardian provides consent for the evaluation or assessment. The LEA shall make reasonable efforts to obtain parental consent within thirty (30) days from the date the student is referred for an assessment or evaluation.
- (b) The LEA shall document reasonable efforts to obtain parental consent. Reasonable efforts include at least three (3) attempts using at least two (2) of the following modalities:
 - (1) Telephone calls made or attempted and the results of those calls;
 - (2) Correspondence sent to the parents and any responses received; or
 - (3) Visits made to the parents' home or place of employment and the results of those visits.

Section 3009, INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPMENT, is amended by amending Subsections 3009.3 through 3009.5, adding a new Subsection 3009.6, renumbering and amending Subsection 3009.6, adding a new Subsection 3009.8, and renumbering Subsection 3009. 7, to read as follows:

3009 INDIVIDUALIZED EDUCATION PROGRAM CONTENT

...

- 3009.3 Before Subsection 3009.6 takes effect, the IEP for a child with a disability, beginning not later than the first IEP to be in effect when the child is sixteen (16), and updated annually thereafter, shall include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including courses of study) needed to assist the child in reaching those goals.
- 3009.4 Before Subsection 3009.6 takes effect, for each child beginning at age sixteen (16) or younger if determined appropriate by the IEP team, the IEP shall include a statement of needed transition services including, if appropriate, a statement of inter-agency responsibilities or any needed linkages, or both, before the child leaves the school setting.
- 3009.5 Before Subsection 3009.6 takes effect, if the IEP team determines that transition services are not needed, the IEP shall include a statement to that effect and the basis upon which the determination was made.
- 3009.6 Beginning July 1, 2016, or upon the inclusion of the fiscal effect of this subsection in an approved budget and financial plan as certified by the District of Columbia Chief Financial Officer and published in the *District of Columbia Register*, whichever occurs later, the first IEP in effect after a child with a disability reaches fourteen (14) years of age shall include transition assessments and services, including:
- (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services needed to assist the child in reaching those goals;
 - (b) A statement of inter-agency responsibilities or any needed linkages before the child leaves the school setting; and
 - (c) If the IEP team determines that transition services are not needed, the IEP shall include a statement to that effect and the basis upon which the determination was made.
- 3009.7 The requirements set out in Subsections 3009.3 and 3009.6 above shall not apply to children with disabilities who are convicted as adults under District or state law and incarcerated in adult prisons whose eligibility under Part B of IDEA will end,

because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

3009.8 Not later than one year before a child with a disability's anticipated high school graduation or attainment of a certificate of IEP completion, the IEP team shall identify which adult services might be appropriate for the child and, in consultation with the appropriate District of Columbia agency when feasible, what evaluations should occur to determine the child's eligibility for those services; provided, that nothing in this section shall be construed to impose any obligation on an LEA to conduct evaluations to determine eligibility for adult services.

3009.9 Beginning at least one (1) year before a child with a disability reaches the age of eighteen (18) his or her IEP must include a statement that the child has been informed of his or her rights under Part B of the Act that will transfer to the child on reaching the age of eighteen (18), unless the child has been determined to be incompetent under District law or the child has been certified as unable to provide informed consent pursuant to § 3023.

The title of Section 3011 is amended to read as follows:

3011 LEAST RESTRICTIVE ENVIRONMENT (LRE) & PLACEMENT OUTSIDE OF THE LEA

Section 3011 is amended to read as follows:

3011.1 An LEA shall provide a student with a disability a free and appropriate public education in an appropriate special education placement in accordance with IDEA and local law; provided that an LEA shall not remove a student with a disability from an age-appropriate classroom solely because of modifications that can be made in the general education curriculum. The LEA shall ensure that:

- (a) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled; and
- (b) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

3011.2 If an LEA anticipates that it may be unable to implement a student's IEP or provide a student with an appropriate special education placement in accordance with the IDEA and other applicable laws or regulations, the LEA shall notify OSSE. Subject to its policies for placement review, OSSE shall cooperate with the LEA to provide a placement in a more restrictive setting in conformity with the IDEA, and any other applicable laws or regulations.

- 3011.3 OSSE shall be responsible for paying the costs of education, including special education and related services, of a student with a disability when the student is placed at a nonpublic special education school or program pursuant to this section; provided, that, in conformity with IDEA, OSSE shall not be responsible for paying the cost of education, including special education and related services, of a student with a disability who attends a nonpublic special education school or program if:
- (a) An LEA made a free and appropriate public education available the student; and
 - (b) The student's parent or guardian elected to place the student in a nonpublic special education school or program.

Section 3023, TRANSFER OF RIGHTS, is amended to read as follows:

3023 TRANSFER OF RIGHTS

- 3023.1 In accordance with D.C. Official Code § 46–101 and IDEA, all rights accorded to parents under IDEA and local law governing the delivery of special education transfer to the student at the age of eighteen (18), except as provided in §§ 3023.3 through 3023.12.
- 3023.2 A student who has reached eighteen (18) years of age may receive support from another competent and willing adult to aid the student with educational decision-making. The student's decisional choice shall prevail any time that a disagreement exists between the student and the other adult providing support in this manner.
- 3023.3 A student who has reached the age of eighteen (18) shall be presumed to be competent, and all rights under IDEA and local law governing the delivery of special education shall transfer to the student, unless:
- (a) The student is declared legally incompetent or legally incapacitated by a court of competent jurisdiction and a representative has been appointed by the court to make decisions for the student;
 - (b) The student has been determined, in accordance with § 3023.5, to not have the ability to provide informed consent and another competent adult has been appointed by OSSE to represent the educational interests of that student; or
 - (c) The student has designated, in writing, by power of attorney or similar legal document, another competent adult to be the student's agent to:
 - (1) Make educational decisions;
 - (2) Receive notices; and

- (3) Participate in meetings and all other procedures related to the student's educational program on behalf of the student.

3023.4 A student having transferred rights by a power of attorney or similar legal document to another to be the student's agent in accordance § 3023.3(c), may terminate the power of attorney at any time and assume the right to make decisions regarding his or her education.

3023.5 OSSE shall certify that a student who has reached the age of eighteen (18) is unable to provide informed consent, only after the satisfactory completion of the following:

- (a) Submission to OSSE of the following:

- (1) A request for certification that the student is unable to provide informed consent completed by the parent or other interested person. The request shall be submitted, on an OSSE approved form to be made available on the OSSE website;
- (2) Certifications that meet the requirements of § 3023.6 by two (2) qualified professionals, who each possess the qualifications listed in § 3023.8;
- (3) A copy of the student's birth certificate or other official form of identification indicating the student's date of birth; and
- (4) A copy of an official form of identification of the parent, family member, or legal guardian requesting certification to become the student's educational representative.

- (b) Written confirmation by OSSE that all submission requirements have been met and that the appointment of an educational representative shall be made by OSSE within a time certain.

3023.6 The professional certifications required in § 3023.5 require the following:

- (a) The professional has conducted a personal examination or interview with the student;
- (b) Based on the professional's knowledge and expertise, the professional determined that the student is unable to provide informed consent as described in § 3023.7;
- (c) The professional has, if appropriate, informed the student of the determination; and

- (d) Confirmation that the professional is not employed by the LEA currently serving the student and does not have a personal conflict of interest such as being related by blood or marriage to the student.

3023.7 A student shall be deemed unable to provide informed consent if two (2) qualified professionals each determine one (1) or more of the following:

- (a) The student is unable to understand the nature, extent, and probable consequences of an educational decision or proposed educational program on a continuing or consistent basis;
- (b) The student is unable to make a rational evaluation of the benefits or disadvantages of an educational decision of proposed educational program as compared with alternative options on a continuing or consistent basis; or,
- (c) The student is unable to communicate such understanding in any meaningful way.

3023.8 The certification procedure requires certifications completed by two different professionals, one (1) meeting the requirements of (a) and one (1) meeting the requirements of (b):

- (a) A professional who is any of the following:
 - (1) Medical doctor licensed in the state where the doctor practices medicine;
 - (2) Physician's assistant whose certification is countersigned by a supervising physician; or
 - (3) Certified nurse practitioner.
- (b) A second professional who is any of the following:
 - (1) Medical doctor licensed in the state where the doctor practices medicine;
 - (2) Licensed psychiatrist;
 - (3) Clinical psychologist; or
 - (4) Licensed clinical social worker.

- 3023.9 Professional certifications may be submitted as early as ninety (90) calendar days prior to the student's eighteenth (18th) birthday but shall not be reviewed by OSSE until all of the requirements of § 3023.5 have been met, and shall not take effect prior to the student's eighteenth (18th) birthday.
- 3023.10 OSSE shall retain submitted certification requests and all supporting documents for at least three (3) years, as follows:
- (a) OSSE shall make information about the certification process and the required form publicly accessible on the OSSE website and in hard copy format;
 - (b) OSSE shall only accept signed copies of the certifications described in this section;
 - (c) OSSE shall provide the applicant with a confirmation of receipt in writing no later than ten (10) business days after receiving all of the submissions required by § 3023.5; and
 - (d) OSSE's written confirmation shall serve as the record of valid certification, and shall include effective dates.
- 3023.11 Upon confirming receipt of the appropriate professional certifications, OSSE shall appoint the parent of the student to act as the student's educational representative. If the parent is unavailable or does not wish to serve as the student's educational representative, OSSE, with consent of the parent or legal guardian seeking the certification, shall appoint another adult relative willing to act as the student's educational representative. If no adult relative is available and competent to serve as the student's educational representative, OSSE, with notice to the parent or legal guardian seeking the certification, shall appoint a person trained as an educational surrogate parent to serve as the student's educational representative.
- 3023.12 The student may challenge the certification of the student or appointment of an educational representative under § 3023.11 at any time. If a challenge is presented, all of the following apply:
- (a) A challenge made under this section shall be made in writing to OSSE, except that OSSE shall assist a student who is unable to provide a written challenge to document a verbal challenge in writing or refer the student to a community organization for assistance;
 - (b) OSSE shall notify the student and current appointed educational representative, if an appointment has been made, of any such challenge in writing no later than two (2) calendar days from the receipt of the challenge; and

- (c) If the certification of a student is challenged by the student, the existing certification is invalidated, and all educational rights transfer back to the student.

3023.12 No later than one (1) year before a child with a disability reaches eighteen (18) years of age, the LEA shall notify the parents and student, in writing, that adult students with disabilities are presumed competent, and that all rights under IDEA will transfer to the student when the student reaches eighteen (18) years of age, unless the student or the family pursues one of the options described in § 3023.3. The notice shall also describe the necessary procedures to exercise the options described in § 3023.3 and notify the parent and student of the provisions of § 3023.2.

Persons desiring to comment on this proposed rulemaking may attend the public hearings scheduled to be held at OSSE, 810 1st St. NE, Washington, D.C., 20002, on August 5, 2015, from 4:00 p.m. until 6:00 p.m. in Conference Room 806 on the 8th floor, and August 20, 2015, from 6:00 p.m. until 8:00 p.m. on the 3rd Floor in the Grand Hall; individuals wishing to testify at the hearing should contact Christie Weaver-Harris, Policy Analyst, at 202-741-0470 by e-mail at Christie.Weaver-Harris@dc.gov. Individuals representing themselves and presenting testimony will be limited to five (5) minutes; individuals representing an organization will be limited to a total presentation time of seven (7) minutes at each public hearing.

Persons may also file comments in writing by email osse.publiccomment@dc.gov or by postal mail or hand delivery to the Office of the State Superintendent of Education, Attn.: Elisabeth Morse re: Special Education Rulemaking, 810 First Street, NE 8th Floor Washington, DC 20002, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take proposed rulemaking action by adopting the following amendments to Chapter 75 (Massage Therapy) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to require hands-on, massage-techniques continuing education for massage therapists and to clarify that the required first-aid and CPR certifications must be maintained and remain current throughout the licensure period.

This rulemaking was published in the *D.C. Register* as a proposed rulemaking on March 6, 2015 at 62 DCR 2778. No comments were received. In further reviewing the rule, the Board of Massage Therapy ("Board") determined that a further clarification is required with regard to the CPR certification, which should be completed in person rather than on line or through long-distance methods. Accordingly, this rulemaking is being published again with the addition of Subsection 7512.4.

Chapter 75, MASSAGE THERAPY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7506, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 7506.4 is amended to read as follows:

7506.4 An applicant for renewal, reactivation, or reinstatement of a license shall submit proof pursuant to § 7506.7 of having completed twelve (12) hours of approved continuing education credit during the two (2) -year period preceding the date the license expires which shall consist of the following:

- (a) Three (3) hours of professional ethics; and
- (b) Nine (9) hours of massage-related course work provided by a Board approved provider of which six (6) hours shall be hands-on, massage-technique course(s) completed in a live classroom setting taught by an appropriate instructor.

Subsection 7506.6 is amended to read as follows:

7506.6 To qualify for reinstatement of a license to practice massage therapy, an applicant shall submit proof pursuant to § 7506.7 of having completed the following:

- (a) Twelve (12) hours of approved continuing education during the two (2)-year period preceding the date the license expired in accordance with § 7506.4;
- (b) Four and one half (4.5) hours of approved continuing education credit for each year after the expiration of the license, with at least three (3) hours of hands-on, massage-technique course(s) completed in a live classroom setting taught by an appropriate instructor; and
- (c) One and one-half (1.5) hours of professional ethics for each year after the expiration of the license.

Section 7512, CARDIAC PULMONARY RESUSCITATION AND FIRST AID REQUIREMENTS, is amended as follows:

Subsections 7512.3 and 7512.4 are added to read as follows:

- 7512.3 A person licensed under this chapter shall maintain, without interruption or gap, valid and effective CPR and first-aid certifications for the duration of his or her massage therapy license issued under this chapter.
- 7512.4 A certification of the CPR training as required in this section shall be valid only if the training was completed in a live classroom setting taught by an appropriate instructor.

Section 7599, DEFINITIONS, is amended as follows:

Subsection 7599.1 is amended by adding the following

Hands-on, massage-technique course – means a course, class, workshop, or training session in which one or more massage techniques are taught or provide the basis of the instruction, and the participants or attendees have the opportunity to emulate, practice, or learn massage techniques from the instructor.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)); Mayor’s Order 98-140, dated August 20, 1998; the Pharmacy Technician Amendment Act of 2012, effective May 1, 2013 (D.C. Law 19-0303; D.C. Official Code §§ 3-1207.51 *et seq.* (2012 Repl. & 2014 Supp.)), hereby gives notice of her intent to adopt the following new Chapter 99 of Title 17 (Business, Occupations and Professionals) of the District of Columbia Municipal Regulations (DCMR), entitled “Pharmacy Technicians,” in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The adoption of Chapter 99, which had until now been reserved, is necessary to require the registration of pharmacy technicians and pharmacy technician trainees, and to regulate the practice of pharmacy technicians and pharmacy technician trainees.

Chapter 99, PHARMACY TECHNICIANS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is added as follows:

CHAPTER 99 PHARMACY TECHNICIANS

- Secs.
- 9900 General Provisions
- 9901 Term of Registrations
- 9902 Registration Requirements for Pharmacy Technicians
- 9903 Criteria for Approval of Pharmacy Technician Training Programs
- 9904 Examination Requirements for Pharmacy Technician Training Programs
- 9905 Registration by Reciprocity
- 9906 Registration for Pharmacy Technician Trainees
- 9907 Continuing Education Requirements
- 9908 Approved Continuing Education Programs and Activities
- 9909 Continuing Education Credits
- 9910 Scope of Practice
- 9911 Other Pharmacy Related Services
- 9912 Grandfathering
- 9999 Definitions

9900 GENERAL PROVISIONS

- 9900.1 This chapter shall apply to applicants for and holders of a registration to practice as a pharmacy technician or pharmacy technician trainee.
- 9900.2 Chapter 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) shall supplement this chapter.

- 9900.3 A registered pharmacy technician shall wear a name tag bearing the title “registered pharmacy technician” and display his or her current registration in a conspicuous place in the pharmacy in which he or she is employed.
- 9900.4 A pharmacy technician trainee shall not use a title other than pharmacy technician trainee, shall wear a name badge bearing the title “pharmacy technician trainee”, and shall display his or her current registration in a conspicuous place in the pharmacy in which he or she is employed.
- 9900.5 Consistent with maintaining patient safety, no pharmacist shall supervise more pharmacy technicians and trainees than he or she can safely supervise. The pharmacist shall be fully responsible for the practice of each technician and trainee during the period of supervision and may be subject to disciplinary action for any violation of the act by a technician or trainee he or she supervises.

9901 TERM OF REGISTRATIONS

- 9901.1 Subject to § 9901.4, a pharmacy technician registration issued pursuant to this chapter shall expire at 11:59 PM of February 28th of each odd-numbered year.
- 9901.2 A pharmacy technician trainee registration shall expire one year from the date of registration or upon issuance of a pharmacy technician registration, whichever is earlier.
- 9901.3 A pharmacy technician trainee registration shall not be renewed.
- 9901.4 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a pharmacy technician registration issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the registration or other date established by the Director.

9902 REGISTRATION REQUIRMENTS FOR PHARMACY TECHNICIANS

- 9902.1 Except as otherwise provided in this subtitle, an applicant applying for a registration to practice as a pharmacy technician shall establish to the satisfaction of the Board that the applicant has successfully:
- (a) Obtained a high school diploma or its equivalent, or has passed a Board-approved examination that proves that he or she has achieved competency in the educational skills required to perform the function of a pharmacy technician; and
 - (b) Obtained a current certification from:
 - (1) The Pharmacy Technician Certification Board (“PTCB”);

- (2) The National Healthcareer Association (formerly ICPT); or
 - (3) Another state certifying organization approved by the Board; or
- (c) Completed one of the following types of Board approved pharmacy technician training programs, which shall include a Board-approved exam:
- (1) A national, regional, or state accredited pharmacy technician training program recognized by the Board;
 - (2) A pharmacy technician program at a college or university that is accredited by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation;
 - (3) An employer-based pharmacy technician training program recognized by the Board that meets the requirements of § 9903 and includes a minimum of one hundred sixty (160) hours of training within a one year period, including theoretical and practical instruction; or
 - (4) A pharmacy technician program that meets the guidelines of the American Society of Health-System Pharmacists, is licensed by the District of Columbia Educational Licensure Commission, and has certified to the Board its intent to pursue accreditation upon becoming eligible to do so.

9902.2 To apply for a pharmacy technician registration an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
 - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:
 - (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
 - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).

- (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and
 - (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.
- (b) Submit proof acceptable to the Board that the applicant has successfully met the requirements set forth in § 9902.1, § 9905.1 or § 9912.1 of this chapter;
 - (c) Undergo a criminal background check; and
 - (d) Pay all required fees.

9903 CRITERIA FOR APPROVAL OF PHARMACY TECHNICIAN TRAINING PROGRAMS

9903.1 The provider of a pharmacy technician training program shall submit a completed application to the Board on the required forms and include payment of the application fee.

9903.2 To be approved by the Board, a pharmacy technician training program shall, at a minimum, provide instruction in the following areas of pharmacy practice:

- (a) Roles and responsibilities of the pharmacy technician;
- (b) Knowledge of prescription medications;
- (c) Knowledge of strengths or dose, dosage forms, physical appearance, routes of administration, and duration of drug therapy;
- (d) The dispensing process;
- (e) Pharmaceutical calculations;
- (f) Interacting with patients;
- (g) Third party prescriptions;
- (h) Sterile and non-sterile compounding;
- (i) Requirements and professional standards for:
 - (1) Preparing;

- (2) Labeling;
- (3) Dispensing;
- (4) Storing;
- (5) Prepackaging;
- (6) Distributing; and
- (7) How medications are administered;

- (j) Confidentiality;
- (k) Drugs used to treat major chronic conditions;
- (l) Federal and District laws and regulations governing controlled substances and the practice of pharmacy; and
- (m) Knowledge of special dosing considerations for pediatric and geriatric populations.

- 9903.3 A pharmacy technician training program shall include a minimum of one hundred sixty (160) hours of practical experience.
- 9903.4 A pharmacy technician training program may not be longer than one (1) year.
- 9903.5 The Director of a pharmacy technician training program shall be qualified by education or experience to perform in this capacity.
- 9903.6 The Board shall have final approval of a pharmacy technician training program.
- 9903.7 The Board shall approve Pharmacy technician training programs offered by the U.S. Armed Forces.
- 9903.8 The Board may withdraw approval of a program if the Board finds that the program is in violation of this chapter.
- 9903.9 A pharmacy technician training program approval shall expire five (5) years from the date of issuance.
- 9903.10 To maintain continued approval the program shall submit the renewal application, renewal fee, and a self-evaluation report on a form provided by the Board at the time of renewal notification.

- 9903.11 Renewal of a program's approval is at the discretion of the Board, and the decision to renew shall be based on documentation of continued compliance with the criteria set forth in this chapter.
- 9903.12 A pharmacy technician training program shall report within thirty (30) days any substantive change in the program to include a change in:
- (a) Program name;
 - (b) Program director;
 - (c) Instructors;
 - (d) Name of institution or business if applicable;
 - (e) Address;
 - (f) Program content;
 - (g) Length of program; or
 - (h) Location of records.
- 9903.13 A pharmacy technician training program shall maintain records of participants for five (5) years from date of completion or termination of program. The records shall be maintained either on-site or at another location where the records are readily retrievable upon request for inspection. A program shall provide a certificate of completion to participants who successfully complete the program and provide verification of completion of the program for a participant upon request by the Board.

9904 EXAMINATION REQUIREMENTS FOR PHARMACY TECHNICIAN TRAINING PROGRAMS

- 9904.1 To be approved by the Board a training program examination shall:
- (a) Test for competency of the content criteria set forth in § 9903.2 of this chapter;
 - (b) Include a minimum of ninety (90) multiple choice questions;
 - (c) Include sufficient additional questions so that the examination questions may be rotated twice a year;
 - (d) Require a passing score of seventy-five percent (75%) or higher; and

- (e) Shall be certified as psychometrically valid.

9905 REGISTRATION BY RECIPROCITY

9905.1 An individual, holding an active pharmacy technician registration in another state, shall apply for registration by reciprocity as follows:

- (a) Submit a completed application to the Board on the required forms and include:
 - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:
 - (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
 - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).
 - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and
 - (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.
- (b) Submit proof of current licensure, registration, or certification, in good standing, to practice as a pharmacy technician in another state;
- (c) Obtain verification from each state in which the applicant holds or has ever held a pharmacy technician registration, that the registration is current and in good standing, or if the registration is no longer active, that it was in good standing immediately prior to its expiration. The registration verification form must be sent directly to the Board, by the verifying Board;
- (d) Undergo a criminal background check; and
- (e) Pay all required fees.

9906 REGISTRATION FOR PHARMACY TECHNICIAN TRAINEES

- 9906.1 A person shall register with the Board as a pharmacy technician trainee within thirty (30) days after beginning an employer-based pharmacy technician program recognized by the Board.
- 9906.2 Individuals enrolled in a non-employer-based pharmacy technician training program shall register with the Board as a pharmacy technician trainee prior to performing duties of a pharmacy technician trainee in a pharmacy.
- 9906.3 A pharmacy technician trainee registration shall expire one (1) year from the date of issuance and shall not be renewed.
- 9906.4 Every pharmacy that uses a person as a pharmacy technician trainee shall have documentation on site at the pharmacy and available for inspection showing that the person is currently enrolled in a Board approved pharmacy technician training program.
- 9906.5 A registered pharmacy technician trainee may provide the pharmacy technician functions permitted under § 9910 of this chapter, under the direct supervision of a licensed pharmacist, commensurate with the training and experience he or she has received.
- 9906.6 To be eligible to register as a pharmacy technician trainee a person shall:
- (a) Be at least 17 years of age;
 - (b) Have a high school diploma or its equivalent; and
 - (c) Be enrolled in a Board-approved pharmacy technician training program or employed in a pharmacy as a pharmacy technician trainee.
- 9906.7 To apply for a registration as a pharmacy technician trainee a person shall:
- (a) Submit a completed application to the Board on the required forms and include:
 - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:
 - (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
 - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate

of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).

- (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and
 - (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.
- (b) Submit proof acceptable to the Board that the applicant has successfully met the requirements set forth in § 9906.5 of this chapter;
 - (c) Undergo a criminal background check; and
 - (d) Pay all required fees.

9907 CONTINUING EDUCATION REQUIREMENTS

- 9907.1 Except as provided in § 9907.2, this section shall apply to all applicants for the renewal, reactivation, or reinstatement of a pharmacy technician registration.
- 9907.2 This section shall not apply to applicants for the first renewal of a pharmacy technician registration.
- 9907.3 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 9908 of this chapter.
- 9907.4 An applicant for renewal of a pharmacy technician registration shall:
- (a) Have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter, which shall include at least two (2) contact hours of continuing education credit in pharmacy law, and two (2) contact hours in medication safety, during the two (2) year period preceding the date the registration expires;
 - (b) Attest to completion of the required continuing education credits on the renewal application form; and
 - (c) Be subject to a random audit.
- 9907.5 For the purposes of this section, pharmacy-related subject matter shall include, but not be limited to, the following topics:

- (a) Medication distribution;
- (b) Inventory control systems;
- (c) Pharmaceutical mathematics;
- (d) Pharmaceutical sciences;
- (e) Pharmacy law;
- (f) Pharmacology/drug therapy;
- (g) Pharmacy quality assurance; and
- (h) Roles and duties of pharmacy technicians.

9907.6 To qualify for reinstatement or reactivation of a pharmacy technician registration, an applicant shall have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter in the year immediately preceding the date of the application, which shall include at least two (2) contact hours of continuing education credit in pharmacy law and two (2) contact hours in medication safety.

9907.7 Except as provided in § 9907.8, an applicant under this section shall prove completion of required continuing education credits by submitting the following information with respect to each program:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the sponsor of completion, by signature or stamp.

9907.8 Applicants for renewal of a registration shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 9907.7 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

9907.9 An applicant for renewal of a registration who fails to renew the registration by the date the registration expires may renew the registration for up to sixty (60)

days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the renewal thereof.

9907.10 If an applicant for renewal of a registration fails to renew the registration and pay the late fee within sixty (60) days after the expiration of applicant's registration, the registration shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired registration and meet all requirements and fees for reinstatement.

9907.11 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

9907.12 An extension granted under this section shall not exempt the pharmacy technician from complying with the continuing education requirements for any other renewal period.

9908 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

9908.1 The Board may, in its discretion, approve continuing education programs that contribute to the growth of an applicant in professional competence as a pharmacy technician and meet the other requirements of this section.

9908.2 To qualify for approval by the Board, a continuing education program shall be a structured educational activity that provides instruction in the subject matter set forth in § 9907.5, and shall include the following:

- (a) Programs offered by an ACPE provider;
- (b) Programs approved by other Boards of Pharmacy; or
- (c) Programs offered by an institution of higher learning recognized by an accrediting body approved by the Secretary of the United States Department of Education.

9908.3 The Board may approve additional continuing education programs offered by other providers if the programs meet the following requirements:

- (a) Prior to a program offering, the provider shall complete an application form and include all required materials for review;
- (b) The application shall be submitted by the provider to the Board for review no less than ninety (90) days prior to the presentation;
- (c) The content of the program shall be current in its subject matter; and
- (d) The content of the program shall be developed and taught by individuals with demonstrated qualifications in the topic.

9908.4 Continuing education programs approved by the Board pursuant to § 9908.3 shall be valid for a two (2) year period and may be audited by the Board.

9908.5 For programs approved by the Board pursuant to § 9908.3:

- (a) The provider shall inform the Board of any changes in information previously provided about the program or provider prior to offering the program again. Failure to notify the Board may result in the Board withdrawing its approval;
- (b) If a provider wants to give a live program more than once, all program dates must either be submitted on the original application or provided to the Board in subsequent correspondence at least five (5) days prior to giving the program. Failure to submit substantive changes to an approved program to the Board may result in the Board withdrawing approval of the program; and
- (c) The provider of an approved continuing education program shall maintain all records on that program, its participants, and hours awarded for a period of four (4) years and shall make those records available to the board upon request.

9908.6 The Board may issue a list of approved continuing education programs.

9908.7 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.

9909 CONTINUING EDUCATION CREDITS

9909.1 A contact hour shall consist of at least sixty (60) minutes of instruction in an approved continuing education program and shall equal one-tenth (0.1) of a continuing education credit (“CEU”).

- 9909.2 A maximum of ten (10) contact hours of the required twenty (20) contact hours may be earned by completing a relevant college course with a grade of “C” or better.
- 9909.3 For approved college courses, each semester hour of credit constitutes ten (10) contact hours of continuing education credit, and each quarter hour constitutes five (5) contact hours of continuing education credit.
- 9909.4 A continuing education credit shall only be valid if it is earned in a topic listed under § 9907.5.

9910 SCOPE OF PRACTICE

- 9910.1 A registered pharmacy technician may perform pharmacy technician functions only in accordance with this chapter.
- 9910.2 A registered pharmacy technician may provide pharmacy technician functions under the direct supervision of a licensed pharmacist that shall include but are not limited to the following:
- (a) Entering prescription and drug history information into a data system or other record keeping system;
 - (b) Compounding and reconstituting drugs for dispensing;
 - (c) Calling a physician for refill authorization for non-controlled substances in which no changes are made to the order;
 - (d) Preparing prescription labels or patient information;
 - (e) Removing the drug to be dispensed from inventory;
 - (f) Counting or measuring the drug to be dispensed;
 - (g) Packaging and labeling the drug to be dispensed and the repackaging thereof;
 - (h) Stocking or loading automated dispensing devices or other devices used in the dispensing process;
 - (i) Placing, receiving, unpacking, and storing drug orders;
 - (j) Checking all prescription and non-prescription stock for outdates and processing of outdated returns;
 - (k) Assisting the pharmacist in preparing and reconstituting sterile products

and other medications;

- (l) Retrieving prescription files, patient files, profiles, and other records pertaining to the practice of pharmacy; and
- (m) Notifying the patient or the patient's agent of the opportunity to receive an oral consultation from the pharmacist.

9910.3 Notwithstanding § 9910.2, a registered pharmacy technician shall not provide the following services:

- (a) Drug regimen review;
- (b) Clinical conflict resolution;
- (c) Prescriber contact, except for receiving authorization of prescription refills;
- (d) Therapy modification;
- (e) Patient counseling as described in 22-B DCMR § 1919;
- (f) Dispensing process validation;
- (g) Vaccination or immunization administration;
- (h) Receiving a new prescription drug order over the telephone;
- (i) Any activity required by law or regulation to be performed only by a pharmacist; or
- (j) Any activity for which professional pharmaceutical judgment is required.

9911 OTHER PHARMACY RELATED SERVICES

9911.1 Unless otherwise authorized by the Board, an individual who works at a pharmacy and is not licensed or registered by the Board as a pharmacist or pharmacy intern or authorized to perform the services of a pharmacy technician under this chapter, may perform only ancillary pharmacy services, such as:

- (a) Cashiering;
- (b) Bookkeeping;
- (c) Pricing;

- (d) Stocking;
- (e) Delivering;
- (f) Answering nonprofessional questions and telephone inquiries;
- (g) Documenting third-party reimbursement; and
- (h) Notifying the patient or the patient's agent of the opportunity to receive an oral consultation from the pharmacist.

9911.2 An individual who is not licensed or registered by the Board as a pharmacist or pharmacy intern or authorized to perform the services of a pharmacy technician under this chapter shall not perform the tasks of a:

- (a) Pharmacist;
- (b) Pharmacy intern;
- (c) Pharmacy technician; or
- (d) Pharmacy technician trainee

9912 GRANDFATHERING

9912.1 For a period of one year after the effective date of these regulations, an applicant who does not meet the requirements for registration set forth in § 9902.1 or § 9905.1 of this chapter shall be eligible for registration as a pharmacy technician if:

- (a) The applicant is at least 17 years of age; and
- (b) The applicant submits proof, acceptable to the Board, that he or she has worked as a pharmacy technician for at least twenty-four (24) consecutive months immediately prior to the effective date of the Act; and
- (c) A licensed pharmacist or pharmacists who have supervised the applicant for at least six (6) months immediately prior to the date of the application attests in writing that the applicant has competently performed the functions of a pharmacy technician; or
- (d) Demonstrates to the satisfaction of the Board that the applicant has been performing the function of pharmacy technician on a full-time or substantially full-time basis continually for at least twenty-four (24) months immediately preceding the effective date of the Act and is qualified to do so on the basis of pertinent education, training, experience, and demonstrated current experience.

9912.2 For a period of one year after the effective date of these regulations an applicant who is not eligible for registration under § 9902.1, § 9905.1 or § 9912.1 of this chapter may engage in practice as a pharmacy technician if the applicant:

- (a) Has received training to enable him or her to competently and safely perform the tasks assigned; and
- (b) Engages in such practice under the direct supervision of a D.C. licensed pharmacist.

9912.3 A person who is engaging in practice as a pharmacy technician pursuant to § 9912.2 of this chapter shall cease practicing as a pharmacy technician after the one year period expires.

9999 DEFINITIONS

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

Act – Pharmacy Technician Amendment Act of 2012, effective May 1, 2013, (D.C. Law 19-0303; D.C. Official Code §§ 3-1207.51 *et seq.*).

Board – the Board of Pharmacy

Direct supervision – with respect to the supervision of the pharmacy technician or pharmacy technician trainee, that a licensed pharmacist is:

- (a) Physically present at the same pharmacy as the pharmacy technician or pharmacy technician trainee and in the general vicinity of the pharmacy technician or pharmacy technician trainee;
- (b) Readily available to answer questions of the pharmacy technician or pharmacy technician trainee;
- (c) Making appropriate in-process and end-process verifications of the activities of the pharmacy technician or pharmacy technician trainee; and
- (d) Fully responsible for the practice of the pharmacy technician or pharmacy technician trainee.

Pharmacy technician functions - technical pharmacy-related services, that do not require professional judgment regarding the preparation and distribution of drugs, performed under the direct supervision of a licensed pharmacist.

Pharmacy technician trainee – a person enrolled in a Board-approved training program who may perform the duties of a registered pharmacy technician under the direct supervision of a pharmacist in a licensed pharmacy in the District.

Registered pharmacy technician – a person who is registered with the Board as a pharmacy technician.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:15 a.m. and 4:45 p.m. at the address listed above, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Sections 4902(a)(8) and 4908 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code §§ 7-731(a)(8) and 7-737 (2012 Repl. & 2014 Supp.)); and Mayor's Order 2006-34, dated March 12, 2006, hereby gives notice of intent to amend Chapter 102 (Licensing of Medical Device Distributors and Manufacturers) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations (DCMR).

Section 4902(a)(8) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(8) (2012 Repl. & 2014 Supp.)) requires the Department of Health to regulate medical devices in the District of Columbia. The Notice of Final Rulemaking published on July 12, 2013 in the *D.C. Register* at 60 DCR 10252 only required manufacturers and distributors to be licensed and regulated by the Department of Health. However, there are four business entities that are involved in the supply of medical devices in the District of Columbia – manufacturers, distributors, importers, and vendors. The Department of Health proposes to regulate all of these entities to ensure that the medical devices placed in the stream of commerce in the District of Columbia are safe and effective. The purpose of these amendments is to require importers and vendors of medical devices to be licensed and regulated as are manufacturers and distributors. In addition, this rulemaking will define the terms “importer” and “vendor.”

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

Chapter 102, LICENSING OF MEDICAL DEVICE DISTRIBUTORS AND MANUFACTURERS, of Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Amend the Chapter 102 heading to read as follows:

**CHAPTER 102 LICENSING OF MEDICAL DEVICES - DISTRIBUTORS,
MANUFACTURERS, IMPORTERS, AND VENDORS**

Section 10200, GENERAL PROVISIONS, is amended as follows:

Subsection 10200.1 is amended to read as follows:

10200.1 These sections provide for the minimum licensing standards necessary to ensure the safety and efficacy of medical devices placed in the stream of commerce by distributors, manufacturers, importers, and vendors.

Section 10203, LICENSURE REQUIREMENTS, is amended as follows:

Subsection 10203.1 is amended to read as follows:

10203.1 Except as provided by § 10202, a person may not engage in the distribution, manufacturing, importation, or vending of medical devices in the District of Columbia unless the person has a valid license from the Department of Health for each place of business.

Subsection 10203.3 is amended to read as follows:

10203.3 Each person involved in the distribution, manufacturing, importation, or vending of medical devices in the District of Columbia on the effective date of these sections shall apply for a device distributor, manufacturer, importer, or vendor license no later than sixty (60) days following the effective date of these regulations.

Subsection 10203.4 is amended to read as follows:

10203.4 Each person acquiring or establishing a place of business for the purpose of medical device distribution, manufacturing, importation, or vending after the effective date of these sections shall apply to the Department for a license prior to beginning operation.

Subsection 10203.5 is amended to read as follows:

10203.5 If the medical device distributor, manufacturer, importer, or vendor operates more than one place of business, the medical device distributor, manufacturer importer, or vendor shall obtain a license for each place of business.

Subsection 10203.6 is amended to read as follows:

10203.6 The Department may license a distributor, manufacturer, importer, or vendor of medical devices who meets the requirements of these sections and pays all fees.

Subsection 10203.14 is amended to read as follows:

10203.14 If the United States Food and Drug Administration (FDA) or the Department determines, with respect to a product that is a combination of a drug and a medical device, that the primary mode of action of the product is as a device, a distributor, manufacturer, importer, or vendor of the product is subject to licensure as described in this section.

Section 10204, LICENSING PROCEDURES, is amended as follows:

Subsection 10204.2 is amended to read as follows:

10204.2 The application for licensure as a medical device distributor, manufacturer, importer, or vendor shall be signed and verified, and submitted on a license application form furnished by the Department.

Section 10207, REFUSAL, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSE, is amended as follows:

Subsection 10207.3 is amended to read as follows:

10207.3 The Department may, after providing opportunity for a hearing, refuse to license a distributor, manufacturer, importer, or vendor of medical devices, or may suspend or revoke a license for violations of the laws and regulations listed in § 10201.1 or for any of the reasons described in the Act.

Subsection 10207.4 is amended to read as follows:

10207.4 A license issued under this chapter shall be returned to the Department if the medical device distributor, manufacturer, importer, or vendor's place of business:

- (a) Ceases business or otherwise ceases operation on a permanent basis;
- (b) Relocates; or
- (c) Is deemed, as a corporation, to have undergone an ownership change as determined by a transfer of five percent (5%) or more of the share of stock from one person to another.

Section 10208, MINIMUM STANDARDS FOR LICENSURE, is amended as follows:

Subsection 10208.1 is amended to read as follows:

10208.1 All medical device distributors, manufacturers, importers, or vendors engaged in the design, manufacture, packaging, labeling, storage, installation, servicing, and vending of devices shall comply with the minimum standards of this section.

Subsection 10208.3 is amended to read as follows:

10208.3 All persons who operate as medical device distributors, manufacturers, importers, or vendors in the District of Columbia shall meet the applicable requirements in Chapter 105, titled "Establishment Registration and Device Listing for Manufacturers and Initial Importers of Devices." Medical devices medical distributed by device distributors, manufacturers, importers, or vendors shall meet, if applicable, the premarket notification requirements of

Chapter 105 of this subtitle or the premarket approval provisions of Chapter 106 of this subtitle, titled “Premarket Approval of Medical Devices.”

Subsection 10208.4 is amended to read as follows:

10208.4 Medical device distributors, manufacturers, importers, or vendors engaged in the design, manufacture, packaging, labeling, storage, installation, servicing, and vending of finished medical devices shall be in compliance with the applicable requirements of Chapter 107 of this subtitle, entitled “Quality System Regulation.” The requirements in this section govern the methods used in, and the facilities and controls used for, the design, manufacture, packaging, labeling, storage, installation, servicing, and vending of all finished medical devices intended for human use.

Subsection 10208.6 is amended to read as follows:

10208.6 No manufacturing, assembling, packaging, packing, holding, testing, or labeling operations of medical devices by distributors, manufacturers, importers, or vendors shall be conducted in any personal residence.

Subsection 10208.8 is amended to read as follows:

10208.8 All medical devices stored by distributors, manufacturers, importers, or vendors shall be held at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the labeling of such medical devices.

Subsection 10208.9 is amended to read as follows:

10208.9 Medical devices distributed by device distributors, manufacturers, importers, or vendors shall meet the labeling requirements of Chapter 103 of this subtitle.

Subsection 10208.12 is amended to read as follows:

10208.12 Medical device distributors, manufacturers, importers, or vendors shall meet the applicable medical device reporting requirements of Chapter 104 of this subtitle.

Subsection 10208.13 is amended to read as follows:

10208.13 Medical devices which emit electronic product radiation and are distributed by medical device distributors, manufacturers, importers, or vendors shall meet the applicable requirements of Chapter 108 entitled of this subtitle.

Subsection 10208.14 is amended to read as follows:

10208.14 A prescription medical device in the possession of a medical device distributor, manufacturer, importer, or vendor licensed under these sections of this subchapter shall be exempt from 21 U.S.C. § 352(f)(1) relating to labeling bearing adequate directions for use, providing it meets the requirements of § 10310 and § 10311 of this subtitle.

Subsection 10208.15 is amended to read as follows:

10208.15 Each medical device distributor, manufacturer, importer, or vendor who distributes prescription medical devices shall maintain a record for every prescription medical device, showing the identity and quantity received or manufactured and the disposition of each device.

Subsection 10208.16 is amended to read as follows:

10208.16 Each medical device distributor, manufacturer, importer, or vendor who delivers a prescription medical device to the ultimate user shall maintain a record of any prescription or other order lawfully issued by a practitioner in connection with the device.

A new Section 10299 is added to read as follows:

10299 DEFINITIONS

10299.1 As used in this chapter, the following term shall have the meaning ascribed:

Importer – any person who brings a medical device into the District of Columbia from another state or territory for the purpose of sale or use.

Vendor – any person engaged in selling medical devices for the immediate delivery upon purchase.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent in writing to Van Brathwaite, Department of Health, 899 North Capitol Street, N.E., 2nd Floor, Washington, D.C., 20002 or Van.Brathwaite@dc.gov. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays. Requests may be communicated by calling (202) 442-5977 or addressing emails to angli.black@dc.gov.

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

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.01 and 1-604.08 (2012 Repl.)) hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, a new Chapter 1, "Human Resources Management," in Title 6, Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR).

The provisions concerning variations and appointment affidavits, which will be contained in the new chapter, were previously contained in Chapter 4 (Organization for Personnel Management) of the D.C. personnel regulations. The main purpose of these rules is to establish and add a new Chapter 1, "Human Resources Management," to Subtitle B of Title 6 of the DCMR. In addition, the chapter includes a section on the historical background of the District government's personnel management system, and makes minor amendments to the provisions previously contained in Chapter 4.

Upon adoption, these rules will amend the regulations as published at 32 DCR 75 (January 4, 1985) and amended at 33 DCR 4447 (July 25, 1986), 51 DCR 928 (January 23, 2004), 51 DCR 11591 (December 24, 2004), 52 DCR 6646 (July 15, 2005), 55 DCR 724 (January 25, 2008), 55 DCR 8870 (August 15, 2008), 56 DCR 004346 (June 5, 2009), and 58 DCR 00531 (January 21, 2011).

A new Chapter 1, HUMAN RESOURCES MANAGEMENT, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is added as follows:

100 BACKGROUND ON THE PERSONNEL MANAGEMENT SYSTEM

- 100.1 The personnel system for the District of Columbia government was established by the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (the "CMPA"), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.01 *et seq.*). A major requirement of the CMPA was the separation of the District's personnel system from the federal personnel system by January 1, 1980, except for the continued participation by District government employees in the federal Civil Service Retirement System (CSRS) and the federal health and life insurance programs for employees hired prior to October 1, 1987.
- 100.2 The CMPA is divided into "titles," and establishes the personnel management program that is applicable to individuals employed by the District government. Some of the provisions contained in the CMPA are self-implementing, others require implementing rules and regulations.

100.3 The Mayor has “personnel authority” over District government subordinate agencies under his or her direct administrative control, and may delegate that personnel authority, in whole or in part, to the Director of the D.C. Department of Human Resources (formerly named the D.C. Office of Personnel).

100.4 Other District agencies have been created as “independent agencies” and have “independent personnel authority” separate and apart from the Mayor. As provided in their establishment act or otherwise prescribed by law, certain independent agencies are required to adhere to all or some portions of Subtitle B of Title 6 of the D.C. Municipal Regulations (DCMR).

101 – 103 [RESERVED]

104 VARIATIONS

104.1 The Director of the D.C. Department of Human Resources (Director of the DCHR) may grant a variation from the D.C. personnel regulations issued pursuant to Section 404 of the CMPA (D.C. Official Code § 1-604.04 (2012 Repl.)), if:

- (a) There is a practical difficulty or unnecessary hardship in complying with the regulations;
- (b) The variation is within the spirit of the regulations;
- (c) The efficiency of the District government will be protected and promoted by the grant of the variation; and
- (d) The integrity of the Career, Legal, Excepted, Management Supervisory, or Executive Service, as applicable, will be protected and promoted by the grant of the variation.

104.2 Whenever a variation is granted, the Director of the DCHR shall publish on its website an issuance showing the following:

- (a) The particular practical difficulty or unnecessary hardship involved;
- (b) The variation being permitted, the difference from the requirements of the regulations, and to whom it applies;
- (c) The specific circumstances that protect or promote the efficiency of the District government and the integrity of a particular service or services; and
- (d) The steps that will be taken to limit the application of the variation only to the duration of the conditions that gave rise to it.

- 104.3 Like variations shall be granted whenever like conditions exist.
- 105 – 106 [RESERVED]**
- 107 APPOINTMENT AFFIDAVIT**
- 107.1 Each personnel authority shall designate in writing a person or persons authorized to administer the oath of office to each employee of an agency.
- 107.2 As provided in Section 408 of the CMPA (D.C. Official Code § 1-604.08 (2012 Repl.)), each employee of an agency shall swear or affirm to the following oath of office (Oath): “I, (employee’s name), do solemnly swear (or affirm) that I will faithfully execute the laws of the United States of America and of the District of Columbia, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States, and will faithfully discharge the duties of the office on which I am about to enter.”
- 107.3 As part of the oath, each employee shall execute the following:
- (a) An affidavit stating: “I have not, nor has anyone acting on my behalf, given, transferred, promised, or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.”; and
 - (b) An affidavit on the “Declaration of Appointee Form,” stating: “The answers in the Declaration of Appointee are true and correct and I have read and understand the information provided on the “Declaration of Appointee Form.”
- 107.4 The appointee, on the “Declaration of Appointee Form,” shall be required to provide information concerning the following:
- (a) Application for or receipt of an annuity under any District government civilian retirement system or other compensation based upon District [or federal?] government service; and
 - (b) Certification of notification of the prohibition to strike pursuant to Section 1705 of the CMPA (D.C. Official Code § 1-617.05 (2012 Repl.)).
- 107.5 The provision in Subsection 107.4(a) of this section shall not be applicable to elected officials and members of boards and commissions.
- 107.6 An individual initially appointed to the District government and any individual reappointed after a break in service of one (1) or more days shall take the Oath and execute the appointment affidavit as soon as administratively practicable, but not later than thirty (30) days after the effective date of his or her appointment.

- 107.7 An individual who refuses to swear or affirm to the Oath as provided in Subsections 107.3 or 107.6 of this section shall not be appointed or shall have his or her appointment terminated.
- 107.8 The appointment of an employee may become effective before the Oath is executed although the employee has no right to continued employment until the Oath is executed. The Oath, when executed, shall refer to the date of entrance on duty so as to entitle the employee to pay from that date.
- 107.9 The following shall apply when the Oath is administered on an individual or group basis:
 - (a) The person administering the Oath shall read the Oath aloud to the appointee(s);
 - (b) The appointee(s) taking the Oath shall stand, raise his or her right hand, and repeat the Oath aloud, except as provided in Subsection 107.10 of this section and with regard to any physical disability the appointee(s) may have that may necessitate reasonable accommodation;
 - (c) The appointee(s), after taking the Oath and in the presence of the person administering the Oath, shall sign the appointment affidavit; and
 - (d) The person administering the Oath, upon signature by the appointee(s) of the appointment affidavit, shall sign the appointment affidavit.
- 107.10 When a group of appointees is taking the Oath, the person administering the Oath may ask the appointees to swear or affirm to the Oath by saying “yes” after the oath is read aloud to them.
- 107.11 The Oath should be administered, if practicable, before the flags of the United States and District of Columbia.
- 107.12 The appointment affidavit shall be filed as a permanent record in each employee’s official personnel folder and a copy filed with the employing agency.
- 107.13 An individual who is retroactively restored to duty without a break in service shall not be required to again swear or affirm to the oath of office or execute a new appointment affidavit.
- 108 AMENDMENT TO PROVISIONS CONTAINED IN CHAPTER 4, ORGANIZATION FOR PERSONNEL MANAGEMENT**
- 108.1 Chapter 4 of these regulations will be amended and the provisions on variations and appointment affidavits, currently contained in that chapter, will be repealed.

108.2 Upon adoption and publication in the *D.C. Register* of the amended provisions for Chapter 4 under a Notice of Final Rulemaking, the provisions of this chapter shall govern as the policies on variations and appointment affidavits.

199 DEFINITIONS

The following definitions apply to this chapter:

Appointment affidavit – a document signed by an employee of an agency in which he or she swears or affirms to faithfully execute the laws of the United States of America and of the District of Columbia.

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

Days – calendar days, unless otherwise indicated.

D.C. Municipal Regulations (DCMR) – a compilation of all rules and regulations for the District government which are subject to the D.C. Administrative Procedure Act.

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

Independent agency – a board, commission, or agency of the District of Columbia government that is not subject to the administrative control of the Mayor (D.C. Official Code § 1-604.01(13)).

Personnel authority – an individual or entity with the authority to administer all or part of a personnel management program as provided in Title IV of the CMPA (D.C. Official Code § 1-603.01(17)).

Subordinate agency – an agency under the direct administrative control of the Mayor, including, but not limited to, agencies as provided in D.C. Official Code § 1-603.01(17) (2012 Repl.).

Variation – a temporary change in the D.C. personnel regulations issued pursuant to Section 404 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3,

1979 (D.C. Law 2-139; D.C. Official Code § 1-604.04 (2012 Repl.)), when there are practical difficulties and unnecessary hardships in complying with the regulations.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Mr. Justin Zimmerman, Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 340 North, Washington, D.C. 20001, or via email at justin.zimmerman@dc.gov. Additional copies of these proposed rules are available from the above address.

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING**

NOTICE OF PROPOSED RULEMAKING

The Commissioner of the Department of Insurance, Securities and Banking, pursuant to the authority set forth in Section 10 of the Holding Company System Act of 1993, effective October 21, 1993 (D.C. Law 10-44; D.C. Official Code § 31-701 (2013 Repl.)), and Section 4(a) of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective March 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-103(a)(1) (2013 Repl.)), hereby gives notice of his intent to adopt the following amendments to Chapter 16 (Insurance Holding Company System Regulations), of Title 26 (Insurance, Securities, and Banking), Subtitle A (Insurance), of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of these rules is to implement the recent amendments to the Holding Company System Act of 1993 relating to supervision and reporting of the enterprise risks of controlling persons of insurers, to enhance the disclosures in company management agreements, and to make other conforming amendments.

Chapter 16, INSURANCE HOLDING COMPANY SYSTEM REGULATIONS, of Title 26-A DCMR, INSURANCE, is amended as follows:

Section 1602, FORMS – GENERAL REQUIREMENTS, is amended as follows:

Subsection 1602.1 is amended by striking “Forms A, B, C, and D,” and inserting “Forms A, B, C, D, E and F”.

Subsection 1602.2 is amended by striking the second full sentence beginning with “A copy of Form C shall be filed” and “manually” in the third full sentence, so that the subsection reads as follows:

1602.2 Two complete copies of each statement including exhibits and all other papers and documents filed as a part thereof, shall be filed with Commissioner by personal delivery or mail addressed to: Department of Insurance, Securities and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002. At least one of the copies shall be signed in a manner prescribed on the form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

A new Subsection 1602.2a is added to read as follows:

1602.2a If an applicant requests a hearing on a consolidated basis under Section 4(g)(3A) of the Act, in addition to filing the Form A with the commissioner, the applicant

shall file a copy of Form A with the National Association of Insurance Commissioners (NAIC) in electronic form.

The first two sentences of Subsection 1602.3 are amended so that the subsection reads as follows:

1602.3 Statements should be prepared electronically. Statements shall be easily readable and suitable for review and reproduction. All copies of any statement, financial statements, or exhibits shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Statements shall be in the English language and monetary values shall be stated in U.S. currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

Section 1603, FORMS – INCORPORATION BY REFERENCE, SUMMARIES AND OMISSION, is amended as follows:

Subsection 1603.1 is amended by striking “Form A, Form B or Form D” in the first and second sentences and inserting “Form A, Form B, Form D, Form E or Form F”, and by striking “or paper” in the second full sentence, so that the subsection reads as follows:

1603.1 Information required by any item of Form A, Form B, Form D, Form E or Form F may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B, Form D, Form E or Form F, provided such document is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the Commissioner which were filed within three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

Section 1604, FORMS – INFORMATION UNKNOWN OR UNAVAILABLE AND EXTENSION OF TIME TO FURNISH, is amended as follows:

Subsection 1604.1 is REPEALED.

Subsection 1604.2 is amended by striking “may” in the lead-in language and inserting “shall”, so that the subsection reads as follows:

- 1604.2 If it is impractical to furnish any required information, document or report at the time it is required to be filed, there shall be filed with the Commissioner as a separate document
- (a) identifying the information, document or report in question;
 - (b) stating why the filing thereof at the time required is impractical; and
 - (c) requesting an extension of time for filing the information, document or report to specified date. The request for extension shall be deemed granted unless the Commissioner within (60) days after receipt thereof enters an order denying the request.

Section 1606, ADDITIONAL INFORMATION AND EXHIBITS, is amended by striking “Form A, Form B or Form D” in the first and last sentences and inserting “Form A, Form B, Form D, Form E or Form F”.

Section 1609, ACQUISITION OF SECTION 4(b) INSURERS, is amended to read as follows:

1609 ACQUISITION OF SECTION 4(b)(4) INSURERS; PRE-ACQUISITION NOTIFICATION

1609 Acquisition of Section 4(b)(4) Insurers

1609.1 If the person being acquired is deemed to be a “domestic insurer” solely because of the provisions of Section 4(b)(4) of the Act, the name of the domestic insurer on the cover page should be indicated as follows:

“ABC Insurance Company, a subsidiary of XYZ Holding Company”.

1609.2 Where a Section 4(b)(4) insurer is being acquired, references to the “the insurer” contained in Form A shall refer to both the domestic subsidiary insurer and the person being acquired.

1609a. Pre-Acquisition Notification

1609a.1 If a domestic insurer, including any person controlling a domestic insurer, is proposing a merger or acquisition pursuant to Section 4(b)(1) of the Act, that person shall file a pre-acquisition notification form, Form E, which was developed pursuant to Section 5(c)(2) of the Act.

- 1609a.2 If a non-domiciliary insurer licensed to do business in this state is proposing a merger or acquisition pursuant to section 5 of the Act, that person shall file a pre-acquisition notification form, Form E. No pre-acquisition notification form need be filed if the acquisition is beyond the scope of Section 5 as set forth in Section 5(b)(2).
- 1609a.3 In addition to the information required by Form E, the Commissioner may wish to require an expert opinion as to the competitive impact of the proposed acquisition.

Section 1611, SUMMARY REGISTRATION – STATEMENT FILING, Subsection 1611.1 is amended by striking the last full sentence, so that the subsection reads as follows:

- 1611.1 An insurer required to file an annual registration statement pursuant to Section 6 of the Act shall also furnish the required information on Form C, hereby made a part of these regulations.

Section 1615, TRANSACTIONS SUBJECT TO PRIOR NOTICE – NOTICE FILING, is amended by adding a new Subsection 1615.2 to read as follows:

- 1615.2 Agreements for cost sharing services and management services shall at a minimum and as applicable:
- (a) Identify the person providing services and the nature of such services;
 - (b) Set forth the methods to allocate costs;
 - (c) Require timely settlement, not less frequently than on a quarterly basis, and compliance with the requirements in the Accounting Practices and Procedures Manual;
 - (d) Prohibit advancement of funds by the insurer to the affiliate except to pay for services defined in the agreement;
 - (e) State that the insurer will maintain oversight for functions provided to the insurer by the affiliate and that the insurer will monitor services annually for quality assurance;
 - (f) Define books and records of the insurer to include all books and records developed or maintained under or related to the agreement;
 - (g) Specify that all books and records of the insurer are and remain the property of the insurer and are subject to control of the insurer;

- (h) State that all funds and invested assets of the insurer are the exclusive property of the insurer, held for the benefit of the insurer and are subject to the control of the insurer;
- (i) Include standards for termination of the agreement with and without cause;
- (j) Include provisions for indemnification of the insurer in the event of gross negligence or willful misconduct on the part of the affiliate providing the services;
- (k) Specify that, if the insurer is placed in receivership or seized by the commissioner under the State Receivership Act:
 - (1) all of the rights of the insurer under the agreement extend to the receiver or commissioner; and,
 - (2) all books and records will immediately be made available to the receiver or the commissioner, and shall be turned over to the receiver or commissioner immediately upon the receiver or the commissioner's request;
- (l) Specify that the affiliate has no automatic right to terminate the agreement if the insurer is placed in receivership pursuant to the State Receivership Act; and
- (m) Specify that the affiliate will continue to maintain any systems, programs, or other infrastructure notwithstanding a seizure by the commissioner under the State Receivership Act, and will make them available to the receiver, for so long as the affiliate continues to receive timely payment for services rendered.

A new Section 1618 is added to read as follows:

1618 ENTERPRISE RISK REPORT

1618.1 The ultimate controlling person of an insurer required to file an enterprise risk report pursuant to Section 5(k-1) of the Act shall furnish the required information on Form F, hereby made a part of these regulations.

Section 1699, DEFINITIONS, APPENDIX 16-1, FORM A, is amended as follows:

ITEM 2(c), IDENTITY AND BACKGROUND OF THE APPLICANT, is amended by striking the second full sentence beginning with "No affiliate need be . . .", so that the paragraph reads as follows:

- (c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. Indicate in such chart or listing the percentage of voting securities of each such person is maintained other than by the ownership or control voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (*e.g.* corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, set forth the title of the court, nature of proceedings and the date when commenced.

The lead-in language to ITEM 3, IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT, is amended by striking “State” and inserting “On the biographical affidavit, include a third party background check, and state”, so that the paragraph reads as follows:

On the biographical affidavit, include a third party background check, and state the following with respect to (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of 10% or more of the voting securities of the applicant if the applicant is not an individual.

ITEM 12(a), FINANCIAL STATEMENTS AND EXHIBITS, is amended by inserting “, and three-year financial projections of the insurer(s)” between “exhibits” and “shall”, so that the paragraph reads as follows:

- (a) Financial statements and exhibits and three-year financial projections of the insurer(s) shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

A new ITEM 13a is added, to read as follows:

ITEM 13a. AGREEMENT REQUIREMENTS FOR ENTERPRISE RISK MANAGEMENT

Applicant agrees to provide, to the best of its knowledge and belief, the information required by Form F within fifteen (15) days after the end of the month in which the acquisition of control occurs.

APPENDIX 16-2, FORM B, is amended as follows:

ITEM 2, ORGANIZATIONAL CHART, is amended by striking the second full sentence beginning with “No affiliate need be”, so that the paragraph reads as follows:

Furnish a chart or listing clearly presenting the identities of any interrelationships among all affiliated persons within the insurance holding company system. The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (*e.g.*, - corporation, trust, partnership) and the state or other jurisdiction of domicile.

ITEM 4, BIOGRAPHICAL INFORMATION, is amended to read as follows:

If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past five (5) years, and any conviction of crimes other than minor traffic violations. If the ultimate controlling person is an individual, furnish the individual's name and address, his or her principal occupation and all offices and positions held during the past five (5) years, and any conviction of crimes other than minor traffic violations.

ITEM 8(b), FINANCIAL STATEMENTS AND EXHIBITS, is amended to read as follows:

- (b) If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, the financial statements shall include the annual financial statements of the ultimate controlling person in the insurance holding company system as of the end of the person's latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis; or, unless the Commissioner otherwise requires, on a consolidated basis if consolidated statements are prepared in the usual course of business.

Other than with respect to the foregoing, such financial statement shall be filed in a standard form and format adopted by the National Association of Insurance Commissioners, unless an alternative form is accepted by the Commissioner. Documentation and financial statements filed with the Securities and Exchange Commission or audited GAAP financial statements shall be deemed to be an appropriate form and format.

Unless the Commissioner otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that the statements present fairly the

financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the Annual Statement of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of that state.

Any ultimate controlling person who is an individual may file personal financial statements that are reviewed rather than audited by an independent public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the *Personal Financial Statements Guide* by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent public accountants' Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.

ITEM 9, FORM C REQUIRED, is amended as follows:

A FORM C, Summary of Changes to Registration Statement, must be prepared and filed with this Form B.

APPENDIX 16-3, FORM C, is amended as follows:

The title of the form in APPENDIX 16-3, FORM C, is amended as SUMMARY OF CHANGES TO REGISTRATION STATEMENT.

APPENDIX 16-4, FORM D, is amended as follows:

ITEM 2, DESCRIPTION OF THE TRANSACTION, is amended by striking 2(c) and inserting the following:

- (c) A statement of how the transaction meets the 'fair and reasonable' standard in § 7(a)(1)(a) of the Act; and
- (d) The proposed effective date of the transaction.

ITEM 5, REINSURANCE, is amended to read as follows:

If the transaction is a reinsurance agreement or modification thereto, as described by Section 7(a)(2)(c)(ii) of the Act, or a reinsurance pooling agreement or modification thereto as described by Section 7(a)(2)(c)(i) of the Act, furnish a description of the known and/or estimated amount of liability to be ceded and/or assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the insurer and non-affiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one or more of the insurer's affiliates. Furnish a brief description of the consideration involved in the transaction, and a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given for reinsurance agreements or modifications thereto if the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or change in the insurer's liabilities in any of the next three years, in connection with the reinsurance agreement or modification thereto is less than five percent (5%) of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding. Notice shall be given for all reinsurance pooling agreements including modifications thereto.

ITEM 6, MANAGEMENT AGREEMENTS, SERVICE AGREEMENTS AND COST-SHARING ARRANGEMENTS, is amended by striking the period at the end of ITEM (d) and inserting a semi-colon and adding the following:

- (e) A brief statement as to the effect of the transaction upon the insurer's policyholder surplus;
- (f) A statement regarding the cost allocation methods that specifies whether proposed charges are based on "cost or market." If market based, rationale for using market instead of cost, including justification for the company's determination that amounts are fair and reasonable; and
- (g) A statement regarding compliance with the *NAIC Accounting Practices and Procedure Manual* regarding expense allocation.

A new APPENDIX 16-5, FORM E, is added to read as follows:

[To be used pursuant to the provision of Sec. 1609a.]

FORM E

PRE-ACQUISITION NOTIFICATION FORM REGARDING THE POTENTIAL
COMPETITIVE IMPACT OF A PROPOSED MERGER OR ACQUISITION BY A
NON-DOMICILIARY INSURER DOING BUSINESS IN THIS STATE OR BY A DOMESTIC
INSURER

Name of Applicant

Name of Other Person
Involved in Merger or
Acquisition

Filed with the Insurance Department of

Dated: _____, 20 _____

Name, title, address and telephone number of person completing this statement:

ITEM 1. NAME AND ADDRESS

State the names and addresses of the persons who hereby provide notice of their involvement in a pending acquisition or change in corporate control.

ITEM 2. NAME AND ADDRESSES OF AFFILIATED COMPANIES

State the names and addresses of the persons affiliated with those listed in Item 1. Describe their affiliations.

ITEM 3. NATURE AND PURPOSE OF THE PROPOSED MERGER OR ACQUISITION

State the nature and purpose of the proposed merger or acquisition.

ITEM 4. NATURE OF BUSINESS

State the nature of the business performed by each of the persons identified in response to Item 1 and Item 2.

ITEM 5. MARKET AND MARKET SHARE

State specifically what market and market share in each relevant insurance market the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five years and identify the source of such data. Provide a determination as to whether the proposed acquisition or merger, if consummated, would violate the competitive standards of the state as stated in Section 3.1D of the Act. If the proposed acquisition or merger would violate competitive standards, provide justification of why the acquisition or merger would not substantially lessen competition or create a monopoly in the state.

For purposes of this question, market means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state.

A new APPENDIX 16-6, FORM F, is added to read as follows:

[To be used pursuant to the provision of Sec. 1615a.]

FORM F

ENTERPRISE RISK REPORT

Filed with the Insurance Department of the State of _____

By

Name of Registrant/Applicant

On Behalf of/Related to Following Insurance Companies

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

Date: _____, 20____

Name, Title, Address and telephone number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

ITEM 1. ENTERPRISE RISK

The Registrant/Applicant, to the best of its knowledge and belief, shall provide information regarding the following areas that could produce enterprise risk as defined in Section 2 of the Act, provided such information is not disclosed in the Insurance Holding Company System Annual Registration Statement filed on behalf of itself or another insurer for which it is the ultimate controlling person:

- Any material developments regarding strategy, internal audit findings, compliance or risk management affecting the insurance holding company system;
- Acquisition or disposal of insurance entities and reallocating of existing financial or insurance entities within the insurance holding company system;
- Any changes of shareholders of the insurance holding company system exceeding ten percent (10%) or more of voting securities;
- Developments in various investigations, regulatory activities or litigation that may have a significant bearing or impact on the insurance holding company system;
- Business plan of the insurance holding company system and summarized strategies for next twelve (12) months;
- Identification of material concerns of the insurance holding company system raised by supervisory college, if any, in last year;
- Identification of insurance holding company system capital resources and material distribution patterns;
- Identification of any negative movement, or discussions with rating agencies which may have caused, or may cause, potential negative movement in the credit ratings and individual insurer financial strength ratings assessment of the insurance holding company system (including both the rating score and outlook);

- Information on corporate or parental guarantees throughout the holding company and the expected source of liquidity should such guarantees be called upon; and
- Identification of any material activity or development of the insurance holding company system that, in the opinion of senior management, could adversely affect the insurance holding company system.

The Registrant/Applicant may attach the appropriate form most recently filed with the U.S. Securities and Exchange Commission, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the form provides responsive information. If the Registrant/Applicant is not domiciled in the U.S., it may attach its most recent public audited financial statement filed in its country of domicile, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the financial statement provides responsive information.

ITEM 2. OBLIGATION TO REPORT.

If the Registrant/Applicant has not disclosed any information pursuant to Item 1, the Registrant/Applicant shall include a statement affirming that, to the best of its knowledge and belief, it has not identified enterprise risk subject to disclosure pursuant to Item 1.

Persons desiring to comment on these proposed rules should submit comments in writing to Phil Barlow, Associate Commissioner, Insurance Bureau, Department of Insurance, Securities, and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002, or by email at Philip.Barlow@dc.gov. Comments must be received not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the Department at the address above.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

NOTICE OF PROPOSED RULEMAKING

The Interim Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in Section 424a of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198; D.C. Official Code § 1-204.24(a), (2014 Repl.)), as amended by the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356, 120 Stat. 2019; D.C. Official Code §§ 1-204.24a(c)(6) (2014 Repl.)); the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306 (2012 Repl.)); the District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996; the Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996; and the Office of the Chief Financial Officer Financial Management Control Orders No. 97-15, issued May 15, 1997, and No. 96-16, issued September 24, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 15-11, issued April 14, 2015 (appointing Tracey Cohen Interim Executive Director of the District of Columbia Lottery and Charitable Games Control Board), hereby gives notice of the intent to amend Chapter 2 (Lottery Licenses) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The repeal of Section 208 (Instant Ticket Distribution Center Licenses) is necessary to conform Chapter 2 with current Agency practice, as the Agency's new security and operating procedures and guidelines prevent it from issuing Instant Ticket Distribution Center Licenses. Currently, no licensees hold Instant Ticket Distribution Center Licenses, and the Agency does not intend to issue this type of license in the future

The Interim Executive Director gives notice of the intent to adopt the following new provisions in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 2, LOTTERY LICENSES, of Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:

Section 208, INSTANT TICKET DISTRIBUTION CENTER LICENSES, is repealed in its entirety and RESERVED.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Antar Johnson, Senior Counsel, Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020, e-mailed to antar.johnson@dc.gov, or filed online at www.dcregs.gov. Additional copies of these proposed rules may be obtained at the address stated above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-184
July 21, 2015

SUBJECT: Delegation — Authority to the Director of the District Department of Transportation — Development and Submission of Statewide Transportation Improvement Program.


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) 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(6) and (11) (2014 Repl.), it is hereby **ORDERED** that:

1. The authority vested in the Mayor by 23 CFR §§ 450.216 and 450.218 to develop a statewide transportation improvement program and file with the Federal Highway Administration and Federal Transit Administration is delegated to the Director of the District Department of Transportation.
2. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.
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 2015-185
July 21, 2015

SUBJECT: Delegation — Authority to the Director of the District Department of Transportation under the Public Space Maintenance Contracting Authorization Amendment Act of 2014

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) 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(6) and (11) (2014 Repl.), it is hereby **ORDERED** that:

1. The authority vested in the Mayor by the Public Space Maintenance Contracting Authorization Amendment Act of 2014, effective May 2, 2015, D.C. Law 20-264; 62 DCR 6635, to enter into contracts, memoranda of agreement, or agreements for maintenance of public space and planning activities with a Business Improvement District or the DC Surface Transit, Inc. is delegated to the Director of the District Department of Transportation.
2. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 2, 2015.


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 2015-186
July 21, 2015

SUBJECT: Delegation — Authority to the Director of the District Department of Transportation to Serve on the Northeast Corridor Infrastructure and Operations Advisory Commission Member.


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) 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(6) and (11) (2014 Repl.), it is hereby **ORDERED** that:

1. Under the authority vested in the Mayor by 49 U.S. Code § 24905, Leif Dormsjo, Director of the District Department of Transportation (DDOT), shall serve as the District's representative on the Northeast Corridor Infrastructure and Operations Advisory Commission (Commission). Steve Strauss shall serve as the District's designated alternate member to the Commission. Mr. Dormsjo and Mr. Strauss shall serve at the pleasure of the Mayor.
2. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.
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 2015-187
July 21, 2015

SUBJECT: Delegation — Authority to the Director of the District Department of Transportation — District of Columbia Truck Size and Weight Certification

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) 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(6) and (11) (2014 Repl.), it is hereby **ORDERED** that:


1. The authority vested in the Mayor by 23 CFR §§ 657.13 and 657.15 is delegated to the Director of the District Department of Transportation to certify:
 - a. All District of Columbia laws and regulations governing vehicle size and weight are being enforced on those highways which, prior to October 1, 1991, were designated as part of the Federal-aid Primary, Federal-aid Secondary or Federal –aid Urban systems;
 - b. The District of Columbia is enforcing the freeze provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. § 127(d) and 49 U.S.C. § 31112); and
 - c. All District of Columbia Laws governing vehicle weight on the Interstate System are consistent with 23 U.S.C. §§ 127 (a) and (b).
2. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.

3. **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, JULY 29, 2015
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Protest Hearing (Status)* **9:30 AM**
Case # 15-PRO-00058; Yohannes A. Woldemichael, t/a Capitol Fine Wine & Spirits, 415 H Street NE, License #82981, Retailer A, ANC 6C
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 15-PRO-00055; AG Corporation, t/a Fairmont Liquor and Grocery 2633 Sherman Ave NW, License #80900, Retailer A, ANC 1B
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 15-PRO-00054; TM Liquors, t/a Big Ben Liquors, 1300 North Capitol Street NW, License #60652, Retailer A, ANC 5E
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 15-PRO-00051; KYS, Inc., t/a Kovaks Liquors, 1237 Mount Olivet Road NE, License #76573, Retailer A, ANC 5D
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 15-PRO-00053; Yi Kheng Ung Liquors, LLC, t/a Rose's Liquor, 830 Bladensburg Road NE, License #60822, Retailer A, ANC 5D
Application to Renew the License

Board's Calendar

July 29, 2015

Fact Finding Hearing*

9:30 AM

Balducci's Holding, LLC, t/a To Be Determined; 3201 New Mexico Ave NW

License #88667, Retailer B, ANC 3D

License in Safekeeping

Show Cause Hearing*

10:00 AM

Case # 15-AUD-00015; Café Europa, Inc., t/a Panache, 1725 Desales Street NW

License #60754, Retailer CR, ANC 2B

Failed to File Quarterly Statements (3rd Quarter 2014)

Show Cause Hearing*

11:00 AM

Case # 15-251-00032; Inner Circle 1413, LLC, t/a Tattoo, 1413 K Street NW

License #75156, Retailer CN, ANC 2F

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

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Fact Finding Hearing*

1:30 PM

Case # 14-251-00344; Inner Circle 1223, LLC, t/a Dirty Martini Inn Bar/Dirty

Bar, 1223 Connecticut Ave NW, License #83919, Retailer CN, ANC 2B

Person Injured Outside of the Establishment

Fact Finding Hearing*

2:00 PM

Beletech, Ltd, t/a Serv-U-Liquors; 1935 9th Street NW, License #60026, Retailer
A, ANC 1B

Request to Extend Safekeeping

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

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JULY 29, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On July 29, 2015 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#15-CC-00061 Best D C Supermarket, 1507 U ST NW Retailer A Retail - Liquor Store, License#: ABRA-075139

2. Case#15-CMP-00375 Sudhouse, 1340 U ST NW Retailer C Restaurant, License#: ABRA-075284

3. Case#15-CC-00057 The Green Turtle, 601 F ST NW Retailer C Restaurant, License#: ABRA-076676

4. Case#15-CC-00055 Oyamel, 401 7TH ST NW Retailer C Restaurant, License#: ABRA-075944

5. Case#15-CC-00052 Mate, 3101 K ST NW Retailer C Restaurant, License#: ABRA-072014

6. Case#15-251-00121 Echostage, 2135 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-090250

7. Case#15-CMP-00373 Expo Restaurant & Lounge, 1928 9th ST NW B Retailer C Restaurant, License#:ABRA-096122

8. Case#15-251-00122 Cedar Hill Bar & Grill / Uniontown Bar & Grill, 2200 MARTIN LUTHER KING JR AVE SE Retailer C Tavern, License#: ABRA-091887

9. Case#15-AUD-00079 B Cafe/Brookland Cafe, 3740 12TH ST NE Retailer C Restaurant,
License#: ABRA-083121

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, JULY 29, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement between ANC 7B and O'Connor's Liquors. *O'Connor's Liquors*, 2900 Minnesota Avenue S.E., Retailer A, License No.: 060231.

2. Review of Settlement Agreement between ANC 8A and Sunny's Liquors. *Sunny's Liquors*, 2400 Martin Luther King, Jr. Avenue S.E., Retailer A, License No.: 082349.

3. Review of Settlement Agreement between ANC 5E and Sosnick's Liquor. *Sosnick's Liquor*, 2318 4th Street, N.E., Retailer A, License No.: 072301.

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JULY 29, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for New Class C Multipurpose Facility. ANC 2B. SMD 2B07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Dupont Underground*, 1900 Massachusetts Avenue NW, Retailer CX, License No. 099436.
-

2. Review Application for Summer Garden Endorsement. ANC 6E. SMD 6E02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Zenebech Restaurant*, 608 T Street NW, Retailer CR, License No. 085946.
-

3. Review Application for Entertainment Endorsement. Entertainment to include live singers with a 2-piece instrument ensemble, poetry, comedy, spoken verse, and possibly a DJ. ANC 6E. SMD 6E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Philos Mezze and Wine Bar*, 401 Massachusetts Avenue NW, Retailer CT, License No. 097687.
-

***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.**

**DEPARTMENT OF BEHAVIORAL HEALTH
NOTICE OF FUNDING AVAILABILITY**

RFA: #RM0 HHI073115

DC Health Home Initiative for Individuals with Serious Mental Illness

Purpose/Description of Project

The District of Columbia Department of Behavioral Health (DBH) is soliciting applications for Health Home start-up grants to mental health providers. The purpose of this funding is to provide infrastructure development assistance to DBH-certified Core Service Agencies (CSAs) to hire and train Health Home staff. The funding is intended to support the initial expense of hiring Health Home staff, specifically the Health Home Director, Nurse Care Manager and Primary Care Liaison. The successful CSA will be expected to hire at minimum the Health Home Director and the Nurse Care Manager for at least one Health Home Team by November 15, 2015. The grant awards are intended to benefit consumers who need mental health services and who have or are at risk of developing chronic physical health care conditions.

Eligibility

Applicants must:

1. Be a certified CSA at the time this Notification of Funding Availability (NOFA) is published and have completed the DBH Health Home Readiness Assessment prior to application.
2. Agree to hire at least one Health Home Director, Nurse Care Manager and Primary Care Liaison by November 15, 2015.
3. Agree to participate in DBH-mandated Health Home training which is scheduled to begin on or about November 15, 2015.
4. Enter into a Grant Agreement with DBH and comply with Agreement requirements and conditions including, but not limited to: timetables with respect to hiring Health Home staff; establishment of Health Home Teams; participation in required training; and commitment to begin Health Home services on January 1, 2016.
5. Be awarded a Human Care Agreement for Health Home services prior to the grant award.

Length of Award

Grant awards will be made for a period of one (1) year from the date of award. Grant recipients will be expected to begin start-up activities by November 15, 2015.

Available Funding

Approximately \$465,190 is available to fund ten (10) CSAs, not to exceed \$46,519 under the DC Health Home Initiative for individuals with serious mental illness. Grants will be awarded by DBH utilizing funds provided through District of Columbia, Department of Behavioral Health local funding.

Anticipated Number of Awards

Total funds available for this grant opportunity shall not exceed ten (10) grant awards in amounts not to exceed \$46,519.

Request for Application (RFA) Release

The RFA will be released July 31, 2015. The RFA will be posted on the DBH website, www.dbh.gov under Opportunities, on the website of the Office of Partnerships and Grants, www.opgs.dc.gov under the District Grants Clearinghouse, and sent directly to all certified CSAs by confirmed e-mail or confirmed fax. A copy of the RFA may be obtained at the DBH, Adult Services Division office located at 64 New York Avenue, NE, Washington, DC 20002, 3rd Floor, from Oscar Morgan, Director during the hours of 8:15 a.m. – 4:45 p.m. beginning July 31, 2015.

Pre-Application Conference

A pre-application conference will be held at the DBH, 64 New York Avenue, NE, 2nd Floor, Room 242 on August 5, 2015 at 2:00 p.m. For more information, please contact Oscar Morgan, Director, Adult Services at oscar.morgan@dc.gov

Deadline for Applications

The deadline for submission is August 21, 2015 at 4:45 p.m. ET.

BRIDGES PUBLIC CHARTER SCHOOL**AND****BRIYA PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Fundamental and Enhanced Commissioning Services**

Briya Public Charter School and Bridges Public Charter School, through the Mamie D. Lee LLC partnership, are seeking competitive proposals for fundamental and enhanced commissioning services for a public charter school facility project. For a copy of the RFP, please email bkollar@programmanagers.com. Please use "RFP: Commissioning Services" in the subject line of the email. All proposals must be submitted by 2:00 pm on Friday, July 31, 2015.

CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY

REQUEST FOR PROPOSALS

IT Purchases 2015-2016 School Year

The Cesar Chavez Public Charter for Public Policy Schools is looking to purchase technology equipment, license agreements and technology services for the 2015-2016 school year.

More information, about the technical specifications, will be provided upon request to itbids@chavezschools.org

Email questions to itbids@chavezschools.org with the subject line as “**IT Purchases – 2015-2016**”.

Deadline for proposal submission is Friday July 31, 2015 - 12:00pm

**OFFICE OF DISABILITY RIGHTS
DC COMMISSION ON
PERSONS WITH DISABILITIES (DCCPD)**

2015 Meeting Schedule

**9:00 AM to 10:30 AM
441 4th St. NW
Washington, DC 20001
Toll Free: (866) 628-2987
Passcode: 8488992**

Thursday, January 22, 2015

Thursday, March 26, 2015

Thursday, May 28, 2015

Thursday, July 30, 2015

Thursday, September 24, 2015

Thursday, November 26, 2015

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2016

**The Temporary Assistance for Needy Families (TANF)
Out-of-School Time Grant Program****Request for Applications Release Date: August 10, 2015****Grant Application Submission Deadline: September 9, 2015**

The Office of the State Superintendent of Education (OSSE), Division of Early Learning, will issue a Request for Applications for the delivery of quality out-of-school time (OST) programs for students who are Temporary Assistance to Needy Families (TANF) recipients to attend after school and summer programs.

OSSE will award funding on a competitive basis for child care services (including before and after school care) to children ages birth through 13 years, including services through age 18 for children with disabilities, in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P. L. No. 104-193, 42 U.S.C. §§ 601 *et seq.*; D.C. Official Code § 4-201.01 *et seq.*), as amended. This TANF funding will be made available to OSSE from the District of Columbia Department of Human Services (DHS). Funding for this award is made, and is contingent on continued funding from DHS.

Eligible Applicants: Local education agencies (LEAs), community-based, non-profit and for-profit, organizations that provide after school and summer programming in the District of Columbia.

Length of Award: This is a two (2)-year award that either party can cancel with cause.

Available Funding for Awards: There is a total of \$6,500,000 available. Eligible applicants may apply for any amount up to the full amount but may be awarded amounts less than requested.

Award Period: The funds must be used between October 1, 2015, and September 30, 2017.

A review panel or panels will be convened to review, score, and rank each application. The review panel(s) will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. The application will be scored against a rubric and application 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). OSSE's Division of Early Learning will make all final award decisions.

For more information contact:

Office of the State Superintendent of Education
Division of Early Learning
810 First Street, NE, 9th Floor Washington, DC 20002
OSSE.DELgrants@dc.gov

The Request for Applications (RFA) will be available on OSSE's website at www.osse.dc.gov. Applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

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 District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6120-R2 to The George Washington University to operate one Generac 100 kWe emergency generator set with a 158 hp diesel-fired engine, located at Cole Hall of The George Washington University, Mount Vernon Campus, as shown below. The contact person for the facility is Alicia Knight, Senior Associate Vice President for operations at (202) 994-2371.

Emergency Generator to be Permitted

Equipment Location	Address	Equipment Size	Model Number	Serial No.
Mount Vernon Campus, Cole Hall	2100 Foxhall Road NW Washington, DC	100 kW (158 hp)	4045HF2 85HIJ	PE4045L 041605

The proposed emission limits are as follows:

- a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
4.0	5.0	0.30

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition (b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
 - 1. 20 percent during the acceleration mode;
 - 2. 15 percent during the lugging mode;

3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated annual emissions from the generator engine (assuming 500 hours per year of operation) are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.253
Oxides of Nitrogen (NO _x)	1.18
Total Particulate Matter , PM (Total)	0.0827
Volatile Organic Compounds (VOCs)	0.0960
Sulfur Dioxide (SO ₂)	0.0004

The application to construct and operate the generator set, the draft renewal permit, and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after August 24, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

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 District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6248-R1 to AT&T Communications of Washington DC, LLC to operate an existing 500 kW emergency generator set with a 765 HP diesel fired engine at the AT&T Communications of Washington DC, LLC property located at 1331 F Street NW, Washington DC. The contact person for the facility is Jaylana Bolden, Assistant Secretary, at (214) 748-5702.

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 public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after August 24, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

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 District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6617-R1 to the Washington Metropolitan Area Transit Authority (WMATA) to operate a 2,000 kW emergency generator set with 3,058 HP diesel fired engine at the Shepherd Parkway Bus Facility located at 2 DC Village Lane SW, Washington DC 20032. The contact person is Carla Grano at (202) 962-5077.

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 public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after August 24, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

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 District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #7009 to RG-1101 K, LLC (the Permittee) to operate a 400 kWe MTU Detroit Diesel S series emergency generator set with a 635 HP diesel-fired engine at 1101 K Street NW, Washington, DC 20005. The contact person for the facility is Kenneth Doss, Lead Engineer, at (202) 589-0439.

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 public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after August 24, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

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 District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #7013 to Mullen Management Company, Inc. to operate one (1) 200 kWe emergency generator set with a 306 hp diesel fired engine at 901 15th Street NW, Washington DC 20005. The contact person for the facility is Kasara Williams, Associate Vice President, at (202) 289-0749.

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the emergency generator set, assuming 500 hours of operation per year, are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.5110
Oxides of Nitrogen (NO _x)	2.3715
Total Particulate Matter (PM Total)	0.1683
Oxides of Sulfur (SO _x)	0.1568
Volatile Organic Compounds (VOCs)	0.1923

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 public hearing on this subject within 30 days of publication of this notice. The written comments must also include the

person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after August 24, 2015 will be accepted.

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

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
July 29, 2015

On JULY 29, 2015 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 8:30 am until 10:30 am to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be open to the public from 10:30 am to 11:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Interim Executive Director for the Board – Rikin S. Mehta, PharmD, JD, LLM

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION
TITLE V BLOCK GRANT
NOTICE OF FUNDING AVAILABILITY**

Request for Applications # CHA_MCHS080715

Maternal and Child Health Services Block Grant

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA) is soliciting applications from qualified applicants for funding under the U. S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health (MCH) Services Title V Block Grant Program (BO4MC28090).

The purpose of the MCH Title V program is to assist states in the design and implementation of comprehensive, community-based systems of care to address the needs of women (before, during and after pregnancy and childbirth), infants, children, and adolescents, including children and youth with special health care needs (CYSHCN).

Approximately \$2 million of the MCH Block Grant will be available to fund eligible organizations for one year (12 months) beginning October 1, 2015 and ending September 30, 2016. Organizations and entities eligible to apply for funding under this announcement include not-for profit, public and private organizations located and licensed to conduct business within the District of Columbia and experienced in providing maternal and child health services. Grant awards are made annually with up to 4 option years contingent on demonstrated progress by the recipient on achieving performance objectives and the continued availability of funds.

The release date for RFA # CHA_MCHS080715 is August 7, 2015 and the deadline for submission of applications is Friday September 4, 2015 at 4:00 pm. CHA will have copies of the complete RFA available for pick up at 899 N. Capitol Street, NE, 3rd Floor reception area. Applicants can download a copy from the DC Grants Clearinghouse website at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>.

The Pre-Application conference will be held at 899 N. Capitol Street, NE, 3rd Floor Conference Room 306, Washington, DC 20002, on **Friday, August 14, 2015**, from 2:00pm – 3:00 pm.

If you have any questions please contact Bryan Cheseman at bryan.cheseman@dc.gov or at (202) 442-9339.

**DEPARTMENT OF HEALTH
HIV/AIDS, HEPATITIS, STD, & TB ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY
AMENDED
RFA# HAHSTA_FBHP070615**

FY2016 HIV Facility Based Housing with Supportive Services

This notice supersedes the notice published in DC Register on 6/12/2015 volume 62/25

The Government of the District of Columbia, Department of Health HIV/AIDS, Hepatitis, STD, & TB Administration (HAHSTA) is soliciting applications from qualified applicants to provide Facility-Based Housing (FBH) programs for HIV positive individuals and their families at risk for continued or chronic homelessness needing assistance to access or maintain permanent housing placement.

Up to \$1,300,000 in Housing Opportunity for Persons with AIDS (HOPWA) funds from the U.S. Department of Housing and Urban Development (HUD) will be made available in FY2016. HAHSTA intends to grant up to four (4) awards projected to begin October 1, 2015 through September 30, 2016. The awards and the amounts of each are contingent upon availability of funds. Two subsequent option years are dependent upon successful implementation and availability of funds.

The following entities are eligible to apply for grant funds under this RFA: not-for-profit providers operating as housing programs. All awards will be made to organizations located and providing services within the District of Columbia.

HAHSTA will be seeking applications that will offer comprehensive services for timely transition of participants to either self-supported permanent housing or a permanent supportive housing setting. Successful programs will include services to determine self-sufficiency or transition to supportive settings, establish linkages with relevant services (e.g., behavioral health, job preparation, employment placement, treatment adherence support, among others), and provide available services to clients waiting for housing services and resources.

The release date of RFA# HAHSTA_FBHP070615 is Monday, July 6, 2015. The District of Columbia, Department of Health, HIV/AIDS, Hepatitis, STD & TB Administration will have the complete RFA available for pick up at 899 North Capitol Street, NE, 4th Floor and on the internet at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> Monday, July 6, 2015.

The Request for Application (RFA) submission deadline is 4:45 PM on Monday, August 17, 2015. The Pre-Application conference will be held in the District of Columbia at 899 North Capitol, NE, 4th floor Conference Room, Washington, DC 20002, on July 14, 2015, from 1:00 PM to 3:00 PM. If you have any questions, please contact Minozka.King-Silber@dc.gov via email or by telephone at (202) 741-0893.

DISTRICT OF COLUMBIA HOUSING AUTHORITY
BOARD OF COMMISSIONERS

NOTICE OF PUBLIC MEETINGS

1133 NORTH CAPITOL STREET, NORTHEAST
WASHINGTON, DC 20002-7599
202-535-1000

The regular meetings of the Board of Commissioners of the District of Columbia Housing Authority (“DCHA”) are held in open session on the second Wednesday of each month. Here are revised dates, times and locations of the meetings for the remainder of this year 2015 as set forth below:

August 12, 2015	CANCELLED	1:00 p.m.
September 9, 2015	1133 North Capitol St., N.E.	1:00 p.m.
October 14, 2015	Potomac Gardens 1225 G Street, S.E. Washington, D.C. 20003	1:00 p.m.
November 12, 2015	Stoddert/Fort Dupont Dwellings 155 Ridge Road, S.E. Washington, D.C. 20019	1:00 p.m. *
December 9, 2015	Annual & Regular meeting 1133 North Capitol St., NE	1:00 p.m.

*Thursday, November 12, 2015 – (Wed. Nov. 11, 2015 is Veterans Day, a legal holiday)

{Notice of Monthly Meetings 2015-rev.July 2015 -}

IDEA PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

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

- Debt Refinancing Services
- Legal Counsel for Debt Refinancing

Please go to www.ideapcs.org/requests-for-proposals to view a full RFP offering, with more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Monday, August 3, 2015.

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

BIDS@ideapcs.org.

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

IMAGINE HOPE COMMUNITY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Information Technology Services**

Imagine Hope Community Charter School is requesting proposals to provide information technology services. This request for proposal is for the purpose of entering into a contract to provide services for Imagine Hope Public Charter Schools at the Lamond Campus, 6200 Kansas Avenue NE, Washington, DC 20011 and the Tolson Campus, 2917- 8th Street, NE, Washington, DC 20017.

Imagine Hope PCS reserves the right to cancel this RFP at any time.

Deadline for submissions is Friday, July 31, 2015 by 9:00 am. Bids received after this date and time will not be considered.

Please e-mail proposals and supporting documents to Linda Patton at Linda.patton@imagineschools.com.

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

**Judicial Tenure Commission Begins Review Of
Judge Herbert B. Dixon, Jr.**

This is to notify members of the bar and the general public that the Commission is reviewing the qualifications of **Judge Herbert B. Dixon, Jr.** 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.

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 Judge Dixon 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 **September 3, 2015**, 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
dc.cjdt@dc.gov

The members of the Commission are:

Hon. Gladys Kessler, Chairperson
Jeannine C. Sanford, Esq., Vice Chairperson
Michael K. Fauntroy, Ph.D.
Hon. Joan L. Goldfrank
William P. Lightfoot, Esq.
David P. Milzman, M.D.
Anthony T. Pierce, Esq.

BY: /s/ Gladys Kessler
Chairperson

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-46

March 18, 2015

Mr. Charles A Moran, Esq.

RE: FOIA Appeal 2015-46

Dear Mr. Moran:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a)(2001) ("DC FOIA"), dated March 9, 2015 (the "Appeal"). You ("Appellant") assert that District of Columbia Public Schools ("DCPS") improperly withheld records in response to your request for information under DC FOIA dated January 12, 2015 (the "FOIA Request") by failing to respond to the FOIA Request.

Appellant's FOIA Request sought records relating to policies, guidelines, directives, position statements of any documents intended to inform agency decisions related to "the determination of placement of, least restrictive environment for, or location services for students identified to be eligible for special education and related services under the federal Individuals with Disabilities Education Act, 20 U.S.C § 1400 et seq." When a response to the FOIA Request asserted that the records were exempt from disclosure under D.C. Code § 2-534(a)(4), Appellant initiated the Appeal.

Subsequent to the Appeal, by email dated March 16, 2015, Appellant notified DCPS that the Appeal was being withdrawn because DCPS had since provided you with the policy as originally requested and clarified which additional responsive documents were being withheld and why.

Based on the foregoing, we will now consider your Appeal to be moot and it is dismissed, without prejudice to challenge the response of DCPS.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you are free under DC FOIA to commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia.

Sincerely,

/s/ Sarah J Forman

Sarah Jane Forman
Associate Director
Mayor's Office of Legal Counsel (MOLC)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-47**

March 24, 2015

VIA ELECTRONIC MAIL

Mr. Alan Gambrell

RE: FOIA Appeal 2015-47

Dear Mr. Gambrell:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA") dated March 6, 2015, which this office received on March 11, 2015. In your appeal, you assert that the Department of Consumer and Regulatory Affairs ("DCRA") improperly withheld records you requested under the DC FOIA.

Background

On January 16, 2015, you submitted a request under the DC FOIA to the DCRA seeking "emails, drawings, plans, permit requests, permit approvals, telephone records, and visual voicemails regarding the building permits, issuance of a Stop Work Order on or about late November to early December 2014, and lifting of the Stop Work Order on 1636 Argonne Place, NW, Washington, DC, on or about December 19, 2014." You then made five (5) specific requests related to calculations used to determine the Floor Area Ratio and Lot Occupancy for 1636 Argonne Place, NW ("Property").

The DCRA responded to your request on March 3, 2015. In its response, DCRA provided you with a copy of the stop order you requested and advised that the information you sought pertaining to permits, drawings, permit requests, permit approvals and plans is publicly available at the DCRA Permit Center Records Room ("Records Room"). DCRA further provided you with the address and phone number of the Records Room.

On appeal, you challenge the DCRA's response to your request, contending that the response does not address information you are seeking, despite the fact that it is specific in terms of format, dates, and parties, and that although FOIA states that building permits and building plans are available from the DCRA Records Room, "such information is still not available from DCRA."

DCRA responded to your appeal in correspondence to this office dated March 16 and 23, 2015. The DCRA stated that as of March 13, 2015, you have obtained from the Records Room the

permit file for B1409228 and the first 17 pages of the permit file for B1404813.¹ DCRA explained that some of the information you are seeking has not yet become available in the Records Room because the agency is in the process of converting its permits and plans to digital format, and large format plans and documents for permits like B1404813 and B1409228 have not yet been scanned. According to DCRA, in these instances members of the public have the option of requesting that an authorized third party printing service retrieve specific plans and print copies at the requester's expense. DCRA stated that you have already done this for a number of documents. By way of further explanation, DCRA's assistant general counsel noted that "Since DCRA is in the process of converting to all-digital submissions, it may be that the DCRA Records Staff assumed that the permit and plans had been a hard copy submittal, and so were not able to retrieve the digital file. I will confirm if there are any additional plans in digital format, and if so, will submit them to Mr. Gambrell."

With regard to building permit application B1502210, DCRA indicated that the Records Room staff correctly informed you that this permit has not been issued because of an outstanding invoice. Once the fee is paid, the permit will be issued and the plans will be made publicly available in the Records Room.

DCRA addressed your contention that you have been denied specific calculations and specific information used to arrive at determinations as follows:

. . . FOIA provides for release of records, not "specific calculations" or "specific information" as requested by Mr. Gambrell, unless included in a record. For this reason, no records have been identified that respond to Mr. Gambrell's requests – except for emails referred to below. No records correspond to Mr. Gambrell's request because under the building and zoning permitting process, applicants are responsible for submitting plans and supporting documentation sufficient to enable the Zoning Administrator to confirm compliance with the Zoning Regulations. The Zoning Administrator therefore refers to, and uses, an applicant's plans and supporting documents in determining if the proposed project conforms with the Zoning Regulations, with any calculation based on the measurements included in the plans and documents. The "formulas" used to calculate various zoning requirements are based on the Zoning Regulations (Title 11 of the DCMR) and generally do not require an additional interpretive "formula" – for example the inclusion of a "basement" but not a "cellar" in the calculation of FAR (floor area ratio) is based on the definitions of "basement", "cellar", "gross floor area" and "floor area ratio", all in 11 DCMR 199.1. As a result, there is generally no separate "record" of a calculation used to determine if a particular proposed project conforms to the Zoning Regulations,

¹ DCRA indicated that only the first 17 pages of the permit file are available in the Records Room, and, as a result, the agency will be mailing you a hard copy of the entire permit file.

since the evidence of compliance is in the plans and documents submitted with the building permit application.

Lastly, with respect to the emails you are seeking related to the stop work order, DCRA acknowledged that it inadvertently failed to respond to this aspect of your request and stated that it is in the process of compiling responsive email messages to produce to you.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect ... and ... copy any public record of a public body ...” *Id.* at § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987), and decisions construing the federal statute may be examined to construe the local law.

Your appeal consists of requests for three types of records: building permits and plans, calculations, and emails. Building permits and plans are publicly available in the DCRA’s Records Room, and to date you have obtained some of the information you are seeking from the Records Room. Because DCRA is in the process of converting its permits and plans to digital format, some of the information you have requested has not yet been scanned; however, the agency’s assistant general counsel has indicated that he will review the files to determine if any additional plans in digital format exist that you have not yet obtained, and he will provide these to you.

In your appeal you maintain that the specific calculations you have requested are not available in the Records Room and that DCRA has “fail[ed] to respond to FOIA request for information that serves as basis for administrative determination as documented in agency emails and calculation forms.” Under the DC FOIA, an agency is required to disclose materials if they were “retained by a public body.” D.C. Official Code § 2-502(18). In *United States Dep’t of Justice v. Tax Analysts*, 492 U.S. 136, 144-45 (1989), based on its prior decisions, the Supreme Court set forth two requirements that must be satisfied for records to qualify as “agency records”: first, an agency must either create or obtain the materials, and second, the agency must be in control of the requested materials when the FOIA request is made.

As DCRA explained at length in its response to your appeal and relayed in page 3 of this correspondence, there is generally no record of a calculation used to determine whether a particular proposed project conforms to the Zoning Regulations, “since the evidence of compliance is in the plans and documents submitted with the building permit application.” In other words, if written calculations of the nature you are seeking exist, they would be contained in the permit files that have been or will be made available to you. The DCRA has not withheld

any calculations from you; they are maintained as agency records in the permit files in the Records Room or they do not exist in writing for the reasons described above in DCRA's response to your appeal.

Lastly, with respect to the emails you have requested, DCRA has acknowledged that it has not yet produced these and is in the process of compiling them to be released.

Conclusion

Based on the foregoing, we hereby issue the following decisions:

- (1) With respect to the building permits and plans that you have requested, we remand this aspect of your appeal to the DCRA to determine what has not yet been produced to you and to make these records available within five business (5) days of the date of this decision;
- (2) With respect to your request for specific calculations and information used to arrive at zoning determinations, we uphold the decision of the DCRA on the grounds that any responsive written records that exist are or will be made available in the Records Room; and
- (3) With respect to the emails you are seeking, DCRA shall produce them to you, subject to appropriate exemptions under the DC FOIA, within five business (5) days of the date of this decision.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s/ Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Maximilian L.S. Tondro, Assistant General Counsel (DCRA)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-48**

March 24, 2015

VIA ELECTRONIC MAIL

Ms. Lisa Holden

RE: FOIA Appeal 2015-48

Dear Ms. Holden:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA") dated March 7, 2015, which this office received on March 11, 2015. In your appeal, you assert that the Department of Consumer and Regulatory Affairs ("DCRA") improperly withheld records you requested under the DC FOIA.

Background

On January 20, 2015, you sent a request under the DC FOIA to the DCRA stating, "Abdullahi Barrow, P.E. (No. PE904867) is the professional engineer who provided structural engineering services related to 720 North Carolina Avenue in Washington, DC beginning on December 22, 2014. We would like any and all details about how he acquired his Professional Engineering License, the date that he acquired his Professional Engineering license, his educational details and any infractions and disciplinary proceedings that he may have been cited for."

DCRA responded to your request on March 3, 2015, stating that "a search of our records was conducted for documentation of any licensing documentation or any related records as requested. This search of our records revealed NO documents responsive to your request."

On appeal, you contend that based on DCRA's response, it appears that Abdullahi Barrow is not a licensed professional engineer in the District of Columbia as there appears to be no records on file pertaining to his licensing. You then ask for confirmation of whether Mr. Barrow was a professional engineer licensed to conduct business in the District of Columbia on December 22, 2014.

DCRA responded to your appeal in correspondence to this office on today's date. DCRA's FOIA officer explained that in response to your initial request, he contacted the Office of Occupational and Professional Licensing ("OPLA"), a division of DCRA, to inquire whether OPLA had records of Mr. Barrow's application for professional license. OPLA responded that it did not have a copy of Mr. Barrow's application for licensure but it had a copy of Mr. Barrow's certification of licensure. OPLA further advised that no disciplinary actions had been taken

against Mr. Barrow's license. DCRA's FOIA officer informed this office that because your request did not ask for a copy of Mr. Barrow's license, he did not provide one to you.

Discussion

It is the public policy of the District of Columbia that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right "to inspect ... and ... copy any public record of a public body ..." *Id.* at § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request.

Under the law, an agency "has no duty either to answer questions unrelated to document requests or to create documents." *Zemansky v. United States EPA*, 767 F.2d 569, 574 (9th Cir. 1985). The law only requires the disclosure of nonexempt documents, not answers to interrogatories. *Di Viaio v. Kelley*, 571 F.2d 538, 542-543 (10th Cir. 1978). "FOIA creates only a right of access to records, not a right to personal services." *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985). *See also Brown v. F.B.I.*, 675 F. Supp. 2d 122, 129-30 (D.D.C. 2009). The request you submitted to DCRA consisted largely of questions (e.g., "We would like any and all details about how he acquired his Professional Engineering License"), and agencies are not required to respond to interrogatories under the DC FOIA. Nevertheless, in this instance we believe that DCRA should construe your interrogatories as a document request and produce Mr. Barrow's licensure of certification.

Conclusion

Based on the foregoing, we remand this matter to DCRA to provide you with a copy of Mr. Barrow's licensure of certification within five (5) business days of the date of this decision.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Maximilian L.S. Tondro, Assistant General Counsel, DCRA (via email)
Brandon Bass, FOIA Officer, DCRA (via email)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-49

March 17, 2015

Mr. Gerald Malloy

RE: FOIA Appeal 2015-49

Dear Mr. Malloy:

I am writing in response to your letter dated February 19, 2015, to the Mayor requesting that action be taken against the Metropolitan Police Department ("MPD"), the Department of Corrections ("DOC"), the Superior Court of the District of Columbia, and Howard University Hospital because these entities failed to respond to requests you submitted to them under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-531 ("DC FOIA").

In accordance with D.C. Official Code § 2-537, the Mayor reviews appeals under DC FOIA for decisions issued by District agencies. The Superior Court of the District of Columbia and Howard University Hospital are not District agencies, therefore we are unable to address the document requests you sent to them.

As for the MPD and the DOC, a District agency has fifteen (15) business days to respond to a request submitted under the DC FOIA and may invoke an extension of an additional ten (10) business days in certain circumstances. *See* D.C. Official Code § 2-532(c) and (d). The MPD received your request on March 3, 2015, and is therefore still within the statutory timeframe to respond. The DOC received your request on February 19, 2015, and sent you responsive documents on March 12, 2015. Since the DOC has responded to your request and the MPD's response is pending, your appeal is hereby dismissed without prejudice; provided, that you may assert any challenges to the responses of the DOC and the MPD by separate appeal.

Sincerely,

/s/ Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald Harris, Esq., MPD (via email)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-50

March 20, 2015

VIA ELECTRONIC MAIL

Mr. Hafizur M. Rahman

RE: FOIA Appeal 2015-50

Dear Mr. Rahman:

I am writing in response to an email message you sent to the Mayor on March 15, 2015, captioned "FOIA Appeal." The documents attached to your email message consist of letters you received from two federal agencies regarding diversity visas and consular documents. You also emailed the Mayor a document that appears to be requesting employment and visa number information.

In accordance with D.C. Official Code § 2-537, the Mayor reviews appeals under the District of Columbia Freedom of Information Act ("DC FOIA") of decisions issued by District agencies. It appears from your correspondence that you are seeking information from or challenging decisions made by federal agencies. Since the Mayor does not have jurisdiction over non-District agencies, we are unable to assist you and hereby dismiss your appeal. Should you wish to challenge a decision rendered by a District agency under the DC FOIA, you may submit a separate appeal with relevant information.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s/ Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-51**

April 10, 2015

VIA ELECTRONIC MAIL

Mr. Ronald Lewis

RE: FOIA Appeal 2015-51

Dear Mr. Lewis:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), dated March 20, 2015 (the "Appeal"). You, ("Appellant") assert that the District of Columbia Department of Behavioral Health ("DBH") failed to provide information pursuant to your DC FOIA request.

Background

On February 20, 2015, you submitted a FOIA request under the DC FOIA to the DBH seeking the following:

- A copy of all documentation bearing your name, Ronald Lewis and pertaining to the position of "Mental Health Counselor 23281", from the date of October 1, 2013 to January 31, 2014.
- This documentation should consist of all media and written material to include emails, letters, memos, faxes, text messages, voice-mail messages and etc. that was sent or received by any person employed with the District of Columbia government dates cited.

Particular interest is based on all documentation generated within the following dates.

- On October 1, 2013 I successfully submitted an application for the position of Mental Health Counselor (23281).
- On October 29, 2013, I was contacted by Solomon Igwulu, RN and scheduled for an interview.
- On Monday, October 30, 2013 at 10:00 am, I was interviewed for the position.

You submitted similar FOIA requests on February 10, 2015, March 2, 2015 and again on March 13, 2015 related to Mental Health Counselor positions 26416 and 23281.

In a letter response, dated March 12, 2015, the DBH notified you that it had completed its search under DC FOIA and informed you that District of Columbia employment law exempts from disclosure information that is of a private nature such as the names of applicants who were interviewed for a position. All other responsive information and records located pursuant to your DC FOIA request were then provided with the exception of the redacted names of other applicants who were interviewed for the position.

In response to the filing of the Appeal, the DBH contends that it conducted another search for documents, including emails, texts and phone messages mentioning or bearing your name, regarding the mental health counselor position(s), but no additional documents were identified.

On appeal, you state that the DBH “failed to provide the requested information, and failed to provide the requested information in a timely manner, in accordance to established District of Columbia law.” The DBH sent you correspondence requesting additional information and clarification as to your request(s), but did not receive a response. The DBH also requested that you send a single request so as to limit any potential confusion from multiple requests which could delay production of the requested information. As the DBH has responded to your DC FOIA request, the assertion that the DBH failed to provide the requested information portion of your appeal is rendered moot. The only matter left to be addressed is whether the redacted information provided is consistent with DC FOIA law.

Discussion

It is the public policy of the District of Columbia (“the District”) that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-537(a). In aid of that policy, DC FOIA created the right “to inspect ... and ... copy any public record of a public body ...” *Id.* at § 2-532(a).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987), and decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

District of Columbia Official Code § 2-534(a)(2) (“Exemption (2)”) provides for an exemption from disclosure for “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” By contrast, District of Columbia Official Code § 2-534(a)(3)(C) (“Exemption (3)(c)”) provides an exemption for disclosure for “[i]nvestigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such records would ... (C) Constitute an unwarranted invasion of personal privacy.” It should be noted that the privacy language in this exemption is broader than in Exemption (2). While Exemption (2) requires that the invasion of privacy be “clearly unwarranted,” the adverb “clearly” is omitted from Exemption 3(C). Thus the standard for evaluating a threatened invasion of privacy interest under Exemption 3(C) is broader than under Exemption (2). See *United States DOJ v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 756 (1989). In this case, because it involves personnel, not investigatory records compiled for law-enforcement purposes, the matter would be judged by the standard for Exemption (2).

An inquiry under a privacy analysis under FOIA turns on the existence of a sufficient privacy interest and a balancing of such individual privacy interest against the public interest in disclosure. See *United States DOJ v. Reporters Comm for Freedom of Press*, 489 U.S. 749, 756

(1989). The first part of the analysis is to determine whether there is a sufficient privacy interest present.

[A]n employee has at least a minimal privacy interest in his or her employment history and job performance evaluations. See *Department of the Air Force v. Rose*, 425 U.S. 352, 48 L. Ed. 2d 11, 96 S. Ct. 1592 (1976); *Simpson v. Vance*, 208 U.S. App. D.C. 270, 648 F.2d 10, 14 (D.C. Cir. 1980); *Sims v. CIA*, 206 U.S. App. D.C. 157, 642 F.2d 562, 575 (D.C. Cir. 1980). That privacy interest arises in part from the presumed embarrassment or stigma wrought by negative disclosures. See *Simpson*, 648 F.2d at 14. But it also reflects the employee's more general interest in the nondisclosure of diverse bits and pieces of information, both positive and negative, that the government, acting as an employer, has obtained and kept in the employee's personnel file.

Stern v. FBI, 737 F.2d 84, 91 (D.C. Cir. 1984).

There is cognizable and sufficient privacy interest in information about an individual contained in employment applications and relating to the employment process. *Core v. United States Postal Service*, 730 F.2d 946 (4th Cir. 1984); *Barvick v. Cisneros*, 941 F. Supp. 1015 (D. Kan. 1996). A selection certificate is a document prepared in the course of a hiring process which identifies suitable candidates, with rankings culled from a broader pool of applicants, for submission to a selecting official for a hiring decision. There is an individual privacy interest in the names and information on the selection certificate.

As stated above, the second part of a privacy analysis must examine whether the public interest in disclosure is outweighed by the individual privacy interest. The Supreme Court has stated that this must be done with respect to the purpose of FOIA, which is

“to open agency action to the light of public scrutiny.” *Department of Air Force v. Rose*, 425 U.S., at 372 ... This basic policy of ‘full agency disclosure unless information is exempted under clearly delineated statutory language,’ *Department of Air Force v. Rose*, 425 U.S., at 360-361 (quoting S. Rep. No. 813, 89th Cong., 1st Sess., 3 (1965)), indeed focuses on the citizens’ right to be informed about “what their government is up to.” Official information that sheds light on an agency’s performance of its statutory duties falls squarely within that statutory purpose. That purpose, however, is not fostered by disclosure of information about private citizens that is accumulated in various governmental files but that reveals little or nothing about an agency’s own conduct.

United States DOJ v. Reporters Comm. for Freedom of Press, 489 U.S. 749, 772-773 (1989).

The DBH states that it has conducted a full and complete search for the information requested under DC FOIA, finding only two documents. The two documents are as follows:

- Notice of Status of Employment Application – 1 page
- Selection Certificate Ref. 26416 – 1 page

The redacted information is private in nature as it contains only the names of individual applicants who were identified as suitable candidates and subsequently interviewed for the position. The release of this information would shed no light on the agency's performance of its statutory duties. As a result, the public interest in disclosure of names from a selection certificate is outweighed by individual privacy interests.

Conclusion

Therefore the decision of the DBH is upheld. The Appeal is hereby DISMISSED.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you are free under the DC FOIA to commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia.

Sincerely,

/s/ Gregory M. Evans

Gregory M. Evans
Associate Director
Mayor's Office of Legal Counsel

cc: Deon C. Merene, Deputy General Counsel and FOIA Officer, DBH (via email)

MONUMENT ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Service Management Services**

Monument Academy is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2015-2016 school year. Services may cover entire school year or a portion of it. Proposed meal services should model the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements as best as possible. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **July 24, 2015** from **Kenneth Walker** at **(804) 943-7869** or kenneth.walker@monumentacademydc.org

Proposals will be accepted at 500 19th Street, NW, Washington, DC 20002 on **July 31, 2015**, not later than **noon**.

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

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Playground Design and Build**

Mundo Verde PCS seeks bids for playground design and/or construction. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

The deadline for application submission is no later than 4pm on Monday, August 3.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

NOTICE OF FUNDING AVAILABILITY

FY2016 Creative and Open Space Modernization Grant

Grant Identification No.: DMPED - COSM – 016- 708211

Background Information: The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications for the Creative and Open Space Modernization Grant. Funding for this program is authorized from the Creative and Open Space Modernization Emergency Amendment Act of 2015, passed on an emergency basis on June 30th, 2015 (Enrolled version of Bill 21-0283), and any subsequent emergency and permanent legislation.

Purpose of Grant Program: The purpose of the Creative and Open Space Modernization Grant is to foster the development of creative and technology-focused businesses in the District, increase the District's tax base, and create new job opportunities for District residents.

Length of Award: Date of grant execution through August 31, 2016.

Anticipated Number of Awards: DMPED will award individual grants of up to a maximum of \$1,000,000 each per qualified business. Grant funds will be utilized to assist grantees with improving their place of business or for the purchase and installation of heavy equipment that will be used onsite at the business location. Total funding availability for this grant program is \$2,000,000.

Eligibility Criteria

Qualified High Technology Companies ("QHTCs"), as defined by D.C. Official Code § 47-1817.01(5) that meet the following requirements:

- (1) Lease or sub-lease at least 50,000 square feet of office space within the District of Columbia
- (2) Will maintain site control of this office space for at least twelve (12) years after the date of grant application
- (3) Will provide a public benefit that will have a material, positive impact on the District of Columbia, such as:
 - a. Providing employment or contracting opportunities for District of Columbia residents and Certified Business Enterprises (CBEs)
 - b. Providing low-income or underserved individuals or communities in the District of Columbia with reduced-price or free products, services, or commercial or community space
 - c. Providing economic opportunities, training, or jobs for individuals or communities beyond those offered through the normal course of business

- d. Providing innovation-and-technology-related educational, training, or internship opportunities for students in the District of Columbia

Availability of RFA: The grant application will be released on August 7, 2015. The RFA will be posted on DMPED's website (www.dmped.dc.gov).

Grant Information Sessions: DMPED will host multiple informational sessions, once confirmed, details about the informational sessions will be posted on DMPED's website

Contact Name: LaToyia Hampton, Grants Manager
dmpedgrants@dc.gov
202.724.7648

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the ZoomGrants system by **June 2016. Note: applications are rolling and will be open until June 2016 or until funds are committed.**

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

NOTICE OF FUNDING AVAILABILITY

FY2016 Great Streets Retail Small Business Reimbursement Grants

Grant Identification No.: DMPED - GHS – 016- 707381

Background Information: The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications for the Great Streets Retail Small Business Reimbursement Grants. Funding for this program is authorized from the Great Streets Neighborhood Retail Priority Area Amendment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 2-1217.71 et seq.) and "H Street NE Retail Priority Area Incentive Act of 2010," effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.171 et seq.)

Purpose of Grant Program: The purpose of the Great Streets Retail Small Business Reimbursement Grants is to support existing small businesses, attract new businesses, increase the District's tax base, create new job opportunities for District residents, and transform emerging commercial corridors into thriving and inviting neighborhood centers.

Length of Award: Date of grant execution through August 31, 2016

Award Amount: DMPED will award individual grants of up to a maximum of \$50,000.00 each.

Eligibility Criteria: Eligible applicants for the grant are owners of small retail and service-oriented businesses. The following types of businesses are *ineligible* to receive this grant funding: *adult entertainment, auto body repair, bank, bar, construction/general contracting/architecture/design-build, financial services, home-based business, hotel, liquor store, nightclub, phone store, , professional services, and real estate development/property management/realtor.*

Eligible applicants must meet the following minimum requirements to be considered for the grant:

1. Be located within a Great Streets or H Street NE corridor. Prospective applicants can verify their location eligibility by using the interactive mapping tool at greatstreets.dc.gov.
 - a. Eligible Corridors
 - i. 7th Street NW
 - ii. 14th & U Street NW (also including Adams Morgan, Columbia Heights)
 - iii. Connecticut Avenue NW
 - iv. Georgia Avenue NW
 - v. H Street/Bladensburg Road NE
 - vi. Martin Luther King Jr. Avenue/South Capitol Street SE/SW
 - vii. Minnesota Avenue/Benning Road NE

- viii. Nannie Helen Burroughs Avenue NE
 - ix. New York Avenue NE
 - x. North Capitol Street NW/NE
 - xi. Pennsylvania Avenue SE
 - xii. Rhode Island Avenue NE
 - xiii. Wisconsin Avenue NW
2. Be a registered business in Good Standing with the DC Department of Consumer and Regulatory Affairs (DCRA), the DC Office of Tax and Revenue (OTR), the DC Department of Employment Services (DOES), and the federal Internal Revenue Service (IRS).
 3. Retain site control of the business property either through fee simple ownership or an executed contract or lease with the property owner with a minimum unexpired term of at least two (2) years.
 4. Provide proof that the business' average annual revenue (based on the last three completed fiscal years), or the projected average annual revenue for the first three years "in business" does not exceed \$1 million. Provide proof of property and liability insurance (an insurance quote is permitted for new businesses) compliant with the requirements set forth in the grant application.

Prior to the execution of a grant agreement with the District, the grantee must enter into a First Source Agreement with the DC Department of Employment Services (DOES). More information about the First Source Employment Program can be found at <http://does.dc.gov/page/first-source-employment-program->.

Availability of the Request for Applications (RFA): The grant application will be released on Friday, August 7, 2015. The RFA will be posted on DMPED's website (dmped.dc.gov) and the Great Streets website (greatstreets.dc.gov).

Grant Information Sessions: DMPED will host multiple informational sessions on the Great Streets corridors to provide an overview of the grant process and to answer questions from potential applicants. Once confirmed, details about the informational sessions will be posted on the Great Streets website at greatstreets.dc.gov.

Contact Name: LaToyia Hampton, Grants Manager
dmpedgrants@dc.gov
202.724.7648

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the ZoomGrants system by **Monday, September 14th, 2015 at 6:00 PM.**

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA at any time.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

NOTICE OF FUNDING AVAILABILITY

FY2016 New Communities Initiative Comprehensive Case Management Services

Grant Identification No.: DMPED - COSM – 016- 708211

Background Information: The District’s Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for the New Communities Initiative, Comprehensive Case Management Services Grants pursuant to “Economic Development Liaison Office Establishment Act,” effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 2-1203.01 et seq.) (as amended) and Mayor’s Order 2008-165, dated December 31, 2008.

Purpose of Grant Program: The New Communities Initiative Human Capital Plan requires grantee organizations to provide comprehensive case management services to single residents and head of households and their families that are guided by a strengths-based plan jointly developed by the case manager and consumer(s). The case management plan will be tailored to the particular requirements and preferences of each consumer and will address immediate needs that may affect stability, as well as the achievement of self-sufficiency goals. The target populations for this initiative are heads of households and their families residing in the designated New Communities areas: Park Morton (Ward 1), Northwest One (Ward 6), Lincoln Heights / Richardson Dwellings (Ward 7) and Barry Farm (Ward 8). The Human Capital Team in the ODMPED will work with grantees to verify that clients are eligible for New Communities funded programs/services. The goal of the grant is to fund programs that will improve the quality of life of New Communities residents

Length of Award: Date of grant execution through August 31, 2016.

Anticipated Number of Awards: Total funding availability for this grant program is \$2,000,000.

Eligibility Criteria: Eligible entities include nonprofits, private/public entities, and faith-based organizations that can demonstrate a commitment to New Communities sites through a successful track record of offering and operating programs, projects, services, and facilities. Eligible projects must also be able to demonstrate an ability to successfully perform the following: (1) identify and refer consumers in need, to mental health and substance addiction treatment programs, (2) link consumers to literacy/educational programs, (3) provide and link consumers to workforce development (job readiness) training, link to employment opportunities; and, (4) utilize an online case management database for documenting services.

Proposed case management programs should preferably be located within the boundaries of the New Communities target areas in which the applicant is applying. Proposed projects that leverage other

resources shall be given special consideration. Additional applicant and project eligibility requirements and evaluation criteria are detailed in the Request for Applications (RFA)

Availability of RFA: The grant application will be released on August 7, 2015. The RFA will be posted on DMPED's website (www.dmped.dc.gov), and OPGS District Clearing house at (www.opgs.dc.gov)

Grant Information Sessions: A Pre-Application Conference will be held on Wednesday, August 5, 2015 at 11:45am – 12:45pm located at 1100 4th Street, SW, Washington, D.C. 20024. Conference Room 200 on the 2nd floor. Please be sure to have a Government issued I.D. for entry into the building.

Contact Name: LaToyia Hampton, Grants Manager
dmpedgrants@dc.gov
202.724.7648

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the ZoomGrants system by **Tuesday, September 8 , 2015 at 6:00 PM**

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

NOTICE OF FUNDING AVAILABILITY

**FY2016 New Communities Initiative Comprehensive Youth Development
and Community Wellness Programs**

Grant Identification No.: DMPED - COSM – 016- 708212

Background Information: The District’s Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for the New Communities Initiative Youth Development and Community Wellness Program pursuant to “Economic Development Liaison Office Establishment Act,” effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 2-1203.01 et seq.) (as amended) and Mayor’s Order 2008-165, dated December 31, 2008.

Purpose of Grant Program: The New Communities Initiative Human Capital Plan requires grantee organizations to provide Community Health and Wellness and Youth Development programs. **Community Health and Wellness programming** shall include a focus on healthy living, and making smart choices related to health and wellness. The program targets seniors (55 years and older) as well as youth (up to age 24). Examples include: health education programs, health screenings and testing, outreach and activities (i.e.: treatment and prevention; healthy food selection, understanding nutrition labels and food preparation, etc.).

Youth Development and/or senior oriented programming will focus on improving the lives and economic opportunities for youth (up to age 24) and seniors (55 years and older). Examples include: financial literacy programs, youth enrichment programs, pre-retirement planning, youth parenting classes, and higher education mentoring programs (i.e. SAT prep., application and financial aid instruction, college preparation etc.).

The target populations for this initiative are heads of households and their families residing in the designated New Communities areas: Park Morton (Ward 1), Northwest One (Ward 6), Lincoln Heights / Richardson Dwellings (Ward 7) and Barry Farm (Ward 8). The Human Capital Team in the ODMPED will work with grantees to verify that clients are eligible for New Communities funded programs/services. The goal of the grant is to fund programs that will improve the quality of life of New Communities residents.

Length of Award: **Date of grant execution through August 31, 2016.**

Anticipated Number of Awards: DMPED will award individual grants of up to a maximum of \$40,000.00. Total funding availability for this grant program is \$500,000.

Eligibility Criteria:

Not-for-Profit organizations that meet all of the following criteria are eligible to apply:

1. Have a federal 501 (c) (3) tax-exempt status and must be organized under the District of Columbia Non-profit Corporation Act (DC Code, sec.29-501 et seq.). **Eligible applicants must have tax exempt status for two consecutive years prior to application submission.**
2. Have a principal place of business located within the District of Columbia.
3. Demonstrate a commitment to the NCI target area where the project is proposed through a successful track record of offering and operating programs, projects, services, or facilities.
4. Be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs, Corporation Division, the Office of Tax and Revenue, the Department of Employment Services and the Internal Revenue Service (IRS) and all other Federal Government agencies.
5. Cannot be classified as an ineligible applicant listed below.
6. Be a community-based organization(s), defined as: non-profit agency with an active board of directors that is familiar with the community to be served.

NOTE: *For organizations that are former and current NCI grantees, NCI staff will evaluate performance under their previous and/or current grant agreement. This includes timely submission of monthly and final close-out reports, site visit reports, and implementation of the program in accordance with the executed grant agreement. ***If your organization has not completed or submitted a final close-out report for a prior year's grant for which programming has ended the organization will be deemed ineligible to apply.***

****Applicants must be current and in good standing with all other funding received from any other District of Columbia agencies.***

Availability of RFA: The grant application will be released on August 7, 2015. The RFA will be posted on DMPED's website (www.dmped.dc.gov), and OPGS District Clearing house at (www.opgs.dc.gov)

Grant Information Sessions: A Pre-Application Conference will be held on Wednesday, August 5, 2015 at 11:45am – 12:45pm located at 1100 4th Street, SW, Washington, D.C. 20024. Conference Room 200 on the 2nd floor. Please be sure to have a Government issued I.D. for entry into the building.

Contact Name: LaToyia Hampton, Grants Manager
dmpedgrants@dc.gov
202.724.7648

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the ZoomGrants system by **Tuesday, September 8, 2015 at 6:00 PM**

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**2015 AMENDED SCHEDULE OF MEETINGS**

The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Official Code Section 2-576, of the Commission's amended 2015 Schedule of Meetings to consider formal case matters and other applications that require the Commission's action. The proposed agenda and time for each meeting will be posted on the Commission's website (www.dcpssc.org) and in the Commission Secretary's office not less than 48 hours before each meeting.

The meetings are scheduled to convene at 11:00 A.M. and will be held in the Commission's hearing room, at 1325 G Street, NW, Suite 800, Washington, D.C. 20005.

JANUARY 14, 2015
JANUARY 28, 2015

JULY 8, 2015
JULY 22, 2015

FEBRUARY 11, 2015
FEBRUARY 25, 2015

SEPTEMBER 9, 2015
SEPTEMBER 23, 2015

MARCH 11, 2015
MARCH 25, 2015

OCTOBER 15, 2015
OCTOBER 28, 2015

APRIL 8, 2015
APRIL 22, 2015

NOVEMBER 12, 2015
NOVEMBER 25, 2015

MAY 13, 2015
MAY 27, 2015

DECEMBER 9, 2015
DECEMBER 23, 2015

JUNE 10, 2015
JUNE 25, 2015

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

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

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,¹ of its final action taken in the above-captioned proceeding.

2. On February 27, 2015, pursuant to D.C. Code § 10-1141.06,² the Potomac Electric Power Company ("Pepco") filed with the Commission an updated Rider Public Space Occupancy Surcharge ("PSOS").³ In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia for the rental of public structures in public space. Pepco proposes to amend the following tariff page, so that it will read:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
15th Revised Page No. R-33**

3. According to its tariff, Pepco's surcharge rate for its Rider PSOS will be updated annually to be effective March 1 of each year.⁴ In light of its tariff, Pepco states that its "updated Rider PSOS is to become effective with meter readings on and after March 1, 2015."⁵

4. On May 22, 2015, the Commission published a Notice of Proposed Tariff ("NOPT") in the *D.C. Register* inviting public comment on Pepco's Surcharge Update.⁶

¹ D.C. Code § 2-505 (2015) and D.C. Code § 34-802 (2015).

² D.C. Code § 10-1141.06 (2015), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

³ *ET00-2, In the Matter of Potomac Electric Power Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1* ("ET00-2"), Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Peter E. Meier, Vice President, Legal Services, re: ET00-2 - Rider "PSOS," filed February 27, 2015 (hereinafter referred to as Surcharge Update).

⁴ *ELECTRICITY TARIFF, P.S.C.- D.C. No. 1*, 15th Revised Page No. R-33. The effective date is March 1, 2015.

⁵ *ET00-2*, Application at 1.

⁶ 61 *D.C. Reg.* 06789-06790 (2015).

In the NOPT, the Commission stated that Pepco has a statutory right to implement the Rider PSOS; however, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rate, Pepco could be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT and the Commission is satisfied that Pepco's proposed surcharge complies with D.C. Code § 10-1141.06.

5. Accordingly, the Commission voted to approve Pepco's Rider PSOS Surcharge Update, effective with meter readings on and after March 1, 2015, by official action taken at the July 8, 2015 open meeting.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL 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 Official Code and in accordance with section 2-505 of the District of Columbia Official Code, of its final action taken in the above-captioned proceeding.¹

2. On March 23, 2015, pursuant to D.C. Official Code Section 10-1141.06,² Washington Gas Light Company (WGL) filed a Surcharge Update for the Rights-of-Way (ROW) Current Factor.³ The ROW Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. In the tariff filing, WGL sets forth the process used to recover from its customers the 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. According to its tariff, WGL's surcharge rate for the ROW Current Factor would become effective commencing with the April 2015 billing cycle.⁴ WGL's Surcharge Update shows that the ROW Current Factor is 0.0326. When the ROW Current Factor is combined with the ROW Reconciliation Factor of (0.0037) for the prior period, it yields a net factor of 0.0289.⁵ Based on our review of the Surcharge Update, the Commission finds that WGL's calculations for

¹ D.C. Code § 2-505 (2015) and D.C. Code § 34-802 (2015).

² D.C. Code § 10-1141.06 (2015), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

³ *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, Rights-of-Way Current Factor Surcharge Filing of Washington Gas Light Company (Surcharge Update)*, filed March 23, 2015.

⁴ *Id.*

⁵ *Id.*; *See also* 61 D.C. Reg. 7960-7961 (2014) where the Commission approved the Reconciliation Factor.

the ROW Current Factor and the Surcharge Update comply with General Services Tariff, P.S.C. No. 3, Section 22, 3rd Revised Page No. 56.

4. A Notice of Proposed Tariff (NOPT) regarding WGL's Surcharge Filing was published in the *D.C. Register* on May 22, 2015.⁶ In the NOPT, the Commission stated that WGL has a statutory right to implement its filed surcharges however, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rate, WGL could be subject to reconciliation of the surcharge. No comments were filed in response to the NOPT and the Commission staff is satisfied that the surcharge proposed by WGL complies with D.C. Code §10-1141.06.

5. Consequently, the Commission voted to approve WGL's Surcharge Update for the Current Factor by official action taken at the July 8, 2015 Open Meeting.

⁶ 62 *D.C. Reg.* 6791-6792 (2015).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

GAS TARIFF 2014-03, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S APPLICATION TO AMEND RATE SCHEDULE NOS. 3 AND 3A

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to section 34-802 of the District of Columbia Official Code ("D.C. Code") and in accordance with section 2-505 of the D.C. Code,¹ of its intent to act upon the proposed revised tariff amendment of Washington Gas Light Company ("WGL" or "Company")² in not less than thirty (30) days from the date of publication of this Notice of Proposed Tariff ("NOPT") in the *D.C. Register*.

2. On September 9, 2014, WGL filed an Application, pursuant to 15 DCMR § 3500 *et seq.*, for authority to amend its Rate Schedule Nos. 3, 3A and 5 "to implement enhanced terms and conditions for Interruptible Sales Service, Interruptible Delivery Service, and Firm Delivery Service."³ The provision under which WGL filed its Application governs expedited review and the Commission ultimately determined that expedited review was unwarranted.⁴

3. At the suggestion of the Joint Suppliers, the Apartment and Office Building Association of Metropolitan Washington ("AOBA") and WGL, the Commission established a Working Group comprised of WGL, the Joint Suppliers, AOBA, and any other interested persons to discuss the problematic issues raised in this matter and to explore possible solutions.⁵

4. On May 26, 2015, the Working group filed its Final Report along with agreed-upon revisions to WGL Rate Schedule Nos. 3 and 3A.⁶ The Working Group states that "After considerable deliberations, the Working Group reached agreement on the tariff revisions to Rate Schedule Nos. 3 and 3A..."⁷ The Working Group submits that "[t]hese tariff amendments

¹ D.C. Code § 34-802 (2001); D.C. Code § 2-505 (2001).

² *Gas Tariff 2014-03, In the Matter of Washington Gas Light Company's Application to Amend Rate Schedule Nos. 3, and 3A ("Gas Tariff 2014-03")*, Letter from Cathy Thurston-Seignious, Supervisor, Administrative and Associate General Counsel, Washington Gas Light Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed September 10, 2014 ("WGL's Revised Tariff Application").

³ *Gas Tariff 2014-03*, Letter from Cathy Thurston-Seignious, Supervisor, Administrative and Associate General Counsel, Washington Gas Light Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed September 9, 2014. WGL corrected its Application on September 10, 2014.

⁴ *Gas Tariff 2014-03*, Order No. 17698, rel. November 7, 2014 at 9.

⁵ *Gas Tariff 2014-03*, Order No. 17698, rel. November 7, 2014 at 9.

⁶ *Gas Tariff 2014-03*, Final Report of the Interruptible Service Customer Working Group, filed May 26, 2015 ("Final Report").

⁷ *Gas Tariff 2014-03*, Final Report at 2.

represent a reasonable and just accommodation and balancing of the interests of all affected parties” and “[f]or these reasons, the Working Group respectfully requests that the Commission approve these tariff revisions, without modification.”⁸ The Working Group states that “if the Commission seeks changes to the tariff, the Customer Working group requests that the Commission allow the participants to discuss and reconsider any changes.”⁹ According to the Working Group, the “CSPs and Washington Gas are finalizing the settlement agreement in Formal Case No. 1128,¹⁰ which will also resolve the tariff issues raised by the CSPs in the instant proceeding.”¹¹

5. As a result, WGL proposes to amend the following tariff pages:

**NATURAL GAS TARIFF, P.S.C. of D.C. No. 3
Fourth Revised Page No. 17
Superseding Third Revised Page No. 17**

**P.S.C. of D.C. No. 3
Second Revised Page No. 18A
Superseding First Page No. 18A**

**P.S.C. of D.C. No. 3
Original Page No. 18B**

**P.S.C. of D.C. No. 3
First Revised Page No. 22A
Superseding Original Page No. 22A**

**P.S.C. of D.C. No. 3
Second Revised Page No. 22B
Superseding First Page No. 22B**

**P.S.C. of D.C. No. 3
Second Revised Page No. 22D
Superseding First Page No. 22D**

**P.S.C. of D.C. No. 3
Original Page No. 22E**

⁸ *Gas Tariff 2014-03*, Final Report at 2.

⁹ *Gas Tariff 2014-03*, Final Report at 2.

¹⁰ See Formal Case No. 1128, *In the Matter of the Formal Complaint of Integrys Energy Services-Natural Gas, LLC for Itself and in its Capacity as Agent for Pepco Energy Services, Inc.; Direct Energy Services, LLC; NOVEC Energy Solutions, Inc.; and Bollinger Energy, LLC, Regarding Operational Flow Order Noncompliance Penalties Levied by Washington Gas Light Company for the Period January through March 2014.*

¹¹ *Gas Tariff 2014-03*, Final Report at 2.

**P.S.C. of D.C. No. 3
Appendix A**

6. WGL's Revised Tariff Application may be reviewed at the Office of the Commission Secretary, 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 or may be viewed on the Commission's website by visiting www.dcpsec.org. Once at the website, open the "eDocket System" tab, click on the "Search Current Dockets" and input "GT2014-03" in the field labeled "Select Case Number." A copy of the revised proposed tariff amendments is available upon request to any person requesting copies at a per-page reproduction fee.

7. Any person desiring to comment on the Revised Tariff Application shall file written comments no later than 30 days from the date of publication of this Notice in the *D.C. Register*. Comments should be addressed to Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. Any responses to comments shall be filed within 45 days from the date of publication of this Notice in the *D.C. Register*. Once the comment period expires, the Commission will take final action.

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

The Children's Guild DC Public Charter School is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2015-2016 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on July 17, 2015 from Thomas Rivard-Willis at 410.444.3800 x1235 or willist@childrensguild.org

Proposals will be accepted at The Children's Guild 6802 McClean Blvd, Baltimore, Maryland 21234 on August 7, 2015, not later than 5 pm.

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

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**NOTICE OF REQUEST FOR PROPOSALS****“Chrome Books,” Computer Hardware, and Related Software**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks additional vendors to provide either or both of the following:

- 1) “Chrome Books” or similar devices, as well as operating, system, IT management, security and other necessary/miscellaneous software, licenses, or applications (additional specifications in full RFP).
- 2) Bulk-Purchasing Agreements (a.k.a. master agreements or preferred vendor agreements) for any or all of the following:
 - a. Computer Hardware (including but not limited to servers, switches, routers and other IT management hardware; desktops, laptops, netbooks, tablet or similar devices; “Chrome Books” or similar devices; as well as printers, peripherals, and miscellaneous IT supplies)
 - b. Computer Software/Licenses supporting hardware (including but not limited to operating systems; applications; grouping or device management software; security/virus protection software; or general/miscellaneous software/licenses)

The **full RFP** is available on the **Employment Opportunities** page under the About tab of www.thurgoodmarshallacademy.org. Alternatively, e-mail a request for the full RFP to dschlossman@tmapchs.org no later than 5 pm on August 6, 2015.

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

Deadline & Submission: Submit bids—including signed contract and contact information—via email to dschlossman@tmapchs.org no later than **5 pm, Washington, DC, time on August 7, 2015**.

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

Application No. 18906 of Endeka Enterprises and 1320 Penelope LLC, as amended,¹ pursuant to 11 DCMR §§ 3103.2, for variances from the width of court requirements under §§ 536 and 776, the off-street parking requirements under § 2101.1, the loading requirements under § 2201.1, and the zone district boundary line requirements under § 2514.2, and pursuant to § 3104.1 for special exceptions from the hotels and inns requirements under § 512, and the roof structure setback requirements under §§ 400.7(b), 411.11, and 777.1, to allow conversion of an existing office building into a mixed-use building in the DC/SP-1 and C-3-C Districts at premises 1337 Connecticut Avenue, N.W. (Square 137, Lot 55).

HEARING DATES: January 27, 2015, March 3, 2015, April 28, 2015, and June 30, 2015

DECISION DATE: June 30, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 22.)

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”) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a resolution dated June 15, 2015, indicating that at a duly noticed public meeting on June 10, 2015, at which a quorum was in attendance, the ANC voted 8-0-0 in support of the application. (Exhibit 26.)

The Office of Planning (“OP”) also submitted a report in support of the application. (Exhibit 29.) The D.C. Department of Transportation submitted a report expressing no objection to the application. (Exhibit 28.) There were three letters from neighbors filed in support of the application. (Exhibit 27.)

¹ This application is for modifications to plans approved in Case No. 18569. The Applicant stated that the modifications triggered the need for additional relief from the parking requirements and the roof structure requirements in addition to the relief granted in Case No. 18569. (Exhibit 1.) Subsequently, the Applicant further modified the project and amended the application (Case No. 18906) to include the following additional relief: variances from §§ 536 and 776 (court), § 2201.1 (loading), and § 2514 (zone district boundary line), and a special exception under § 512 (hotels and inns requirements). (See Exhibit 22.)

BZA APPLICATION NO. 18906
PAGE NO. 2

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 536, 776, 2101.1, 2201.1, and 2514.2. The only parties to this case were the Applicant and ANC 2B which supported the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from §§ 536, 776, 2101.1, 2201.1, and 2514.2, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under §§ 512, 400.7(b), 411.11, and 777.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and the OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 512, 400.7(b), 411.11, and 777.1, 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 § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT** to the **APPROVED PLANS, AS SHOWN ON EXHIBIT 25E, and the FOLLOWING CONDITIONS:**

Loading Management Plan Components:

1. Vendors and on-site tenants shall be required to coordinate and schedule deliveries.
2. Trucks accessing the site shall be limited to a maximum of 30 feet in length.

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3. All tenants shall be required to schedule any loading operation using a truck 20 feet to 30 feet in length.
4. Deliveries shall be scheduled to ensure curbside capacity is not exceeded. Unscheduled delivery vehicles shall be directed to return at a later time when loading space is available.
5. Inbound and outbound truck loading movements will be monitored to ensure trucks do not block the alley. Tenants shall ensure that trucks will not be allowed to park on 18th Street for deliveries.
6. Trucks using the loading docks will not be allowed to idle and must abide by the DDOT Freight Management and Commercial Vehicle Operations regulations and use the primary access routes listed in the DDOT Truck and Bus Route System map.

Transportation Demand Management (TDM) Program:

7. A member of the property management group shall serve as the Transportation Management Coordinator (TMC) responsible for coordinating and implementing the TDM provisions, preparing informational promotional brochures to residents and visitors and coordinating trash and loading activities. The contact information will be provided to DDOT and Zoning Enforcement with annual contact updates.
8. Real time transit information shall be presented on a display in the hotel to provide guests real time transportation information. In addition, the TMC will make printed materials for guest and employees upon request.
9. The Applicant shall register as a member of the Capital Bikeshare Bulk Membership program for hotels and provide initial free daily Capital Bikeshare passes for hotel guests in perpetuity, not to exceed \$5,000 per year.

VOTE: **3-0-2** (Lloyd J. Jordan, Marnique Y. Heath, and Anthony J. Hood to Approve; Jeffrey L. Hinkle not present, not voting; one Board seat vacant.)

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

The majority of the Board members approved the issuance of this summary order.

FINAL DATE OF ORDER: July 9, 2015

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

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, 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. 19000 of Stuart F. and Jennifer Pierson, as amended,¹ pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot area requirements under § 401.3, the rear yard requirements under § 404.1, and the nonconforming structure requirements under § 2001.3, to allow the construction of a one-story rear addition to an existing one-story dwelling in the R-1-B District at premises 5435 Sherrier Place, N.W. (Square 1444, Lot 833).

HEARING DATES: May 19, 2015 and July 7, 2015
DECISION DATE: July 7, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 4 and 41.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 3D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D submitted a report in support of the application. The ANC’s report indicated that at a regularly scheduled and properly noticed public meeting on May 6, 2015, at which a quorum was present, the ANC voted 8:0:0 in support of the application. (Exhibit 36.)

The Office of Planning (“OP”) submitted a report related to the original application, expressing support for the special exception relief, but recommending denial of the relief for a variance from the off-street parking requirements. (Exhibit 35.) OP submitted a supplemental report in support of the amended application. (Exhibit and 44.) The DC Department of Transportation filed two reports in the application, both of which expressed no objection to either the original or amended application. (Exhibits 30 and 37.) Nineteen letters in support of the application from neighboring individuals and organizations were submitted into the record. (See Exhibits 14, 20, 25, 27, and 32-34.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special

¹ The application was amended to withdraw the variance from § 2101.1 related to off-street parking, and to include a request for special exception relief from the nonconforming structure provisions under § 2001.3. (See amended self-certification form at Exhibit 41.)

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exception under §§ 223, 401.3, 404.1, and 2001.3. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 401.3, 404.1, and 2001.3, 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 § 3101.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 11, AS MODIFIED BY THE REVISED SITE PLANS AT EXHIBITS 42 AND 43.**

VOTE: **3-0-2** (Lloyd J. Jordan, Jeffrey L. Hinkle, and Marnique Y. Heath to approve; Peter G. May not present, not voting; 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: July 14, 2015

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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

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

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

Application No. 19002 of Rainbow Child Development Center, as amended¹, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for variances from the rear yard requirements of § 404.1, the off-street parking requirements of § 2101.1, and the nonconforming structure requirements of § 2001.3, and for a special exception from the child development center requirements under § 205, to construct a one-story addition to a child development center and expand the use from 42 children and nine staff to 72 children and 12 staff in the R-2 District at premises 505 57th Street N.E. (Square 5227, Lots 3 and 4).

HEARING DATES: May 19, 2015 and June 9, 2015²
DECISION DATE: June 9, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 (original) and 28 (revised).)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 7C, and to all owners of property within 200 feet of the property that is the subject of this application.³ The subject property is located within the jurisdiction of ANC 7C, which is automatically a party to this application. ANC 7C submitted a letter in support of the application, including both the special exception and variance relief requested. The ANC letter indicated that at a regularly scheduled and properly noticed meeting on May 14, 2015, with a quorum present, the ANC voted 5:0 to recommend approval of the application. (Exhibit 36.) The Office of Planning (“OP”) submitted a timely report recommending approval with four conditions of the application for special exception and variance relief. (Exhibit 32.) The District’s Department of Transportation (“DDOT”) submitted a timely report of no objection to the application. (Exhibit 33.) Three letters of support from neighbors were submitted for the record. (Exhibit 34.)

¹ The Applicant amended the application to include variance relief from the rear yard requirements of § 404.1, the off-street parking requirements of § 2101.1, and the nonconforming structure requirements of § 2001.3. (Exhibit 28.)

² The public hearing on May 19, 2015 was postponed at the Applicant’s request.

³ At the Applicant’s request, the Board waived the notice provisions of 3113.13. Though the notice mailed to residents and published in the *D.C. Register* contained the original caption requesting special exception relief only, the Applicant testified that the notice posted on the property reflected the amended variance relief and that the revised relief was reviewed by both the Office of Planning and the ANC.

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Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variances under § 3103.2 from the strict application of the rear yard requirements of § 404.1, the off-street parking requirements of § 2101.1, and the nonconforming structure requirements of § 2001.3. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for area variances under §§ 404.1, 2101.1, and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3104.1, for a special exception from the child development center requirements under § 205, to expand a child development center from 42 children and nine staff to 72 children and 12 staff in the R-2 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 205, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

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It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7 AND WITH THE FOLLOWING CONDITIONS:**

1. The maximum number of children shall be 72, and the maximum number of staff shall be 12.
2. Hours of operation shall be 7:00 a.m. to 6:00 p.m., Monday through Friday.
3. The Applicant shall replace the existing six-foot wood fence that surrounds the property.
4. The Applicant shall seek to close the existing curb cut on 57th Street, N.E.

VOTE: **4-0-1** (Lloyd L. Jordan, Robert E. Miller, Marnique Y. Heath; and Jeffrey L. Hinkle to APPROVE, 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: July 15, 2015

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

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

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION

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

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, 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. 19025 of Perseus 1827 Adams Mill Investments LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the prepared food shop requirements under §§ 712 and 721.3 (t), to allow a prepared food shop with greater than 18 seats in the C-2-A District at premises 1827 Adams Mill Road, N.W. (a/k/a 1794 Lanier Place, N.W.) (Square 2580, Lot 521).

HEARING DATE: June 30, 2015

DECISION DATE: June 30, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR§ 3113.2. (Exhibit 3.)

The Board of Zoning Adjustment (the “ Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 1C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1C. The ANC filed a report indicating that at a regularly scheduled and properly noticed meeting on June 3, 2015, at which a quorum was in attendance, ANC 1C voted 6-0-0 to support the application. (Exhibit 31.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the relief requested. (Exhibit 38.)

The District Department of Transportation (“DDOT”) filed a report expressing no objection to the approval of the application with the following conditions:

- The Applicant shall extend the service corridor so the prepared food shop has interior access to loading and the trash room in the rear; and
- The Applicant shall install at least three short-term inverted U-bicycle parking racks in the public space for a total of nine short-term parking racks near the entrance of the prepared food shop along Adams Mill Road. The exact location of the short-term parking racks shall be determined during the public space permitting process. (Exhibit 37.)

Two letters from adjacent neighbors were submitted in support of the application. (Exhibits 24 and 25.) Two letters from neighbors were filed in opposition raising concerns about outdoor seating and increased traffic and parking congestion. (Exhibits 29 and 36.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special

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exception under §§ 712 and 721.3 (t). No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11DCMR §§ 3104.1, 712 and 721.3 (t), 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 the accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 10.**

VOTE: **3-0-2** (Lloyd J. Jordan, Marnique H. Heath, and Anthony G. Hood to APPROVE;
Jeffrey L. Hinkle, not present, not voting. 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: July 9, 2015

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN

BZA APPLICATION NO. 19025**PAGE NO. 3**

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. 19031 of Maurice Landes, pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the lot width requirements under § 401, the court width requirements under § 406, and the non-conforming structure requirements under § 2001.3, to construct a two-story rear addition with basement to an existing one family dwelling in the R-4 District at premises 1329 East Capitol Street S.E. (Square 1036, Lot 104).

HEARING DATE: July 7, 2015

DECISION DATE: July 7, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on June 9, 2015, at which a quorum was in attendance, ANC 6B voted 9-0-0 to support the application. (Exhibit 23.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 25.) The District Department of Transportation (“DDOT”) filed a report expressing no objection to the approval of the application. (Exhibit 24.) Two letters from abutting neighbors were submitted in support of the application. (Exhibits 10 and 11.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 401, 406, and 2001.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of

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proof, pursuant to 11 DCMR §§ 3104.1, 223, 401, 406, and 2001.3, 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 the accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Marcie I.Cohen to APPROVE; 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: July 14, 2015

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO- YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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

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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 COLUMBIADOES NOT DISCRIMENATE 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 SEXUAL DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, SEXUAL HARASMENT BASE ON 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. 19043 of the Phillips Collection, pursuant to 11 DCMR § 3104.1, for a special exception from the rooftop structures requirements under § 411.11, to allow the replacement of heating and cooling equipment on the roof of an existing structure in the DC/R-5-B and SP-1 Districts at premises 1600 21st Street, N.W. (Square 66, Lot 80).

HEARING DATE: July 7, 2015

DECISION DATE: July 7, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 2B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. The ANC submitted a timely report indicating that at a regularly scheduled and properly noticed meeting on June 10, 2015, at which a quorum was in attendance, ANC 2B voted 9-0-0 to support the application. (Exhibit 23.)

The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 26.) The District Department of Transportation (“DDOT”) filed a timely report expressing no objection to the approval of the application. (Exhibit 25.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under § 411.11. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, and 411.11, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning

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Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in the accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5.**

VOTE: **4-0-1** (Lloyd J. Jordan, Marcie I. Cohen, Marnique Y. Heath, and Jeffrey L. Hinkle to APPROVE; 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: July 15, 2015

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO- YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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

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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 COLUMBIADOES NOT DISCRIMENATE 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 SEXUAL DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, SEXUAL HARASMENT BASE ON THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-01A**

Z.C. Case No. 14-01A

Jemal's Hecht's, LLC

(PUD Modification & Related Map Amendment @ Square 4037)

June 29, 2015

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on May 18, 2015, to consider an application from Jemal's Hecht's, LLC ("Applicant"), for modifications to an approved planned unit development ("PUD") and a related Zoning Map amendment for a portion of Lot 8¹ in Square 4037. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

The Application, Parties, and Hearings

1. Pursuant to Z.C. Order No. 14-01, dated July 17, 2014, and effective on August 8, 2014, the Commission approved a PUD and related Zoning Map amendment for the western 345.93 linear feet of Square 4037 (the "Approved PUD Site") from the C-M-2 Zone District to the C-3-C Zone District. The Approved PUD Site includes approximately 119,037.97 square feet of land area (2.73 acres) and is bounded by New York Avenue, N.E. to the north, private property to the east, Okie Street, N.E. to the south, and Fenwick Street, N.E. to the west.
2. The approved PUD includes approximately 559,245 square feet of gross floor area and involves the adaptive reuse of the historic Hecht Company Warehouse building, the construction of a two-story addition atop the four-story wing on the eastern side of the warehouse building, and a one-story addition atop the main portion of the warehouse building. The first and second floors of the approved project contain retail and service uses, comprised of approximately 196,343.8 square feet of gross floor area, plus approximately 5,590 square feet of additional retail space in the cellar level. Floors three through seven contain approximately 362,901.3 square feet of gross floor area devoted to residential and residential amenity spaces, comprised of approximately 338 dwelling units. The approved PUD has a maximum density of 4.70 floor area ratio ("FAR") and a maximum building height of 95.15 feet not including roof structures.
3. On December 22, 2014, the Applicant filed an Application with the Commission for a modification of the approved PUD and the Zoning Map Amendment to extend the southern portion of the Approved PUD Site eastward by approximately 16'-5.5" by 108'-

¹ The original PUD Order (Z.C. Order No. 14-01) references Lots 7 and 804 in Square 4037 as the PUD site. Square 4037 has since been subdivided, such that the portion of Square 4037 where the PUD is located is now entirely within Lot 8.

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- 6" (1,785.7 square feet), and to rezone this land area from the C-M-3 Zone District to the C-3-C Zone District to be consistent with the Approved PUD Site, as shown on Sheet 5 of the architectural plans and elevations included in the record at Exhibit ["Ex."] 23A ("Plans"). The total land area of the Approved PUD Site plus the additional 1,785.7 square feet (together referred to as the "Revised PUD Site") is 120,823.6 square feet. The PUD modification application was requested to permit the construction of a new free-standing, two-story commercial building adjacent to the existing warehouse building.
4. By report dated January 30, 2015, the Office of Planning ("OP") recommended setdown of the application. (Ex. 13.) On February 9, 2015, the Commission voted to schedule a public hearing on the application.
 5. On February 27, 2015, the Applicant submitted a prehearing statement. (Ex. 15-15G.) On March 20, 2015, a description of the application and the notice of the public hearing in this matter were published in the *D.C. Register*. (Ex. 18.) On March 12, 2015, the notice of the public hearing was mailed to all property owners within 200 feet of the Revised PUD Site, as well as to Advisory Neighborhood Commission ("ANC") 5D, the ANC in which the Revised PUD Site is located.
 6. On April 28, 2015, the Applicant submitted a supplemental statement in support of the application, which provided updated architectural plans and elevations and an explanation of the Applicant's community engagement activities. (Ex. 23-23B.)
 7. By report dated May 8, 2015, OP submitted its final report recommending approval of the application and noting that the request is not inconsistent with the Comprehensive Plan Future Land Use Map or Generalized Policy Map and would not change the material facts upon which the original PUD was decided. (Ex. 25.) By report dated May 8, 2015, the District Department of Transportation ("DDOT") submitted a report indicating that it had no objection to the requested approval so long as tree plantings are maximized along Okie Street, N.E. during the public space permitting process. (Ex. 26.)
 8. The public hearing on the Application took place on May 18, 2015. The parties to the case were the Applicant and ANC 5D. No requests for party status were filed for this case and no individuals appeared at the public hearing to testify in support of or in opposition to the application. Benjamin Keeney of Antunovich Associates was accepted as an expert in architecture. Andrea Gourdine of Douglas Development Corporation addressed the Commission on behalf of the Applicant.
 9. At the conclusion of the public hearing, the Commission voted to take proposed action to approve the PUD Modification.

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PUD Modification

10. The Applicant seeks approval to modify the architectural plans and elevations approved in Z.C. Case No. 14-01 to construct a new free-standing, two-story commercial building (“New Building”) adjacent to the existing warehouse building, and to extend the southern portion of the Approved PUD Site eastward by approximately 16’-5.5” by 108’-6” (1,785.7 square feet). (Ex. 29A1-A4.) The Applicant also seeks a Zoning Map amendment to rezone the 1,785.7 square feet of land area to be added to the Approved PUD Site from the C-M-3 Zone District to the C-3-C Zone District to be consistent with the Approved PUD Site’s zoning designation. The additional land area increases the Approved PUD Site by approximately 1.02%. The PUD complies with the building lot control regulations of 11 DCMR § 2517, which permits two buildings to be located on a single record lot.
11. The New Building will have approximately 8,074 square feet of gross floor area, which is an increase of 1.4% from the 559,245 square feet of gross floor area that was approved for the original PUD in Z.C. Order No. 14-01. The total proposed gross floor area for the modified PUD is 567,319 square feet. The Revised PUD Site will have a total land area of 120,823.6 square feet and will maintain the approved density of 4.7 FAR.
12. The New Building is located in an area of the Approved PUD Site that was originally approved for use as a circular driveway for vehicular pick-up and drop-off for the warehouse building. The approved driveway was approximately 169 feet long and 24 feet wide, with ingress and egress from Hecht Avenue to the east. The modified design changes the driveway configuration to provide a one-way drive aisle with ingress from Hecht Avenue and egress onto Okie Street. (*See* Sheet 13 of the Plans.)
13. The design of the New Building is a modern, noticeable counterpart to the iconic, historic warehouse. The structure will be made of high-end materials, constructed with ample amounts of clear glazing and with a striking, perforated steel rain screen panel system creating a contemporary yet earthy aesthetic. The new structure will have a maximum height of approximately 38 feet, 1.5 inches. Entrances to the retail space will be located on Okie Street, Hecht Avenue, and from the driveway to the north.
14. The New Building incorporates a number of architecture and urban design standards and best practice principles appropriate for the project, including (i) creating a streetscape environment that is pleasant, safe, and effective as a pedestrian experience for walking, shopping, socializing, and conducting business; (ii) designing according to smart growth principles with increased density on an underutilized site with infrastructure in place and with convenient access to the Metrorail, shopping, and the workplace; (iii) integrating architecture that is appropriate in scale and character for a mixed-use site, but respectful of the adjacent lower-scale residential fabric and industrial uses; and (iv) establishing achievable sustainable design features for the project.

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15. Loading facilities will not be provided for the New Building and are not required pursuant to 11 DCMR § 2200.5. Instead, loading will occur in the private driveway on the west side of the New Building, which is 24 feet wide and permits adequate space for vehicles to maneuver around parked loading trucks. Loading activities will occur during off-peak hours to minimize conflicts with peak circulation of other on-site uses. Parking is also not provided for the New Building and is not required pursuant to 11 DCMR § 2120.3. Parking will be available for the PUD in the above-ground parking garage located directly across Hecht Avenue and also owned by the Applicant.

Zoning Map Amendment

16. Pursuant to Z.C. Order No. 14-01, the Commission rezoned the Approved PUD Site from the C-M-2 Zone District to the C-3-C Zone District. The Applicant now requests a Zoning Map amendment to rezone the 1,785.7 square feet to be added to the Approved PUD Site from the C-M-3 District to the C-3-C District. The C-3-C District permits medium-high density development, including office, retail, housing, and mixed-use development (11 DCMR § 740.8) and includes the following development requirements:
 - A maximum matter-of-right height of 90 feet with no limit on the number of stories (§ 770.1), and a maximum height of 130 feet under the PUD requirements (§ 2405.1);
 - A maximum matter-of-right density of 6.5 FAR, and a maximum density of 8.0 FAR under the PUD requirements (§ 2405.2);
 - A maximum lot occupancy of 100% (§ 772.1);
 - A minimum rear yard depth of 2.5 inches per foot 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 12 feet (§ 774.1);
 - If provided, a side yard at least two inches wide per foot of building height, but not less than six feet (§ 775.5);
 - For a building devoted to non-residential uses, if provided, a minimum court width of three inches per foot of height, but not less than 12 feet (§ 776.1), and in the case of a closed court, a minimum area of at least twice the square of the width of court, but not less than 250 square feet (§ 776.2);
 - For a retail establishment in excess of 3,000 square feet, one off-street parking space for each additional 750 square feet of gross floor area (§ 2101.1); and

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- For a retail establishment with more than 100,000 square feet of gross floor area, one loading berth at 30 feet deep and two loading berths at 55 feet deep, one loading platform at 100 square feet and one loading platform at 200 square feet, and one service/delivery space at 20 feet deep (§ 2201.1).
17. The proposed C-3-C Zone District for the 1,785.7 square feet of land area is appropriate for the proposed use and will ensure consistency with the zone designation of the Approved PUD Site, which the Commission previously found was not inconsistent with the Comprehensive Plan. (*See* Z.C. Order No. 14-01, Finding of Fact No. 45.)

Design Flexibility

18. Pursuant to Z.C. Order No. 14-01, the Commission granted flexibility from the roof structure requirements for the redevelopment of the historic warehouse building. The modified PUD does not require any additional flexibility from the Zoning Regulations. However, because the New Building may require some flexibility of materials or design that cannot be anticipated at this time, the Applicant also requests flexibility in the following areas:
- a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the structure;
 - b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit; and
 - c. To vary the retail entrances to respond to applicable code or other issues necessary for the end retail users.

Compliance with PUD Evaluation Standards

19. The Commission found in Z.C. Case No. 14-01 that a number of public benefits and amenities will be created as a result of the PUD (*see* Z.C. Order No. 14-01, Findings of Fact Nos. 34-40); that the project is not inconsistent with the Future Land Use Map or the Generalized Policy Map of the Comprehensive Plan (*see* Z.C. Order No. 14-01, Finding of Fact No. 41); and that the project will further the specific objectives and policies of

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many of the Comprehensive Plan's major elements (*see* Z.C. Order No. 14-01, Findings of Fact Nos. 42-44).

20. The OP report filed in this application indicates that the modified project will continue to provide a number of public benefits and amenities. The OP report also indicated that the project, as modified, is consistent with the written elements of the Comprehensive Plan, particularly policies for Industrial Land, the Upper Northeast Element, the New York Avenue corridor, and Historic Preservation. (*See* Ex. 25.)
21. The Commission finds that the modified PUD continues to meet the applicable PUD evaluation standards of 11 DCMR § 2405.

Public Benefits and Amenities

22. In Z.C. Order No. 14-01, the Commission found that the proposed public benefits and project amenities were reasonable trade-offs for the requested development flexibility. (*See* Z.C. Order No. 14-01, Conclusion of Law No. 7.) This application does not modify the previously approved benefits and amenities, and the Commission finds that they continue to be consistent with the Comprehensive Plan and appropriate and reasonable for development of the PUD.

Office of Planning Reports

23. By report dated January 30, 2015, OP recommended setdown of the applications for a PUD modification and related Zoning Map amendment. (Ex. 13.) The OP report noted that the application would not be inconsistent with the Comprehensive Plan Future Land Use Map and Generalized Policy Map, and that it would not threaten the stability of adjacent Production, Distribution, and Repair ("PDR") uses, nearby residential uses, or other mixed-use commercial uses in the general area. The OP setdown report also noted that the project would not be inconsistent with the recently approved map amendment for the Approved PUD Site.
24. By report dated May 8, 2015, OP recommended approval of the application. (Ex. 25.) The OP report restated that the application is not inconsistent with the Future Land Use Map and Generalized Policy Map, and would not change the material facts upon which the original PUD was decided, since no further changes to other aspects of the approved PUD are proposed. The OP report noted that the PUD modification would enhance the viability of the overall project by providing additional retail options while not increasing the overall density of the approved PUD.
25. The Commission agrees with OP's findings that the application is not inconsistent with the Comprehensive Plan and will not change the material facts upon which the

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Commission approved the original PUD. The Commission concurs with OP's recommendation to approve the application.

DDOT Report

26. By report dated May 8, 2015, DDOT submitted a report indicating that it had no objection to the requested approval so long as tree plantings are maximized along Okie Street, N.E. during the public space permitting process. (Ex. 26.) The DDOT report also noted that: (i) the proposed curb cut on Okie Street to realign the private street off of Hecht Avenue is acceptable; (ii) the new curb cut will eliminate three previously proposed street trees on Okie Street; (iii) loading operations for the New Building will occur on the proposed private street and is consistent with DDOT standards; and (iv) the proposed action does not modify the impacts and mitigations identified in DDOT's report dated June 4, 2014, and included at Exhibit 27 of Z.C. Case No. 14-01. The Commission concurs with DDOT's finding of no objection to the application.

ANC Reports

27. On September 9, 2014, at a duly noticed, regularly scheduled public meeting of ANC 5D, at which a quorum was present, ANC 5D voted unanimously to support the application without conditions. (Ex. 4G.) Several months later, on April 14, 2015, the Applicant presented the application to ANC 5D for a second time, and again ANC 5D voted unanimously to support the project without conditions. (Ex. 23B.) The Commission concurs with the ANC's recommendation to approve the project.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a modification to a previously approved consolidated PUD. Any modifications proposed to an approved PUD that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Commission. The proposed modification shall meet the requirements for and be processed as a second-stage application, except for minor modifications and technical corrections as provided for in 11 DCMR § 3030. (11 DCMR § 2409.9.) The Commission treated this modification request as a second-stage PUD application.

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3. The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, or courts.
4. Development of the property included in this Application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
5. The PUD modification meets the minimum area requirements of § 2401.1 of the Zoning Regulations and complies with the applicable height, bulk, and density standards of the Zoning Regulations. The commercial use of the New Building is fully appropriate for the site, and the impact of the use on the surrounding area and the operation of city services is acceptable given the quality of the public benefits in the project.
6. Approval of the PUD modification is appropriate because the proposed use is not inconsistent with the Comprehensive Plan. In addition, the proposed use will promote the orderly development of the Revised PUD Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
7. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and conditions expressed in the written report of an affected ANC. In this case, ANC 5D voted unanimously to support the modification application and recommended that the Commission approve the Application. The Commission has given ANC 5D's recommendation great weight in approving the modification Application.
8. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. For the reasons stated above, the Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.
9. The PUD modification is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application to

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modify an approved planned unit development and a related Zoning Map amendment approved pursuant to Z.C. Order No. 14-01, and orders the following revisions to the Order:

1. The PUD Site is hereby amended to extend the southern portion of the Approved PUD Site eastward by approximately 16'-5.5" by 108'-6" (1,785.7 square feet) ("Revised PUD Site") in order to locate a new free-standing, two story commercial building adjacent to the existing warehouse building. The 1,785.7 square feet to be added to the Approved PUD Site shall be rezoned from the C-M-3 Zone District to the C-3-C Zone District.
2. The first paragraph under the "Decision" portion of Z.C. Order No. 14-01 is revised to read as follows with the new language shown in bold and underlined:

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia ORDERS APPROVAL of the applications for consolidated review and approval of a planned unit development and related map amendment from the C-M-2 District to the C-3-C District for property located in the western portions of Lots 7 and 804 in Square 4037. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below. **For the purposes of the conditions that follow, the term "New Building" refers to a new free-standing, two-story commercial building to be located adjacent to the warehouse building. The New Building was described and approved in Z.C. Case No. 14-01A, which granted a modification to this Order.**

3. Conditions A.1 – A.3 of Z.C. Order 14-01 are revised to read as follows:

A. Project Development

1. The project shall be developed in accordance with the plans and materials submitted by the Applicant at Exhibits 29A1-29A4 in Z.C. Case No. 14-01, as modified by the plans and elevations submitted by the Applicant at Exhibit 23A in Z.C. Case No. 14-01A (the "Plans") and as modified by the guidelines, conditions, and standards of Z.C. Order Nos. 14-01 and 14-01A.
2. In accordance with the plans, the PUD shall be a mixed-use project consisting two buildings, the Hecht Company Warehouse Building and the New Building. The Hecht Company Warehouse Building shall have approximately 559,245 square feet of gross floor area. Approximately 196,344 square feet of gross floor area will be devoted to retail and service uses on floors one and two, and approximately 362,901 square feet of gross floor area will be devoted to residential uses on floors three through seven, with approximately 338 units (plus or minus 10%).The New

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Building shall have approximately 8,074 square feet of gross floor area and a maximum height of approximately 38'-1.5." The Revised PUD Site shall have a total land area of 120,823.6 square feet and shall include approximately 567,319.1 square feet of gross floor area (4.7 FAR).

3. The Applicant shall have design flexibility with the Hecht Company Warehouse Building in the following areas:
 - a. To vary the number of residential units to plus or minus 10%;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;
 - c. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on the availability at the time of construction;
 - d. To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit; and
 - e. The Applicant shall have zoning flexibility with the PUD to allow multiple roof structures with varying heights, consistent with the roof plans on page 20 of the architectural plans (Exhibits 29A1-29A4), and as supplemented by Exhibit 33A.
4. The Applicant shall have design flexibility with the New Building in the following areas.
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;
 - b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on the availability at the time of construction;

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- c. To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit; and
- d. To vary the retail entrances to respond to applicable code or other issues necessary for the end retail users.

On May 18, 2015, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** the applications at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On June 29, 2015, upon the motion of Commissioner Miller, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on July 24, 2015.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF SPECIAL PUBLIC MEETING**

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled Special Meetings for **July 30, 2015, at 6:00 P.M.**, to consider various items.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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