



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 21-245, Uniform Interstate Family Support Revision Act of 2015
- D.C. Council schedules a public hearing on Bill 21-0313, Transportation Reorganization Amendment Act of 2015
- D.C. Council schedules a public roundtable on the “Office of the Deputy Mayor for Planning and Economic Development: Strategy for Economic Development along the Anacostia River”
- Office of the Chief Financial Officer retains the District of Columbia Motor Fuel Tax at the same rate
- D.C. Lottery and Charitable Games Control Board prohibits issuance of instant ticket distribution center licenses
- Department of Health announces funding availability for School-based Teen Pregnancy Prevention Programs
- Office of the Deputy Mayor for Planning and Economic Development publishes technical amendments to FY2016 Great Streets Retail Small Business Reimbursement Grants
- D.C. Water and Sewer Authority revises the water system replacement fees

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL HEARINGS

Notice of Public Hearings -

B21-32 Specialty Drug Copayment Limitation Act of 2015..... 012360

B21-71 Child Support Guideline Revision Act of 2015012361 - 012362

B21-199 Domestic Partnership Termination Recognition
Amendment Act of 2015012361 - 012362

B21-245 Uniform Interstate Family Support Revision
Act of 2015.....012361 - 012362

B21-130 Moratorium on Paint Spray Booth Permits in
Ward 5 Temporary Act of 2015 012363

B21-143 Carcinogenic Flame Retardant Prohibition
Amendment Act of 2015 012363

B21-241 Heat Wave Safety Amendment Act of 2015012364 - 012365

B21-330 Community Renewable Energy Emergency
Amendment Act of 2015012364 - 012365

B21-313 Transportation Reorganization Amendment
Act of 2015..... 012366

B21-318 Tree Canopy Protection Amendment
Act of 2015..... 012367

Notice of Public Roundtables -

PR21-190 The DCTC Ernest Chrappah Confirmation
Resolution of 2015 012368

PR21-274 The DCTC Linwood Jolly Confirmation
Resolution of 2015 012368

PR21-275 the DCTC Dotti Love Wade Confirmation
Resolution of 2015 012368

Office of the Deputy Mayor for Planning and Economic
Development: Strategy for Economic Development
along the Anacostia River.....012369

Review of Group Hospitalization and Medical Services, Inc. (“GHMSI”) 2011
Surplus.....012370

Review of Utilities in the District of Columbia.....012371

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS CONT'D

Notice of Excepted Service Employees - As of August 31, 2015	012372
---	--------

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration - Castello Restaurant and Lounge - ANC 4D - New.....	012373
Imperial Wine & Spirits - ANC 2C - Transfer to New Location - CORRECTION.....	012374
Imperial Wine & Spirits - ANC 2C - Transfer to New Location - RESCIND.....	012375
Las Placitas - ANC 6B - New.....	012376

Elections, Board of - Receipt and Intent to Review Initiative Measure - Public Accountability Safety Standards Act of 2016 for the District of Columbia Government.....	012377 - 012398
---	-----------------

Zoning Adjustment, Board of - November 24, 2015 Hearings - 19108 Jennifer and Lyle Vold - ANC-6A.....	012399 - 012401
19113 Lerner South Capitol Street JV LLC - ANC-6D.....	012399 - 012401
19114 ANC 2B (Appeal) - ANC 2B	012399 - 012401
19116 DC Department of General Services - ANC-4C	012399 - 012401
19118 Evergreen Properties I LLC - ANC-4A	012399 - 012401
19122 1600 I Street Corporation - ANC-2B	012399 - 012401

Zoning Adjustment, Board of - December 1, 2015 Hearings - 19115 ANC 1C (Appeal) - ANC-1C.....	012402 - 012404
19117 1010 Irving LLC - ANC-5B.....	012402 - 012404
19119 Warder LLC - ANC-1A	012402 - 012404
19121 The JBG Companies - ANC-6C.....	012402 - 012404
19125 Sanford "Sandy" Roskes - ANC-3C	012402 - 012404
19126 Timothy Turnham - ANC-1A.....	012402 - 012404

Zoning Adjustment, Board of - October 27, 2015 Hearings - Revised - 16620A Embassy of the Republic of Azerbaijan - ANC- 3C	012405 - 012407
18095B Servants of the Lord and the Virgin of Matara - ANC- 5B	012405 - 012407
19088 Jose Ayala - ANC-4C	012405 - 012407
19090 Basque Bar LLC - ANC-5E.....	012405 - 012407
19093 Warder, LLC - ANC-1B	012405 - 012407
19094 28th Street Partners, LLC - ANC-5E.....	012405 - 012407
19095 Carr Properties - ANC-2B.....	012405 - 012407
19134 Embassy of Zambia - ANC-2D.....	012405 - 012407

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Zoning Commission - Cases -

15-02	MHI-Brookland, LLC and The Redemptorists	012408 - 012410
15-17	Text Amendments to 11 DCMR (Zoning) Chapters 1, 2, 5, 6, 7, and 31 – Child Development Homes	012411 - 012420

FINAL RULEMAKING

Lottery and Charitable Games Control Board, D.C. - Amend 30 DCMR (Lottery and Charitable Games), Ch. 2 (Lottery Licenses), to repeal Sec. 208 (Instant Ticket Distribution Center Licenses), to prohibit issuance of instant ticket distribution center licenses.....	012421
---	--------

Water and Sewer Authority, D.C. - Amend 21 DCMR (Water and Sanitation), Ch. 1 (Water Supply), Sec. 112 (Fees) and Sec. 199 (Definitions), to revise the water system replacement fees and definitions	012422 - 012423
--	-----------------

PROPOSED RULEMAKING

Health, Department of - Amend 17 DCMR (Business, Occupations, and Professionals), to add Ch. 103 (Prescription Drug Monitoring Program), to establish a Prescription Drug Monitoring Program Advisory Committee to ensure the legitimate use of controlled substances	012424 - 012442
---	-----------------

Taxicab Commission, DC - Amend 31 DCMR (Taxicabs and Public Vehicles for Hire), to change the title for Ch. 5 to (Taxicab Companies, Associations, Fleets, and Independent Taxicabs), to update Sec. 501 (Initial and Renewal Certificate and Licenses; Filing Requirements), to change the title for Sec. 505 to (Independent Taxicabs - Vehicles and Owners), and add Sec. 510 (Taxicab Companies and Associations - Operating Requirements), to implement new standards for taxicab companies and associations.....	012443 - 012447
---	-----------------

NOTICES, OPINIONS, AND ORDERS

MAYOR'S ORDERS

2015-208 2015-208: Appointment – DC Housing Preservation Strike Force (Honorable Anita Bonds, Honorable Elissa Silverman, Brian Kenner, Polly Donaldson, Eric Shaw, Melinda Bolling, Adrienne Todman, Maria K. Day-Marshall, Johanna Shreve, Joe Sternlieb, Charles Wilkes, Tom Borger, Todd Lee, Christopher Hornig, Elizabeth Elia, Amy Vruno, Eric Price, Ramon Jacobson).....	012448 - 012450
---	-----------------

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES**

Alcoholic Beverage Regulation Administration -

ABC Board's Calendar - September 16, 2015.....	012451 - 012452
ABC Board's Investigative Agenda - September 16, 2015	012453 - 012455
ABC Board's Legal Agenda - September 16, 2015.....	012456
ABC Board's Licensing Agenda - September 16, 2015	012457 - 012458

Bridges Public Charter School - Request for Proposals -

Human Resources Outsourcing Provider and Coaching Services for ECE Classrooms (School year 2015- 2016)	012459
---	--------

Chief Financial Officer, Office of the -

District of Columbia Motor Fuel Tax Remains Unchanged - Effective October 1, 2015	012460
--	--------

DC International Public Charter School - Request for Proposals -

Phase I and Hazmat Assessment, Commissioning, Traffic Consultant and Third-Party Review	012461
--	--------

Elections, Board of -

Certification of ANC/SMD Vacancies - 1B05, 1B06, 3D07, 5A04, 5B04 and 7F07	012462
---	--------

Elections, Board of -

Certification of Filling ANC/SMD Vacancies	
3C04 Arthur Barkmann	012463
4C02 Maria Barry	012463

Energy and Environment, Department of -

Notice of Extended Public Comment - 2015 District of Columbia Wildlife Action Plan	012464
---	--------

Energy and Environment, Department of - Intent to Issue Permits

#6982 Smithsonian Institution, Greenhouse at the National Zoological Park, 3001 Connecticut Avenue NW	012465 - 012466
---	-----------------

Health, Department of -

Board of Social Work - New Meeting Schedule and Notice of Disciplinary Hearing in the matter of Leslie Goddard, LGSW	012467
--	--------

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Health, Department of / CHA - Funding Availability -
 Programs to Provide WIC Local Agency Services
 (RFA# CHA_WIC_091815) 012468

School-based Teen Pregnancy Prevention Programs
 (RFA # CHA_SBTTP_09.23.15) 012469

Health, Department of -
 Health Regulation and Licensing Administration -
 Notice of Agency Temporary Closing 012470

Mundo Verde Public Charter School - Request for Proposals -
 Computers and Related Accessories..... 012471

Planning and Economic Development, Office of the Deputy Mayor for -
 FY2016 Great Streets Retail Small Business
 Reimbursement Grants - Technical Amendment012472 - 012473

Police Complaints, Office of -
 Police Complaints Board Meeting - September 17, 2015 012474

Retirement Board, DC -
 Closed Meeting - Investment Committee - September 17, 2015 012475
 Open Meeting - September 17, 2015 012476

Secretary, Office of the - Recommendations for Appointment
 as DC Notaries Public - Effective October 15, 2015012477 - 012483

Sentencing and Criminal Code Revision Commission, D.C.-
 Meeting Agenda - September 15, 2015..... 012484

Zoning Adjustment, Board of - Cases -
 16620A Embassy of the Republic of Azerbaijan -
 ANC 3C - Notice of Proposed Rulemaking 012485

18705 Kingman Park Civic Association and
 W. Simpkins - ANC 5D - Order.....012486 - 012489

19134 Embassy of Zambia - ANC 2D -
 Notice of Proposed Rulemaking..... 012490

Zoning Commission - Case -
 15-21 Kenilworth Revitalization I JV, LLC and
 DCHA - Notice of Filing012491

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 119 Washington, DC 20004

**Councilmember Vincent B. Orange, Sr., Chair
Committee on Business, Consumer, and Regulatory Affairs
Announces a Public Hearing**

on

- **B21-32, the “Specialty Drug Copayment Limitation Act of 2015”**

**Wednesday, October 28, 2015, 2:00 P.M.
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr., announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory Affairs on B21-32, the “Specialty Drug Copayment Limitation Act of 2015”. The public hearing is scheduled for Wednesday, October 28, 2015 at 2:00 p.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B21-32, the “Specialty Drug Copayment Limitation Act of 2015”, would impose a limit on the amount that an individual must pay in copayment or coinsurance through a health benefit plan for a prescription for a specialty drug.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Monday, October 26, 2015. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, November 11, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A PUBLIC HEARING ON

**BILL 21-0245, THE “UNIFORM INTERSTATE FAMILY SUPPORT REVISION ACT OF
2015”**

BILL 21-0071, THE “CHILD SUPPORT GUIDELINE REVISION ACT OF 2015”

AND

**BILL 21-0199, THE “DOMESTIC PARTNERSHIP TERMINATION RECOGNITION
AMENDMENT ACT OF 2015”**

**Thursday, October 8, 2015, 10 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, October 8, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public hearing on Bill 21-0245, the “Uniform Interstate Family Support Revision Act of 2015”, Bill 21-0071, the “Child Support Guideline Revision Act of 2015”, and Bill 21-0199, the “Domestic Partnership Termination Recognition Amendment Act of 2015”. The hearing will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10 a.m.

The stated purpose of Bill 21-0245, the “Uniform Interstate Family Support Revision Act of 2015”, is to adopt amendments to the Uniform Interstate Family Support Act via a uniform law drafted by the National Conference of Commissioners on Uniform State Laws. Federal law requires the District to adopt this law to receive federal funding for child support enforcement. The law contains uniform procedures for processing international child support cases.

The stated purpose of B21-0071, the “Child Support Guideline Revision Act of 2015”, is to revise and update the District of Columbia’s child support guidelines to expand the definition of

prerequisites or in-kind compensation to include military housing and food allowances; to allow a judicial officer to enter a minimum order where the paying parent is uncooperative and no reliable income information exists; to require the judicial officer to consider the well-being of the child and the subsistence needs of the parent owed support in applying the self-support reserve; to expand the factors a judicial officer may consider to determine whether the presumption of a \$75 minimum order has been rebutted; to increase the presumptive minimum order amount to \$75; and to provide for the starting date for orders and agreements.

The stated purpose of Bill 21-0199, the “Domestic Partnership Termination Recognition Amendment Act of 2015”, is to amend the Health Care Benefits Expansion Act of 1992 to allow couples who formed domestic partnerships in other jurisdictions or the District of Columbia to terminate the domestic partnership and have that termination recognized by other jurisdictions.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact Kate Mitchell, Committee Director, at (202) 727-8275, or via e-mail at kmitchell@dccouncil.us, and provide their name, telephone number, organizational affiliation, and title (if any) by close of business, October 2, 2015. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring fifteen copies of their written testimony and, if possible, also submit a copy of their testimony electronically to kmitchell@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 23, 2015.

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

NOTICE OF PUBLIC HEARING ON

B21-0130, the Moratorium on Paint Spray Booth Permits in Ward 5 Temporary Act of 2015
and
B21-0143, the Carcinogenic Flame Retardant Prohibition Amendment Act of 2015

Tuesday, September 29, 2015
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Tuesday, September 29, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B21-0130, the Moratorium on Paint Spray Booth Permits in Ward 5 Temporary Act of 2015 and B21-0143, the Carcinogenic Flame Retardant Prohibition Amendment Act of 2015. B21-0130 would prohibit the issuance of permits for paint spray booths in Ward 5, and B21-130 would prohibit the manufacture, sale, or distribution of children's products or residential furniture containing carcinogenic flame retardants. The hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Monday, October 12, 2015.

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 119 Washington, DC 20004

**Councilmember Vincent B. Orange, Sr., Chair
Committee on Business, Consumer, and Regulatory Affairs**

Announces a Public Hearing

on

- **B21-241, the “Heat Wave Safety Amendment Act of 2015”**
- **B21-330, the “Community Renewable Energy Emergency Amendment Act of 2015”**

**Friday, October 30, 2015, 10:00 A.M.
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr., announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory Affairs on B21-241, the “Heat Wave Safety Amendment Act of 2015” and B21-330 the “Community Renewable Energy Amendment Act of 2015”. The public hearing is scheduled for Friday, October 30, 2015 at 10:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B21-241, the “Heat Wave Safety Amendment Act of 2015”, would prohibit the electric company from disconnecting service to residences the day preceding and the day of a forecast of extreme temperature of 95 degrees or higher. The electric company will also be prohibited from disconnecting residential services if the forecast of extreme temperature precedes a weekend or holiday.

B21-330, the “Community Renewable Energy Emergency Amendment Act of 2015”, amends the Retail Electric Competition and Consumer Protection Act of

1999 to include the definition of “CREF credit rate” to require that the CREF credit rate approximates customers' full retail electric rates.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Wednesday, October 28, 2015. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Friday, November 13, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

NOTICE OF PUBLIC HEARING ON

B21-0313, the Transportation Reorganization Amendment Act of 2015

Friday, October 2, 2015
at 12:00 p.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, October 2, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B21-0313, the Transportation Reorganization Amendment Act of 2015. B21-0313 would reorganize and establish several offices and divisions with the District Department of Transportation (DDOT), provide DDOT the authority to manage parking policy, operations, and enforcement, and to regulate and oversee the for-hire vehicle industry, and establish certain reporting and administrative duties for the Department of Motor Vehicles, among other things. The hearing will begin at 12:00 p.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Monday, October 12, 2015.

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

NOTICE OF PUBLIC HEARING ON

B21-0318, the Tree Canopy Protection Amendment Act of 2015

Friday, October 2, 2015
at 2:00 p.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, October 2, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B21-0318, the Tree Canopy Protection Amendment Act of 2015. B21-0318 would increase the permit fees for tree removal and the fees for unlawful tree removal; expand the Tree Fund use to include planting on park, school, and other District-owned land; and grant additional authority to the Department of Transportation's Urban Forestry Administration. The hearing will begin at 2:00 p.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Monday, October 12, 2015.

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

NOTICE OF PUBLIC ROUNDTABLE ON

**PR 21-0190, the DCTC Ernest Chrappah Confirmation Resolution of 2015;
PR 21-0274, the DCTC Linwood Jolly Confirmation Resolution of 2015;
and
PR21-0275, the DCTC Dotti Love Wade Confirmation Resolution of 2015**

Thursday, September 24, 2015
at 11:00 a.m.
in Room 120 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, September 24, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR 21-0190, the District of Columbia Taxicab Commission Ernest Chrappah Confirmation Resolution of 2015; PR21-0274, the District of Columbia Taxicab Commission Linwood Jolly Confirmation Resolution of 2015; and PR21-0275, the District of Columbia Taxicab Commission Dotti Love Wade Confirmation Resolution of 2015. This legislation would confirm Ernest Chrappah as the Chair of the District of Columbia Taxicab Commission, and Linwood Jolly and Dottie Love Wade as members of the Commission. The roundtable will begin at 11:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Monday, September 28, 2015.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE**

ANNOUNCES A PUBLIC ROUNDTABLE

on

**Office of the Deputy Mayor for Planning and Economic Development:
Strategy for Economic Development along the Anacostia River**

on

**Monday, October 26, 2015
11:00 a.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public oversight roundtable before the Committee of the Whole regarding the Deputy Mayor for Planning and Economic Development's strategy for economic development along the Anacostia River. The roundtable will be held at 11:00 a.m. on Monday, October 26, 2015 in Hearing Room 120 of the John A. Wilson Building.

The purpose of this roundtable is to receive testimony from the Office of the Deputy Mayor for Planning and Economic Development (DMPED) about DMPED's vision for the Anacostia Waterfront. When the Council moved to abolish the Anacostia Waterfront Corporation and the National Capitol Revitalization Corporation in 2007, it was with the understanding that DMPED would assume the roles and responsibilities of those agencies. DMPED was tasked with this initiative to ensure a cohesive vision to develop and revitalize the Anacostia Waterfront.

With a number of projects currently planned or already underway, it is important to have a public conversation on this vision and the Deputy Mayor's strategy for economic development along the river, protection of existing essential amenities and assets, and long-term planning for the health and vitality of the District's waterfront property. The hearing will cover specifics on this strategy and DMPED's objectives, and it will offer the public an opportunity to provide feedback on what their priorities are for the area, as well as what challenges may exist.

Those who wish to testify are asked to telephone the Committee of the Whole at (202) 724-8196, or email Cynthia LeFevre, Legislative Counsel, at clefevre@dccouncil.us, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, October 22, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on October 22, 2015, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on November 9, 2015.

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 119 Washington, DC 20004

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

**Review of Group Hospitalization and Medical Services, Inc. (“GHMSI”) 2011
Surplus**

**Wednesday, October 28, 2015, 10:00 a.m.
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public roundtable by the Committee on Business, Consumer, and Regulatory Affairs to review GHMSI’s 2011 Surplus. The public roundtable is scheduled for Wednesday, October 28, 2015 at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004.

The purpose of the public roundtable is to review GHMSI’s 2011 Surplus that is attributable to the District of Columbia. In addition, the Committee is interested in the Department of Insurance, Securities, and Banking (“DISB”) plan to enforce its December 30, 2014 Decision and Order that GHMSI’s surplus was excessive and GHMSI’s plan to dedicate the excess surplus attributable to the District of Columbia to community health reinvestment in a fair and equitable manner.

Individuals and representatives of organizations who wish to testify at the public roundtable are asked to contact Ms. Faye Caldwell, Special Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at fcaldwell@dccouncil.us and furnish their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business Monday, October 26, 2015. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, November 11, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 119 Washington, DC 20004

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

Review of Utilities in the District of Columbia

**Monday, October 5, 2015, 11:00 a.m.
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public roundtable by the Committee on Business, Consumer, and Regulatory Affairs to review the delivery of services by utilities operating in the District of Columbia. The public roundtable is scheduled for Monday, October 5, 2015 at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004.

The purpose of the public roundtable is to review the delivery of services by utilities to the residents of the District of Columbia including: Pepco reliability, DC PLUG, Net energy metering, the implementation of the Accelerated Pipeline Replacement Plan, Verizon's efforts to move from telephone service provided over copper facilities to telephone service provided over fiber facilities, and the oversight role of the Public Service Commission.

Individuals and representatives of organizations who wish to testify at the public roundtable are asked to contact Ms. Faye Caldwell, Special Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at fcaldwell@dccouncil.us and furnish their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business Friday, October 2, 2015. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Monday, October 19, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF AUGUST 31, 2015
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NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Gold, Dara	Intern	4	Excepted Service - Reg Appt
Giles, Jessica	Legislative Aide	3	Excepted Service - Reg Appt
Desai, Sonia	Legislative Aide	2	Excepted Service - Reg Appt
Guerra, Ricardo	Administrative Assistant	3	Excepted Service - Reg Appt

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 11, 2015
Petition Date: October 26, 2015
Roll Call Hearing Date: November 9, 2015
Protest Hearing Date: January 6, 2016

License No.: ABRA-100259
Licensee: Omar LLC
Trade Name: Castello Restaurant and Lounge
License Class: Retailer's Class "C" Tavern
Address: 931 Hamilton Street, N.W.
Contact: Dee Hunter: 202-321-4529

WARD 4 ANC 4D SMD 4D04

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on January 6, 2016 at 4:30pm.

NATURE OF OPERATION

Restaurant serving international and American cuisine. Entertainment to include a DJ and a live jazz band. Sidewalk Café with seating for 40 patrons and a Total Occupancy Load of 159. No dancing.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

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

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

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm - 12am, Friday and Saturday 6pm - 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: September 4, 2015
Petition Date: October 19, 2015
Hearing Date: November 2, 2015

License No.: ABRA-084123
Licensee: 12 & G Spirits, LLC
Trade Name: Imperial Wine & Spirits
License Class: Retailer’s Class “A” Liquor Store
Address: 620 12th Street, N.W.
Contact: **Chrissie Chang: 703-992-3994

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this applicant has applied for a Substantial Change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such 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.

NATURE OF SUBSTANTIAL CHANGE

Class A Retailer with a Tasting Endorsement. Transfer to a New Location.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9 am – 10 pm

HOURS OF TASTING

Sunday through Saturday 9 am – 12 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: September 4, 2015
Petition Date: October 19, 2015
Hearing Date: November 2, 2015

License No.: ABRA-084123
Licensee: 12 & G Spirits, LLC
Trade Name: Imperial Wine & Spirits
License Class: Retailer’s Class “A” Liquor Store
Address: 620 12th Street, N.W.
Contact: **Bernard Dietz: 202-548-8000

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this applicant has applied for a Substantial Change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such 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.

NATURE OF SUBSTANTIAL CHANGE

Class A Retailer with a Tasting Endorsement. Transfer to a New Location.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9 am – 10 pm

HOURS OF TASTING

Sunday through Saturday 9 am – 12 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 11, 2015
Petition Date: October 26, 2015
Hearing Date: November 9, 2015
Protest Date: January 6, 2016

License No.: ABRA-100267
Licensee: Las Placitas Inc.
Trade Name: Las Placitas
License Class: Retailer's Class "C" Restaurant
Address: 1100 8th Street, S.E.
Contact: Isidoro Amaya and Juan Ramon Amaya: 202-957-3652

WARD 6 ANC 6B SMD 6B04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30pm on January 6, 2016.

NATURE OF OPERATION

New restaurant. Total Occupancy Load of 718. Sidewalk Café with seating for 38. Salvadorian and Mexican food served.

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

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

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON SIDE WALK CAFE

Sunday through Saturday 10am - 11pm

BOARD OF ELECTIONS

**NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE**

The Board of Elections shall consider in a public hearing whether the proposed measure “Public Accountability Safety Standards Act of 2016 for the District of Columbia Government” is a proper subject matter for initiative at the its regular meeting on Wednesday, November 4, 2015, at 10:30 a.m., One Judiciary Square, 441 4th Street, N.W., Suite 280N, Washington, DC.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, October 29, 2015, to the Board of Elections, General Counsel’s Office, One Judiciary Square, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number, and name of the organization represented (if any) by calling the General Counsel’s office at 727-2194 no later than Monday, November 2, 2015, at 4:00 p.m.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

Public Accountability Safety Standards Act of 2016
for the District of Columbia Government

SUMMARY STATEMENT

Substance Abuse Test for District of Columbia Candidates & Serving Officials

Substance

Alcohol & Schedule I-IV Controlled Substance

Test

Candidates

Congressional Seats
Council Seats & Chairman

Mayor
Attorney General

- Voluntary Test Passing candidate exempt from signature requirements
- Petition Challengers substance test before filing DCBOEE challenge
- Declared Winners test 48 hours after DCBOEE announcement
- Fail test advance to passing candidate

Serving Officials

Congressional Seats
Attorney General
Agency Chiefs and Directors

Mayor
Council Chairman
Council Members

Public or Legislative Meetings and Hearings
Emergency or Temporary Legislation

LEGISLATIVE TEXT

- 1. BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA that this Act may be cited as the:

Public Accountability Safety Standards Act of 2016 (aka PASS).

- 2. This law is to prevent the use of alcohol and Schedule I-IV Control Substances by "Safety Sensitive Personnel who are:

- A. Candidates for elected office, in the District of Columbia.

- B. Petition Challenger(s) who file against candidates at the District of Columbia Board of Elections and Ethics.

- C. Serving Officials

- 1. Elected Officials of the District of Columbia Government
 - 2. Agency Chiefs or Directors of all departments or agencies of the District of Columbia Government

- D. Tier One Support Staff and Hired Independent Contractors

- 1. Executive Office of the Mayor – Deputy Mayors
 - 2. Office of the Attorney General: Assistant Attorney General of the District of Columbia Government – Tier One Support Staff.

- A. Civil or criminal cases when District of Columbia Government as Defendant. One per Hearing or one per month of attorney(s) arguing case. One per each defendant that District of Columbia Government represents in court for duration of trial, weekly or monthly, if any District employee or serving official fails substance test, individual is automatically terminated without benefits.

- B. Plaintiff cases when District of Columbia Government as Plaintiff: No test to subject represented or Assistant Attorney General.

- 3. Office of the Attorney General: Contract Private Consultants or Law Firms

- A. Civil or criminal cases when District of Columbia Government as Defendant. One per Hearing or one per month of attorney(s) representing and arguing case. One per each defendant that District of Columbia Government represents in court for duration of trial, weekly or monthly, if any District employee or serving official fails substance test, individual is automatically terminated without benefits.
 - B. Plaintiff cases when District of Columbia Government as Plaintiff: No test to subject represented or Assistant Attorney General.
4. Office of the Inspector General:
Tier One Support Staff – Agents, Auditors, Inspectors, Analysts, and Investigators.
- A. Unwarranted investigations. Each Investigator and authorizing supervisor(s) for the duration of one per week substance test. Any person who fails substance shall be automatically terminated without benefits.
 - B. Warranted, approval of Court only. One substance test of each individual who is a participant of investigating team.
5. Office of the Inspector General – Contract Private Consultants , Contract Investigators and Auditors
- A. Unwarranted investigations. Absolute disclosure of names of investigators and person of authority, Each Investigator and person(s) of authority, for the duration, one per week substance test. Any person who fails substance shall be automatically terminated.
 - B. Warranted, approval of Court only. One substance test of each individual who is a participant of investigating team
- 6 District of Columbia Parking Enforcement .
- A. Unwarranted investigations. Absolute disclosure of names of investigators and person of authority, Each Investigator and person(s) of authority, for the duration, one per week substance test. Any person who fails substance shall be automatically terminated without benefits.
 - B. Any staff member, independent contractor and/or Government employee who issues District of Columbia parking tickets within authorized or unauthorized hours or after 6 PM shall be required along

with Supervisor who authorizes order past standard work hours, to have a mandatory substance test weekly pending order. Failed substance test: automatic termination of position.

- i. PASS does not discriminate or hold any prejudice of any individual's, ethnic origin, sex, sexual preference, religious beliefs, religion, age, financial status or country of origin.

3.0. Administrators of Tests

1. Defense Intelligence Agency
2. National Security Agency

- i. Any identified Administrator of tests has the right to add other US Agency(s) or any Departments, military or non military to substitute personnel without congressional approval and oversight, to assist in testing of Candidates, Petitioner Challenger(S), Serving Officials, Elected or Appointed Agency Chiefs and Directors.

4.0 Witness of Tests

- i. District of Columbia Narcotics Task Force or District of Columbia Fire EMS
- ii. Witness of Tests shall be selected randomly by the Administrators of test on the day of notice to any candidate or serving officials.
Witness of test has absolute immunity from termination of Position or Department and from any Department Executive's, Supervisor's or Director's questions and public disclosure when serving.

5.0 Benefits of PASS for the District of Columbia.

- i. To assure absolute confidence of election(s) and elected or serving officials in the District of Columbia Government.
- ii. To install independent budget autonomy request from the U.S. Congress for the daily and yearly operations of the District of Columbia Government.
- iii. Approval of the District of Columbia voting authority inside of the House of Representatives (1 vote), Senate (1 vote) to participate on behalf of residents of the district of Columbia
- iv. Undeniable approval for a chartered commonwealth territory rights renewable every 200 years or non revocable by Congressional approval pending the District of Columbia Mayor City Council and Government does not change or remove key safety regulations or the Public Accountability Safety Standards Law of 2016.

1.0 Substance

Alcohol & Schedule I-IV Controlled Substance.

1.1 **Alcohol** liquor, beer, wine, and other beverages containing alcohol, other than mouth wash.

1.2 **Schedule I-IV Controlled Substance.** Title 21 US Code Chapter 13 Sec. 812.

(a) Establishment

There are established five schedules of controlled substances, to be known as schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after October 27, 1970, and shall be updated and republished on an annual basis thereafter.

(b) Placement on schedules; findings required

Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on October 27, 1970, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

(1) Schedule I.—

- (A) The drug or other substance has a high potential for abuse.
- (B) The drug or other substance has no currently accepted medical use in treatment in the United States.
- (C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

(2) Schedule II.—

- (A) The drug or other substance has a high potential for abuse.
- (B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- (C) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

(3) Schedule III.—

- (A) The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.
- (B) The drug or other substance has a currently accepted medical use in treatment in the United States.
- (C) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

(4) Schedule IV.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(5) Schedule V.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

(c) Initial schedules of controlled substances

Schedules I, II, III, IV, and V shall, unless and until amended ^[1]pursuant to section 811 of this title, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

Schedule I

(a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol.

(2) Allylprodine.

(3) Alphacetylmethadol. ^[2]

(4) Alphameprodine.

(5) Alphamethadol.

(6) Benzethidine.

(7) Betacetylmethadol.

(8) Betameprodine.

(9) Betamethadol.

(10) Betaprodine.

(11) Clonitazene.

(12) Dextromoramide.

(13) Dextrorphan.

(14) Diampromide.

(15) Diethylthiambutene.

(16) Dimenoxadol.

(17) Dimepheptanol.

- (18) Dimethylthiambutene.
- (19) Dioxaphetyl butyrate.
- (20) Dipipanone.
- (21) Ethylmethylthiambutene.
- (22) Etonitazene.
- (23) Etoxeridine.
- (24) Furethidine.
- (25) Hydroxypethidine.
- (26) Ketobemidone.
- (27) Levomoramide.
- (28) Levophenacymorphan.
- (29) Morpheridine.
- (30) Noracymethadol.
- (31) Norlevorphanol.
- (32) Normethadone.
- (33) Norpipanone.
- (34) Phenadoxone.
- (35) Phenampromide.
- (36) Phenomorphan.
- (37) Phenoperidine.
- (38) Piritramide.
- (39) Proheptazine.
- (40) Properidine.
- (41) Racemoramide.
- (42) Trimeperidine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine.
- (2) Acetyldihydrocodeine.
- (3) Benzylmorphine.
- (4) Codeine methylbromide.
- (5) Codeine-N-Oxide.
- (6) Cyprenorphine.
- (7) Desomorphine.
- (8) Dihydromorphine.
- (9) Etorphine.
- (10) Heroin.
- (11) Hydromorphanol.
- (12) Methyldesorphine.
- (13) Methylhydromorphine.

- (14) Morphine methylbromide.
- (15) Morphine methylsulfonate.
- (16) Morphine-N-Oxide.
- (17) Myrophine.
- (18) Nicocodeine.
- (19) Nicomorphine.
- (20) Normorphine.
- (21) Pholcodine.
- (22) Thebacon.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine.
- (2) 5-methoxy-3,4-methylenedioxy amphetamine.
- (3) 3,4,5-trimethoxy amphetamine.
- (4) Bufotenine.
- (5) Diethyltryptamine.
- (6) Dimethyltryptamine.
- (7) 4-methyl-2,5-dimethoxyamphetamine.
- (8) Ibogaine.
- (9) Lysergic acid diethylamide.
- (10) Marihuana.
- (11) Mescaline.
- (12) Peyote.
- (13) N-ethyl-3-piperidyl benzilate.
- (14) N-methyl-3-piperidyl benzilate.
- (15) Psilocybin.
- (16) Psilocyn.
- (17) Tetrahydrocannabinols.
- (18) 4-methylmethcathinone (Mephedrone).
- (19) 3,4-methylenedioxypyrovalerone (MDPV).
- (20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (24) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (25) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- (27) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (28) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

(d)

(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

(2) In paragraph (1):

(A) The term “cannabimimetic agents” means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(B) Such term includes—

(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). Schedule II

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- (2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium.
- (3) Opium poppy and poppy straw.
- (4) coca ^[3]leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Alphaprodine.
- (2) Anileridine.
- (3) Bezitramide.
- (4) Dihydrocodeine.
- (5) Diphenoxylate.
- (6) Fentanyl.
- (7) Isomethadone.
- (8) Levomethorphan.
- (9) Levorphanol.
- (10) Metazocine.
- (11) Methadone.
- (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
- (13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (14) Pethidine.
- (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
- (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
- (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- (18) Phenazocine.
- (19) Piminodine.
- (20) Racemethorphan.
- (21) Racemorphan.

(c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers. Schedule III

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

(2) Phenmetrazine and its salts.

(3) Any substance (except an injectable liquid) which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

(4) Methylphenidate.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.

(2) Chorexadol.

(3) Glutethimide.

(4) Lysergic acid.

(5) Lysergic acid amide.

(6) Methyprylon.

(7) Phencyclidine.

(8) Sulfondiethylmethane.

(9) Sulfonethylmethane.

(10) Sulfonmethane.

(c) Nalorphine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

- (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (e) Anabolic steroids. Schedule IV
- (1) Barbital.
- (2) Chloral betaine.
- (3) Chloral hydrate.
- (4) Ethchlorvynol.
- (5) Ethinamate.
- (6) Methohexital.
- (7) Meprobamate.
- (8) Methylphenobarbital.
- (9) Paraldehyde.
- (10) Petrichloral.
- (11) Phenobarbital.

2.0 Test

2.1 Administrators of Test

2.11 Defense Intelligence Agency or any Division of Agency that has immunity from Congressional oversight and authority to test:

- A. Candidates
- B. Agency Chief or Directors
- C. Petition Challenger(s)
- D. Tier One Support Staff – District of Columbia Office of the Attorney General, District of Columbia Office of the Inspector General, Executive Office of the Mayor.
- E. Tier One Support Contractors – Private investigators and Security Guards, Private Law Firms or individual Attorneys at Law.

2.12 National Security Administration or any Division of Agency that has immunity from Congressional oversight and authority to test:

- A. Elected Serving Officials
- B. Voluntary Test – Candidate Positions or temporary replacement of elected officials or serving appointed officials
- C. Temporary Replacements of Elected Officials or Serving Officials

2.13 (Test Witness) DC Metropolitan Police Narcotics Division or DC Fire EMS

2.20 **Random:** Subject being tested will be notified between 8:00 AM and 8:30 AM of the day of test. Test to be administered between the hours 10:00AM to Council hearing ending at 441 4th St. NW, 1350 Pennsylvania Avenue NW, any DC leased, DC owned facilities within the borders of the United States or foreign countries.

2.21 **Procedure:** Portable Test Kit and/or breath analyzer, hair, blood, oral swab or urine sample.

2.3 **Alcohol Testing:** Breathalyzer not to exceed .08% .

2.4 **Test Refusal:** Subject actions will be reported to the press, media, radio, television, internet and public, same or next day by press release to all major newspapers and broadcast stations by the District of Columbia Attorney General or Counsel Chairman.

- A. Candidate – Automatic disqualification, with prejudice.
- B. Petition Challenger(s) – Automatic disqualification with prejudice
- C. Serving officials - Automatic termination without benefits.
- D. Emergency or Temporary Legislation - Automatic termination without benefits.
- E, Public or Legislation Meetings and Hearings - Automatic termination without benefits.
- F. Declared Veto - Automatic termination without benefits.

2.5 **Public or Legislative Meetings and Hearings.** Subject, who is voting or nonvoting, can be excused to be tested having had prior written notice on the day of the test.

2.6 **Emergencies or Temporary Legislation.** All subjects will be tested without notice. Non Passing alcohol and substance results – vote shall not be counted, and official to be automatically terminated.

2.7 **Declared Veto.** Subject tested 24 hours after declaration of veto at location of order – veto can be stricken or removed

2.8 **Schedule I-IV Controlled Substance** One test only.

3.0 Candidates

3.1 Congressional Seats

3.11 United States Shadow Representative Article 1 Sec. 2 U.S. Constitution

3.12 Delegate to the House of Representatives DC Official Code 1-401,

3.13 United States Shadow Senator Article 1 Sec. 3 U.S. Constitution

3.2 **Mayor of the District of Columbia** DC Official Code 1-204.21

3.3 **Council Chairman** DC Official Code §§ 1-204.02 and 1.204.03

3.4 **Council Seats:**

3.41 Council Member At Large DC Official Code 1-204.02

3.42 Council Member At Large DC Official Code 1-204.02

3.43 Council Member At Large DC Official Code 1-204.02

3.44 Council Member At Large DC Official Code 1-204.02

3.5 **Ward Council Members**

3.51 Council Member - Ward 1 DC Official Code 1-204.02

3.52 Council Member - Ward 2 DC Official Code 1-204.02

3.53 Council Member - Ward 3 DC Official Code 1-204.02

3.54 Council Member - Ward 4 DC Official Code 1-204.02

3.56 Council Member - Ward 5 DC Official Code 1-204.02

3.57 Council Member - Ward 6 DC Official Code 1-204.02

3.58 Council Member - Ward 7 DC Official Code 1-204.02

3.59 Council Member - Ward 8 DC Official Code 1-204.02

3.6 **Attorney General of the District of Columbia** DC Official Code 1-201.83.

3.7 **Voluntary Test:** Optional procedure for candidate who seeks office to be tested for Alcohol and Substances pending after declaration of position sought, one test same day declaring candidacy.

Candidate must pass alcohol and substance test in order to have automatic ballot access and be exempt from petition signature requirements.

3.8 **Petition Challenger(s)** Chapter 10 Title 3 DCMR 1006 :

- i. Any individual, company, law firm, profit or nonprofit foundation, PAC, political party, special interest group, trade union, activist group, community organization, unions and lobbyists, whom challenges petitions filed by any candidate seeking any position shall take a mandatory alcohol and drug test, day of filing petition to DCBOEE. Petition challenger must take one alcohol and substance test and pass as an individual and shall have a right to transfer challenge to law firm, private consultant, any registered business of the District of Columbia. All staff members, employees, executive directors or owners of entity, must take and pass one alcohol and substance test in order for the challenger's transfer to be accepted by DCBOEE.
- ii. Results by test administrators, submitted to DCBOEE and District of Columbia Court of Appeals within 48 hours of transfer.

- iii. Failure of test is automatic dismissal with prejudice, by DCBOEE, from any future petition challenges.
- iv. If entity is a business or any other organization it must be registered by the District of Columbia Consumer and Regulatory and Affairs, one hear before challenge.

3.9 Declared Winners:

Any Primary, General or Special Election with affiliation of all political parties, no party and write-ins must after declared winner must take a test 24 hours after DCBOEE announcement of winning. If candidate winner fails to show within 24 hours, that candidate will be disqualified automatically from the winners list and the test shall advance to the next competing candidate of the same party for Primary Election.

- i. For General Election: the winner is the next candidate of opposing party , no party or write-in by largest to smallest voting percentage.
- ii. For Special Election: Declared winning candidate must test within 24 hours of DCBOEE notice. If fail alcohol and substance test, the test will advance to next competing candidate until passing results by a candidate.

3.10 Fail test:

- A. Primary Election: Advance to competing and passing candidate of party affiliation. One test only per candidate, 24 hour notice, failure to appear for test results in automatic disqualification.
- B. General Election: Advance to opposite political party, or no-political party, write-in with highest to lowest percentage competing for position. One test, only per candidate, within 24 hours.
- C. Special Election: Advance to any candidate passing the test regardless of party or voting percentage margin. One test per candidate, 24 hours after notice. Failure to appear results in automatic disqualification.

- 3.11 **Pre Medical Condition.** Any candidate with prescription for use of a schedule I-IV shall be off of prescribed drug before competing or winning any office sought before declaration of candidacy to DCBOEE.

4.0 Random Tests – Serving Officials

(Elected to Office)

Definition: Per year by position to be tested at offices of Federal buildings, District of Columbia, owned or leased facilities and residences, if conducting meetings on behalf of the

District of Columbia, not limited to any state in the United States of America or international territories..

4.1 Congressional Seats

4.11 **United States Shadow Representative** (2 per year)

4.12 **Delegate to the US House of Representatives** (3 per year)

4.13 **United States Shadow Senator** (2 per year)

4.14 **United States Shadow Senator** (2 per year)

4.15 **Mayor for the District of Columbia:** (2 per year), additional test to include: submitting yearly budget request to Congress, declaring curfews, declaring marshal law, declaring vetoes or unwarranted internal investigations of citizens or employees.

4.16 **Council Chairman** (8 per year)

4.17 **Council Chairman Pro-Tempore** (6 per year)

4.20 Council Seats:

4.21 **Ward Council Members At Large**

4.22 **Council Member At Large** (4 per year)

4.23 **Council Member At Large** (4 per year)

4.24 **Council Member At Large** (4 per year)

4.25 **Council Member At Large** (4 per year)

4.3 **Ward Council Members**

4.31 **Council Member - Ward 1** (3 per year)

4.32 **Council Member - Ward 2** (3 per year)

4.33 **Council Member - Ward 3** (3 per year)

4.34 **Council Member - Ward 4** (3 per year)

4.35 **Council Member - Ward 5** (3 per year)

4.36 **Council Member - Ward 6** (3 per year)

4.37 **Council Member - Ward 7** (3 per year)

4.38 **Council Member - Ward 8** (3 per year)

4.4 **Attorney General for the District of Columbia** (10 per year)

4.5 **Failed Test** Failed automatic termination of individual without benefits.

4.51 **Breathalyzer** not to exceed .08%. May fail one time.

4.52 **Schedule I-IV Controlled Substance.** May not fail one test.

- 4.6 **Administrative Medical Prescription Leave:** U.S. Licensed physician diagnosis for use to cure a disease or condition. Marijuana or Schedule I-IV Control Substances.

4.61 **Ward Council Members** (Wards 1 through 8)

Option 1. Administrative Medical Leave for 1 to 30 days. Chief of Staff has voting and signing authority by passing alcohol and substance test. If Chief of Staff does not pass test he or she will not be eligible for the position. The position shall be filled by the ANC individual of the Ward in a random lottery drawing by the elected Attorney General of the Council in a lottery of ANC individuals whom volunteer their name to be considered for Temporary Council Member position. Temporary Council Member must be able to pass an alcohol and substance test at the time of lottery.

Option 2. Governing Authority Leave up to 160 days maximum Chief of Staff or ANC of Ward, has voting and signing authority until medical examination determines Council Member fit to return before end of election term.

Option 3. Complete resignation of position with all benefits in place, if condition is non recoverable and Special Election to take place within 90 days.

4.62 **Council Chairman**

Option 1 Administrative Medical Leave for 1 to 30 days. Chief of Staff has voting and signing authority if he or she passes alcohol and substance test. If Chief of Staff does not pass test the Council Chairman pro tempore will assume the position, pending passing of the alcohol and substance tests. If Council Chairman pro tempore does not pass test he or she will not be eligible for the position and a special election for the position will take place for position within 90 to 120 days. Council Chairman is eligible to retain benefits and seek office next election cycle.

4.63 **Council Chairman Pro-Tempore**

Option 1 Administrative Medical Leave for 1 to 30 days. Chief of Staff has voting and signing authority after passing of alcohol and substance test. If Chief of Staff does not pass test he or she will not be eligible for the position and a special election for the position will take place for position within 90 to 120 days.

Council Chairman Pro-Tempore can retain benefits and seek office next election cycle.

4.64 **Council Members at Large**

Option 1 Administrative Medical Leave for 1 to 30 days. Chief of Staff has voting and signing authority after passing of alcohol and substance test. If Chief of Staff

does not pass test he or she will not be eligible for the position and a special election for the position will take place for position within 90 to 120 days.

Council Member at Large can retain benefits and seek office next election cycle.

4.65 **Attorney General** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

4.66 **Mayor** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

4.67 **United States Shadow Representative** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

4.68 **Delegate to the US House of Representatives** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

4.69 **United States Shadow Senator** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

5.0 Random Tests – Serving Officials

(Agency Chiefs and Directors Appointed to Office)

Definition: Per year by position to be tested at office, Federal offices, District owned or leased facility and residences if conducting meetings on behalf of the District of Columbia, not limited to any state in the United States of America or international territories.

5.1 Agency Chiefs and Directors

5.11 District of Columbia Executive Office of the Mayor

A. Position of Deputy Mayors (4 per year)

5.12 District of Columbia Government Assistant Attorney General

A. **Independent contract attorneys or Law firm** (8 per year or 1 per Court Hearing)

B. **District of Columbia Government Assistant Attorney Generals** (6 per year).

5.13 District of Columbia Parking Enforcement

A. Director (8 per year)

B. Staff Members (8 per year)

5.14 District of Columbia Metropolitan Police Department

A. Chief (10 per year)

5.15 District of Columbia Government Homeland Security

A. Director and Chief (10 per year)

5.16 District of Columbia Inspector General

A. Inspector General (10 per year).

5.17 District of Columbia Fire Department

A. Chief (10 per year)

5.18 District of Columbia Department of Transportation

A. Director (8 per year)

5.19 District of Columbia Department of Public Works

A. Director (4 per year)

5.20 District of Columbia Office of the Chief Financial Officer

A. Chief Financial Officer. (10 per year)

5.21 District of Columbia Department of Health

A. Director (6 per year)

5.22 District of Columbia Department of Consumer and Regulatory Affairs

A. Director (2 per year)

5.23 District of Columbia Public Schools

A. Superintendent (6 per year) or Chancellor (6 per year)

B. Chief of Staff (4 per year)

5.24 Office of Small and Local Business Development

A. **Director** (8 per year)

5.25 **District of Columbia Water**

A. General Manager (8 per year)

B. General Counsel (6 per year)

5.26 **District of Columbia Public Service Commission**

A. Chairperson (Chairman) (4 per year)

B. Commissioners (4 per year)

C. General Counsel (6 per year)

5.27 **District of Columbia Board of Elections and Ethics**

A. Chairman (8 per year)

B. Board Members (4 per year)

C. General Counsel (6 per year)

5.28 All other Agency Chiefs and Directors (Appointed or Non Appointed) (2 per year)

5.40 **Random:** Subject being tested will be notified between at 9:00 AM and 9:30 AM of the day of test. Test to be administered between the hours 11:00AM to 6 PM.

5.41 **Benefit Option** Any elected and serving officials of the District of Columbia who resigns up to 1 hour before alcohol and substance test shall have rights and access to full benefits..

5.42 **Failed Test:** Automatic termination of individual.

5.42.1 Breathalyzer not to exceed .08%. May fail one test.

5.42.2 Schedule I-IV Controlled Substances. May not fail one test.

5.42.3 Medical Prescription: Marijuana and Schedule I-IV substances by licensed U.S. physician .

Option 1. Administrative Leave for up to 30 days. Must have Licensed U.S. physician prescription), with Deputy or Agency Assistant replacing Chief or Director until further notice if passes alcohol and substance test.

6.0 Lottery Drawings for Temporary Positions

(1-30 Days)

Ward Member: Any ANC regardless of political affiliation can submit a sealed envelope with their name and address to a lottery box where an envelope will be drawn by the Attorney General of the District of Columbia and Chairman, witnessed by Chairman of the Council.

A. Sealed envelope selected from lottery box by Attorney General of the District of Columbia (Elected) will be opened and the name of the ANC will be spoken aloud.

B. A substance test will be given to the selected ANC, on the spot by an Administer of the test. If subject fails test, proceed with next drawing until ANC passes test.

7.0 Public Disclosure - Press Release

Report results to DCBOEE, broadcast media (television , AM and FM radio). and print media (newspapers -local and out of territory), Internet web sites, (social media and others).

Spokesperson: Attorney General – Elected.

7.1 Candidates:

A. Voluntary – only if pass substance

B. Primary – Declared winning candidate(s) only from each political party or all independent candidates (No Party) who have ballot access.

C. General Elections – Declared winner(s) only press release of test results, pass or fail.

D. Special Elections – Declared winner(s) only of position.

E. Test Refusal – Press release of refusal.

F. Resign Before Test – Press release of resignation.

G. Petition Challenge – Press release of test results of Challenger(s): individual, private consultant, law firm, political party, trade and union organizations, etc..

7.2 Serving officials: All elected positions and agency Chiefs and Directors.

A. Fail Test: Press Release.

B. Resignation Before Test: Discretion of official.

C. Administrative Prescription Medical Leave: Press Release.

D. Refusal of Test: Press Release.

8.0 Act of Legislative Text

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

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, NOVEMBER 24, 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 SIX

19108 **Application of Jennifer and Lyle Vold**, pursuant to 11 DCMR § 3104.1, for
ANC-6A a special exception under § 223, not meeting the lot occupancy requirements
under § 403, to construct a garage with a rooftop deck in the R-4 District at
premises 134 11th Street N.E. (Square 965, Lot 35).

WARD SIX

19113 **Application of Lerner South Capitol Street JV LLC**, pursuant to 11
ANC-6D DCMR §§ 3103.2 and 3104.1, for variances from the side yard requirements
under § 775.5, and the loading requirements under § 2201.1, and a special
exception from the roof structure requirements under § 411.11, to allow roof
structures not meeting the setback requirement under § 770.6(b), and single
enclosure requirements under § 411.3, to construct a new multi-family apartment
building in the C-3-C District at premises 1000 South Capitol Street S.E. (Square
697, Lot 46).

WARD TWO

19114 **Appeal of ANC 2B**, pursuant to 11 DCMR §§ 3100 and 3101, from a June 18,
ANC-2B 2015 decision by the Zoning Administrator, Department of Consumer and
Regulatory Affairs, to issue Building Permit No. B1404913, to add a rooftop
deck, stairs, and elevator to an existing hotel in the DC/R-5-D District at
premises 1731 New Hampshire Avenue N.W. (Square 154, Lot 829).

WARD FOUR

19116 **Application of DC Department of General Services**, pursuant to 11
ANC-4C DCMR § 3104.1, for a special exception from the roof structure requirements
under § 411.11, to allow roof structures not meeting the setback requirements
under § 400.7, and the parking space requirements under § 2116.5, to permit the
modernization of an existing public high school in the R-4 District at premises
4301 13th Street N.W. (Square 2915, Lot 802).

BZA PUBLIC HEARING NOTICE

NOVEMBER 24, 2015

PAGE NO. 2

WARD FOUR

19118 **Application of Evergreen Properties I LLC**, pursuant to 11 DCMR §
ANC-4A 3103.2, for variances from the lot occupancy requirements under § 772.1, the
nonconforming structure requirements under § 2001.3, and the off-street parking
requirements under § 2101.1, to allow the conversion of a four-unit apartment
house into an apartment building containing seven units in the C-2-A District at
premises 7300 Georgia Avenue N.W. (Square 2956, Lot 40).

WARD TWO

19122 **Application of 1600 I Street Corporation**, pursuant to 11 DCMR §§ 3103.2
ANC-2B and 3104.1, for variances from the roof structure requirements under § 411.1, and
the nonconforming structure requirements under § 2001.3, and a special
exception from the office use requirements under § 508.1, to allow the renovation
and expansion of an existing office building, in the SP-2 District at premises
1600 I Street N.W. (Square 186, Lot 39).

PLEASE NOTE:

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. 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.

BZA PUBLIC HEARING NOTICE
NOVEMBER 24, 2015
PAGE NO. 3

**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.**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, DECEMBER 1, 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 ONE

19115
ANC-1C **Appeal of ANC 1C**, pursuant to 11 DCMR §§ 3100 and 3101, from a June 23, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1509180, to alter, repair, and remove a cellar and install a retaining wall in the R-5-B District at premises 1636 Argonne Place N.W. (Square 2589, Lot 460).

WARD FIVE

19117
ANC-5B **Application of 1010 Irving LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the lot width requirements under § 401.3, to allow the construction of two one-family, semi-attached dwellings on two new record lots in the R-2 District at premises 1010 Irving Street N.E. (Square 3877, Lot 7).

WARD ONE

19119
ANC-1A **Application of Warder LLC**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the lot area requirements under § 401.3, the court requirements under § 406, and the nonconforming structure requirements under § 2001.3, and a special exception from the conversion requirements under § 336, to construct a three-story apartment house containing three residential units in the R-4 District at premises 549 Park Road N.W. (Square 3037, Lot 48).

WARD SIX

19121
ANC-6C **Application of The JBG Companies**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the off-street parking requirements under § 2101.1, and the loading requirements under § 2201.1, and a special exception from the roof structure setback requirements under §§ 411 and 770.6, to implement the second phase of a mixed-use development in the C-3-C District at premises located on Square 672 and Lot 260.

BZA PUBLIC HEARING NOTICE

DECEMBER 1, 2015

PAGE NO. 2

WARD THREE

19125 **Application of Sanford “Sandy” Roskes**, pursuant to 11 DCMR § 3104.1,
ANC-3C for a special exception under § 223, not meeting the open court requirements
 under § 406.1, and the nonconforming structure requirements under § 2001.3,
 and a special exception from the minimum pervious surface requirements under §
 412.3, to permit the construction of a one-story rear addition to an existing one-
 family dwelling in the R-1-B District at premises 3008 Ordway Street N.W.
 (Square 2071, Lot 7).

WARD ONE

19126 **Application of Timothy Turnham**, pursuant to 11 DCMR §§ 3103.2 and
ANC-1A 3104.1, for a variance from the lot occupancy requirements under § 403.2, and a
 special exception under § 223, not meeting the rear yard requirements under §
 404, the court width requirements under § 406, and the nonconforming structure
 requirements under § 2001.3, and a special exception from the alley setback
 requirements under § 2300.2(b), to allow the construction of a one-story rear
 garage and deck addition to an existing one-family dwelling in the R-4 District at
 premises 1252 Columbia Road N.W. (Square 2583, Lot 70).

PLEASE NOTE:

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

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

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

BZA PUBLIC HEARING NOTICE
DECEMBER 1, 2015
PAGE NO. 3

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.**

**BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE**

TUESDAY, OCTOBER 27, 2015

441 4TH STREET, N.W.

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

Cases added: 16620A, 19134

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

TIME: 9:30 A.M.

WARD THREE

16620A **Application of the Embassy of the Republic of Azerbaijan**, pursuant to
ANC-3C 11 DCMR § 1002 of the Foreign Missions Act, to allow the construction of a
security fence in the TSP/NO/R-1-A District at premises 2741 34th Street N.W.
(Square 2122, Lot 27).

WARD TWO

19134 **Application of the Embassy of Zambia**, pursuant to 11 DCMR § 1002 of
ANC-2D the Foreign Missions Act, to allow the temporary location of a chancery in the
D/R-3 District at premises 2200 R Street N.W. (Square 2512, Lot 808).

WARD FOUR

19088 **Application of Jose Ayala**, pursuant to 11 DCMR § 3103.2, for variances
ANC-4C from the rear yard requirements under § 774.1, and the off-street parking
requirements under § 2101, to allow the construction of a new four-story mixed
use building in the C-2-A District at premises 3701 14th Street N.W. (Square
2826, Lot 96).

WARD FIVE

18095B **Application of Servants of the Lord and the Virgin of Matara**, pursuant
ANC-5B to 11 DCMR § 3104.1, for a special exception from the residence requirements
under § 215, to allow the continued operation of a clerical and religious group
residence in the R-1-B District at premises 1326 Quincy Street N.E. (Square
3968, Lot 17).

WARD FIVE

19090 **Application of Basque Bar LLC**, pursuant to 11 DCMR § 3104.1, for a
ANC-5E special exception from the Green Area Ratio requirements under § 3405.1, to
establish a restaurant in the C-2-A District at premises 300 Florida Avenue N.W.
(Square 519, Lot 73).

Revised on September 3, 2015

BZA PUBLIC HEARING NOTICE

OCTOBER 27, 2015

PAGE NO. 2

WARD ONE

19093 **Application of Warder, LLC**, pursuant to 11 DCMR § 3104.1, for a special
ANC-1B exception from the use requirements under § 336, to renovate and convert a
vacant one-family semi-detached building into a three-unit apartment house in
the R-4 District at premises 2708 Sherman Avenue N.W. (Square 2858, Lot 53).

WARD FIVE

19094 **Application of 28th Street Partners, LLC**, pursuant to 11 DCMR § 3104.1,
ANC-5E for a special exception from the use requirements under § 336, to convert a
residential building into a three-unit apartment house in the R-4 District at
premises 64 W Street N.W. (Square 3118, Lot 52).

WARD TWO

19095 **Application of Carr Properties**, pursuant to 11 DCMR §§ 3104.1 and
ANC-2B 411.11, for a special exception from the multiple roof structures with walls of
uneven height requirements pursuant to § 770.6, to construct an addition to an
existing mixed use building in the C-4 District at premises 1100 15th Street N.W.
(Square 197, Lots 81, 812, 858, and 859).

PLEASE NOTE:

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning,

BZA PUBLIC HEARING NOTICE
OCTOBER 27, 2015
PAGE NO. 3

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.

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

**TIME AND PLACE: Thursday, October 29, 2015, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 15-02 (MHI-Brookland, LLC and The Redeptorists – Consolidated Review and Approval of a Planned Unit Development and PUD-Related Map Amendment @ Squares 3645 & 3648 and Parcel 132/89)

THIS CASE IS OF INTEREST TO ANC 5E

On February 3, 2015, the Office of Zoning received an application from MHI-Brookland, LLC and The Redeptorists (collectively, the “Applicant”) requesting approval of a consolidated planned unit development (“PUD”) and a PUD-related map amendment to facilitate the development of Square 3645, Lots 802 and 804, Square 3648, Lot 804, and Parcel 132/89 for residential use. The Office of Planning submitted its report in support of setting the application down for a public hearing on June 18, 2015. On June 29, 2015, the Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on August 21, 2015.

The property that is the subject of this application consists of approximately 119,215 square feet of land area. The property is located in the southwest corner of the intersection of 7th Street, N.E. and Jackson Street, N.E. The property is located in the D/R-5-A Zone District and the Applicant seeks a PUD-related map amendment to the R-5-B Zone District. The property is located in the Institutional land use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The Applicant proposes to develop the property with 39 residential townhomes; 13 homes will be located to the north of the Holy Redeemer building and along Jackson Street while 26 homes will be provided to the south of the Holy Redeemer building and west of 7th Street. The existing Holy Redeemer building will remain. The new townhomes will consist of a total of approximately 83,000 square feet of gross floor area and will have a maximum height of approximately 48 feet. Forty-eight parking spaces will be dedicated to the townhome development. In total, the project will have a floor area ratio of .95, which includes the existing Holy Redeemer building.

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

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-02
PAGE 2

How to participate as a witness.

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

How to participate as a party.

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

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

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

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

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

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

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

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-02
PAGE 3**

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

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

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

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

TIME AND PLACE: **Monday, November 2, 2015, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 15-17 (Text Amendments to 11 DCMR (Zoning) Chapters 1, 2, 5, 6, 7, and 31 – Child Development Homes)

THIS CASE IS OF INTEREST TO ALL ANCs

On July 17, 2015, the Office of Zoning received a report from the Office of Planning requesting text amendments to establish and regulate a new use to be known as an “Expanded Child Development Home”. The use would be permitted as a home occupation in Residence Districts, an accessory use in Special Purpose Districts, a matter-of-right use in Mixed-Use (Commercial Residential) Districts, and as an accessory building in Commercial Districts. Child Development Homes would no longer be permitted as accessory uses in Residence Districts but only as home occupations. Other changes to the regulation of child development homes were also proposed, as well as an amendment that would count basement space towards floor area limitations for home occupations.

At a public meeting on July 27, 2014, the Zoning Commission set down this case for a public hearing. The Office of Planning’s report served as the supplemental filing described in § 3013.

Title 11 DCMR (Zoning) is proposed to be amended as follows (language added to existing provisions shown in **bold** and underlined text; substantive language eliminated from existing provisions is shown in ~~striketrough~~ text):

Chapter 1, THE ZONING REGULATIONS, § 199 DEFINITIONS, § 199.1, is amended as follows:

By inserting the following new definition in alphabetical order

Extended Child Development Home – a dwelling unit used in part for the licensed care, education, or training for more than six (6) individuals, up to a maximum of twelve (12) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit, provided that no more than six (6) of the individuals may be under two (2) years of age. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center,

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-17
PAGE 2

day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

By amending the definition of “Caregiver” to add a reference to an “extended child development home,” so that the definition reads as follows:

Caregiver – an individual who is responsible for the supervision and administration of a child development home, extended child development home, or child/elderly development center

By amending the definition of “child development home” to insert the phrase “including all individuals age four (4) and younger who reside in the dwelling unit”, so that the definition reads as follows:

Child development home – a dwelling unit used in part for the licensed care, education, or training of no more than six (6) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows:

Section 202, ACCESSORY USES (R-1) is amended as follows:

By repealing § 202.4¹.

By amending § 202.5 to add new paragraphs (a) through (e)² so that the subsection will read as follows:

202.5 The elderly day care home shall be permitted as an accessory use in an R-1 District incidental to the uses permitted in this chapter ~~if the requirements of the child development home are met~~ **provided:**

(a) The dwelling unit in which the use is located shall be the principal residence of the caregiver;

¹ Subsection 202.4 presently permits a child development home as a matter-of-right accessory use. Under these amendments, the use will be permitted only as a home occupation, which requires a permit.

² Subsection 202.5 presently requires elderly care homes to meet the requirements stated in § 202.4(a) through (e). Since those paragraphs are proposed to be repealed, it is necessary to add their content to § 202.5.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-17
PAGE 3

- (b) There is used no more than one (1) sign or display, which shall not exceed one hundred forty-four square inches (144 sq. in.) in area;
- (c) No stock in trade is kept nor any commodity sold upon the premises;
- (d) No person is employed other than a member of the caregiver's immediate family residing on the premises; and
- (e) No mechanical equipment is used except such as is permissible for purely domestic or household purposes.

Section 203, HOME OCCUPATION (R-1), is amended as follows:

Subsection 203.4(b) is amended to include the floor area of a basement within the calculation of its the floor area limitation and to add a cross-reference to §§ 203.7(e)(2), (f), and (l). Paragraphs (d), (l), and (m) of the subsection are amended to reference child development homes and/or expanded child development homes. The amended subsection reads as follows.

- 203.4 A practitioner of a home occupation, and any owner of a dwelling unit in which a home occupation is practiced, shall comply with the requirements of §§ 203.5 and 203.6, and with the following conditions and requirements:
- (a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;
 - (b) Except as provided in §§ 203.7(e)(2), (f), and (l) and § 203.8(d), no more than the larger of two hundred fifty square feet (250 sq. ft.) or twenty-five percent (25%) of the floor area of the dwelling, ~~excluding~~ including basement but excluding any accessory structure, shall be utilized in the home occupation;
 - (d) Except as provided in §§ 203.7(a) and (e)(1), no more than one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation;
 - (e) The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot;
 - (f) No interior structural alteration shall be permitted if it would make it difficult to return the premises to use that is exclusively residential;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-17
PAGE 4

- (g) Neither the practitioner nor any other person shall conduct or allow any operations outside a structure, nor maintain or allow any storage or other unsightly condition outside a structure;
- (h) Neither the practitioner nor any other person shall use any equipment or process that creates visual or audible electrical interference in television or radio receivers outside the subject home, or that causes fluctuations in line voltage outside the subject home;
- (i) The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home;
- (j) The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood;
- (k) No more than two (2) vehicles may be used in the practice of the home occupation;
- (l) **Except for child development homes and expanded child development homes,** vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis;
- (m) **Except for expanded child development homes,** the practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period; and
- (n) If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations, considered as a whole, shall not exceed any of the standards set forth in paragraphs (a) through (m) of this subsection.

Subsection 203.7 is amended to add child development homes and expanded child development homes to the list of allowed home occupations so that the entire subsection reads as follows:

203.7 The following uses shall be allowed as home occupations; provided, that the conditions specified in §§ 203.4 through 203.6 are met at the time of the establishment of the home occupation, and maintained on a continuing basis. The uses listed under this subsection shall include similar uses in each category:

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-17
PAGE 5

- (a) **Child development home provided no more than two (2) persons who are not a resident of the dwelling unit shall be engaged or employed in the child development home;**
- (b) Computer programming;
- (c) Cosmetologist, hair stylist, or barber;
- (d) Dressmaking, sewing, and tailoring;
- (e) **Expanded child development home for between seven (7) and nine (9) individuals fifteen (15) years of age or less; provided:**
 - (1) **No more than three (3) persons who are not a resident of the dwelling unit shall be engaged or employed;**
 - (2) **A minimum of thirty five square feet (35 sq. ft.) of floor area per individual is provided including basement but excluding any accessory structure shall be utilized for the expanded child development home; and**
 - (2) **No more than three hundred and twenty square feet (320 sq. ft.) of the floor area of the dwelling including basement but excluding any accessory structure shall be utilized for the expanded child development home;**
- (f) **Expanded child development home for ten (10) to twelve (12) individuals fifteen (15) years of age less may be permitted as a special exception by the Board of Zoning Adjustment under § 3104 and subject to the provisions of § 203.10; provided a minimum of thirty five square feet (35 sq. ft.) of floor area per individual is provided including basement but excluding any accessory structure;**
- (g) Home crafts, such as model-making, rug weaving, and lapidary work;
- (h) Home office of a businessperson, sales person, or manufacturer's representative; provided, that the dwelling is not used as a gathering point for workers who are on the way to another work site;
- (i) Home office of a physician or dentist; provided, that the physician or dentist may not also establish an accessory use pursuant to § 202;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-17
PAGE 6

- (j) Home office of a scientist, clergyman, inventor, academician, licensed health care professional other than one provided for in paragraph (k) of this subsection, or other professional person;
- (k) Mail order business;
- (l) Painting, sculpturing, writing, composing, photography, or other fine arts occupations practiced by an individual in a home studio; provided, that no more than sixty percent (60%) of the floor area of the dwelling unit may be devoted to the studio;
- (m) Telephone answering service and sales by telephone;
- (n) Tutoring of not more than five (5) students at any one time; and
- (o) Typing or word processing service.

Subsection 203.10 is amended by adding the phrase “Except as provided in § 203.7(e)(1),” to the beginning of paragraph (c), so that the entire subsection reads as follows:

203.10 A home occupation that is not permitted or prohibited in this section may be permitted as a special exception by the Board of Zoning Adjustment under § 3104; provided:

- (a) The proposed use and related conditions shall be consistent with the purposes set forth in § 203.1 and shall generally comply with the requirements of §§ 203.4 through 203.8, subject to specific findings and conditions of the Board in each case;
- (b) An applicant for a home occupation that is permitted by §§ 203.6 through 203.8 may request the Board to modify no more than two (2) of the conditions enumerated in §§ 203.4 through 203.8; provided that the general purposes and intent of this section are complied with;
- (c) **Except as provided in § 203.7(e)(1)**, in no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession;
- (d) Any request to modify more than two (2) of the requirements found in §§ 203.4 through 203.8 shall be deemed a request for a variance. However, a person with a demonstrated physical handicap may be permitted special consideration by the Board, and a request for more than two (2)

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-17
PAGE 7

modifications of the Home Occupation requirements shall be considered in this instance as a special exception governed by this subsection; and

- (e) In considering any request for approval under this subsection, the Board may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it deems necessary to protect adjacent and nearby properties consistent with the general purpose and intent of this section.

Chapter 5, SPECIAL PURPOSE DISTRICTS is amended as follows:

Section 502, ACCESSORY USES (SP), § 502.6, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

502.6 A child development home or an expanded child development home shall be permitted as an accessory use in an SP District incidental to the uses permitted in this chapter; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation

Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS is amended as follows:

Section 601, MATTER OF RIGHT USES (CR), § 601.5, is amended by twice inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

601.5 A child development home or an expanded child development home shall be permitted as a matter of right as an accessory use in a CR District; provided, the dwelling unit in which the child development home or an expanded child development home is located is the principal residence of the caregiver and the use shall otherwise meet the definition of a home occupation.

Chapter 7, COMMERCIAL DISTRICTS is amended as follows:

Section 702, ACCESSORY USES AND BUILDINGS (C-1), § 702.2, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-17
PAGE 8

702.2 A child development home **or an expanded child development home** shall be permitted in a C-1 District as an accessory building and use incidental to the uses permitted in §§ 701 through 711; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation

Section 722, ACCESSORY USES AND BUILDINGS (C-2), § 722.2, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

722.2 A child development home **or an expanded child development home** shall be permitted in a C-2 District as an accessory building and use incidental to the uses permitted §§ 721, 722, and 726 through 734; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation

Section 742, ACCESSORY USES AND BUILDINGS (C-3), § 742.2, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

742.2 A child development home **or an expanded child development home** shall be permitted in a C-3 District as an accessory building and use incidental to the uses permitted in §§ 741 through 744; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation

Section 752, ACCESSORY USES AND BUILDINGS (C-4), § 752.2, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

752.2 A child development home **or an expanded child development home** shall be permitted in a C-4 District as an accessory building and use incidental to the uses permitted in §§ 751 through 754; provided:

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 15-17
 PAGE 9

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

Section 761, C-5 (PAD) DISTRICT USES, § 761.4, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

761.4 A child development home or an expanded child development home shall be permitted in the C-5 (PAD) District as an accessory use incidental to the uses permitted in this section; provided:

Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE is amended as follows:

Section 3104, SPECIAL EXCEPTIONS, is amended by inserting alphabetically the following new special exceptions into the chart appended to § 3104.1:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Expanded child development home for ten (10) to twelve (12) individuals fifteen (15) years of age or less.	Any R District	§ 203.7(f).

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

How to participate as a witness.

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

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 15-17
PAGE 10

Time limits.

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

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

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

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

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. Written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

NOTICE OF FINAL 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 repeal of Section 208 (Instant Ticket Distribution Center Licenses) of Chapter 2 (Lottery Licenses) of the District of Columbia Municipal Regulations (DCMR).

The repeal 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 licensee's hold Instant Ticket Distribution Center Licenses, and the Agency does not intend to issue this type of license in the future.

A Notice of Proposed Rulemaking was published in *D.C. Register* on July 24, 2015 at 62 DCR 10067. Final action to adopt these rules took place on July 24, 2015. No comments were received, and no substantive changes were made to the rulemaking. These rules will become effective upon publication of this notice in the *D.C. Register*.

Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:

Section 208, INSTANT TICKET DISTRIBUTION CENTER LICENSES, of Chapter 2, LOTTERY LICENSES, is repealed in its entirety and RESERVED.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2012 Repl.)); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2012 Repl.)), hereby gives notice that at its regularly scheduled meeting on September 3, 2015, the Board took final action through adoption of Board Resolution #15-72 to amend Sections 112 (Fees) and 199 (Definitions) of Chapter 1 (Water Supply) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

Pursuant to Board Resolution #15-68, dated July 2, 2015, the Board’s proposed rulemaking was published in the *D.C. Register* on July 17, 2015 at 62 DCR 9852 to receive comments on this proposed rulemaking. On August 25, 2015 and September 2, 2015, the Retail Water and Sewer Rates Committee met to consider the comments submitted during and after the public comment period and recommendations from the DC Water General Manager.

On September 3, 2015, the Board, through Resolution #15-72, after consideration of all comments received, the report of the Retail Water and Sewer Rates Committee, and recommendations from the DC Water General Manager, voted to amend the DCMR to charge all Residential customers whose premises is served by a meter larger than 1.5” the monthly WSRF for a one inch (1”) meter, effective October 1, 2015. No substantive changes have been made to the proposed rulemaking amendment.

This final rulemaking will become effective October 1, 2015.

Section 112, FEES, of Chapter 1, WATER SUPPLY, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Subsection 112.10 is amended to read as follows:

112.10 For purposes of this section, the phrase “Water System Replacement Fee” (WSRF) means the monthly fee charged to residential, multi-family, and non-residential customers to recover the cost of the one percent (1%) renewal and replacement of aging water infrastructure.

- (a) Residential, multi-family, and non-residential customers shall be charged a monthly Water System Replacement Fee as follows:

Meter Size (inches)	Meter Register Type	Monthly Water System Replacement Fee
5/8”	Single Register	\$ 6.30

Meter Size (inches)	Meter Register Type	Monthly Water System Replacement Fee
3/4"	Single Register	\$ 7.39
1"	Single Register	\$ 9.67
1"x1.25"	Single and Multiple Register	\$ 15.40
1.5"	Single Register	\$ 41.35
2"	Single and Multiple Register	\$ 83.75
3"	Single and Multiple Register	\$ 232.13
4"	Single and Multiple Register	\$ 561.02
6"	Single and Multiple Register	\$ 1,292.14
8"	Single and Multiple Register	\$ 5,785.51
8"x2"	Multiple Register	\$ 1,899.60
8"x4"x1"	Multiple Register	\$ 2,438.35
10"	Single and Multiple Register	\$ 6,679.65
12"	Single and Multiple Register	\$ 6,679.65
16"	Single and Multiple Register	\$ 6,679.65

- (b) Residential customer, whose premises is served by a meter that is larger than one inch (1"), shall be charged a monthly Water System Replacement fee set forth in Subsection 112.10(a) for a one inch (1") meter.

Section 199, DEFINITIONS, is amended by adding the following terms and definitions to read as follows:

Single Register – Meter that has only one device that displays the consumption volume.

Multiple Register – Meter that has two or more devices that can display the consumption volume at different flow rates (high or low) or different uses, including, but not limited to, Demand Flow and Fire Flow.

Water System Replacement Fee or WSRF – the monthly fee charged to residential, multi-family, and non-residential customers to recover the cost of the one percent (1%) renewal and replacement of aging water infrastructure.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66; D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2015 Supp.))(Act), hereby gives notice of the intent to take final rulemaking action to adopt the following new Chapter 103 (Prescription Drug Monitoring Program) of Title 17 (Business, Occupations, and Professionals) 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 adoption of Chapter 103 is necessary to establish a Prescription Drug Monitoring Program Advisory Committee and implement the Act, which will help improve the District’s ability to identify and reduce the diversion of prescription drugs. The rulemaking will also enhance patient care by providing prescription monitoring information that will assure legitimate use of controlled substances in health care.

Chapter 103, PRESCRIPTION DRUG MONITORING PROGRAM, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is added as follows:

CHAPTER 103 PRESCRIPTION DRUG MONITORING PROGRAM

- Secs.
- 10300 General Provisions
- 10301 Prescription Monitoring Data Reporting Requirements
- 10302 Covered Substances
- 10303 Standards and Format for Reporting
- 10304 Zero Reporting
- 10305 Criteria for Granting Waivers of the Reporting Requirements
- 10306 Prescriber and Dispenser Access to Prescription Monitoring Data
- 10307 Mandatory Disclosure of Prescription Monitoring Information for Law Enforcement and Regulatory Purposes
- 10308 Discretionary Disclosure of Information
- 10309 Interoperability With Other State Prescription Drug Monitoring Programs
- 10310 Notice of Requests for Information
- 10311 Confidentiality
- 10312 Requests to Program to Correct Prescription Monitoring Data
- 10313-10315 [RESERVED]
- 10316 The PDMP Advisory Committee
- 10399 Definitions

10300 GENERAL PROVISIONS

- 10300.1 The Prescription Drug Monitoring Program (Program) shall employ information technology necessary for dispensers to report the prescription monitoring data set forth in § 10301.4 to the Program.
- 10300.2 A prescriber or dispenser:
- (a) Is not required or obligated to access or use the prescription monitoring data available under the Program; and
 - (b) When acting in good faith, is not subject to liability or disciplinary action arising solely from:
 - (1) Requesting or receiving, or failing to request or receive, prescription monitoring data from the Program; or
 - (2) Acting, or failing to act, on the basis of prescription monitoring data provided by the Program.
- 10300.3 The Program shall retain prescription monitoring data for at least three (3) years from the date of receipt.

10301 PRESCRIPTION MONITORING DATA REPORTING REQUIREMENTS

- 10301.1 Each dispenser of a covered substance shall submit the prescription monitoring data required in § 10301.4, in the form and manner required by § 10303, to the Program within twenty-four (24) hours after a covered substance is dispensed for each covered substance dispensed. For purposes of complying with this chapter, dispensing shall not include merely placing the covered substance prescription into a bin for pickup by the ultimate user or his or her agent.
- 10301.2 For purposes of complying with § 10301.1 of this chapter, the Program shall provide dispensers at least ninety (90) days written notice of the date that reporting shall begin.
- 10301.3 Any dispenser located outside the geographical boundaries of the District that is licensed or registered by the District, shall submit the prescription monitoring data set forth in § 10301.4 to the Program within twenty-four (24) hours after the covered substance is dispensed to an ultimate user who resides in the District. The submission shall be in the form and manner required under § 10303.
- 10301.4 Upon dispensing a covered substance, the dispenser of the covered substance shall report the following prescription monitoring data to the Program:
- (a) Patient full name;
 - (b) Patient address;

- (c) Patient telephone number;
- (d) Patient date of birth;
- (e) Patient gender;
- (f) Dispenser DEA number, NPI number, or other mutually acceptable identification number;
- (g) Dispenser name;
- (h) Dispenser address;
- (i) Dispenser telephone number;
- (j) Prescriber DEA number, NPI number, or other mutually acceptable identification number;
- (k) Prescriber's full name;
- (l) Date prescription was issued by prescriber;
- (m) Date prescription was dispensed;
- (n) Prescription number;
- (o) Prescription type is new or is a refill;
- (p) Number of refill being dispensed, if applicable;
- (q) NDC code for the drug dispensed;
- (r) Quantity dispensed;
- (s) Days' supply dispensed;
- (t) Number of refills ordered;
- (u) Source of payment for the prescription;
- (v) Any elements required as a condition of eligibility for a federal grant as outlined in the PDMP Instruction Manual; and
- (w) Any other information that may be requested by the Director in furtherance of the Program.

10301.5 The reporting requirements of this chapter shall not apply to the dispensing of covered substances when the dispensing is limited to the following:

- (a) Administering covered substances;
- (b) Dispensing covered substances within an appropriately licensed narcotic maintenance program, such as a methadone treatment program or substance abuse treatment program;
- (c) Dispensing covered substances to inpatients in hospitals or nursing facilities licensed by the Department or facilities that are otherwise authorized by law to operate as hospitals or nursing homes in the District;
or
- (d) Dispensing covered substances to inpatients in hospices licensed or certified by the Department.

10301.6 The failure of any person subject to the reporting requirements of this chapter to report the dispensing of a covered substance, unless otherwise exempted under this chapter, or the willful failure to transmit accurate information shall constitute grounds for:

- (a) The revocation, suspension, or denial of a District controlled substances registration;
- (b) Disciplinary action by the relevant health occupations board pursuant to Section 514(c) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.14(c)); and
- (c) The imposition of civil fines pursuant to Section 104 of Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04).

10301.7 Each dispenser shall ensure that information reported to the Prescription Drug Monitoring Program is correct and shall submit corrections when necessary.

10302 COVERED SUBSTANCES

10302.1 Covered substances are controlled substances, as defined in this rulemaking, and the following drugs of concern:

- (a) All drug products containing Cyclobenzaprine; and
- (b) All drug products containing Butalbital.

10303 STANDARDS AND FORMAT FOR REPORTING

- 10303.1 The required prescription monitoring data subject to reporting pursuant to §§ 10301 and 10302 shall be transmitted electronically to the Program:
- (a) Within twenty-four (24) hours of dispensing;
 - (b) In the format provided in the Electronic Reporting Standard for Prescription Monitoring Programs of the American Society for Automation in Pharmacy (ASAP), Version 4.2 (November 2011) or later; and;
 - (c) Shall be consecutive and include any covered substances dispensed after the last date and time reporting information was submitted.
- 10303.2 The Program shall make available a PDMP Instruction Manual that sets forth information about the required file layout format and acceptable media transmission for submitting the required reporting information.
- 10303.3 Prescription monitoring data subject to reporting pursuant to §§ 10301 and 10302 shall be transmitted to the Program in the required file layout format through the media transmission set forth in the PDMP Instruction Manual. Dispensers shall begin transmitting the required data on the date specified by the Program, which shall be no less than ninety (90) days after receiving notice from the Program.
- 10303.4 An alternative means of reporting may be approved by the Program based upon a written request for an exception if good cause is shown.
- 10303.5 Prescription monitoring data that is not accepted by the Program due to errors or omissions shall be corrected by the dispenser and resubmitted to the Program within twenty-four (24) hours after the dispenser receives notice of the errors or omissions.
- 10303.6 If a dispenser cannot submit the required prescription monitoring data electronic report due to a mechanical, electrical, or other technical failure, the dispenser shall:
- (a) Notify the Program within twenty-four (24) hours of discovery of the technical failure;
 - (b) Describe in detail the specific circumstances preventing the dispenser from submitting the required report and include any available documentation; and

- (c) Submit a report for each covered substance dispensed during the period of technical failure as soon as possible, but no later than three (3) business days following reestablishment of the means of electronic reporting.

10304 ZERO REPORTING

- 10304.1 A dispenser that dispenses no covered substances within a twenty-four (24) hour reporting period shall submit a report documenting that zero covered substances were dispensed during that twenty-four (24) hour reporting period.
- 10304.2 The Program may, upon written attestation that a dispenser possesses no covered substances for dispensing, allow a dispenser to submit a permanent zero report. If at any time the dispenser begins dispensing covered substances, the permanent zero report shall no longer be valid and the dispenser shall start reporting at least every twenty-four (24) hours as required.
- 10304.3 Dispensers that only dispense covered substances in circumstances not required to be reported, as set forth in § 10301.5, shall file a written attestation with the Program that they are exempt from reporting.

10305 CRITERIA FOR GRANTING WAIVERS OF THE REPORTING REQUIREMENTS

- 10305.1 The Program may grant a temporary waiver of all or some of the reporting requirements to a dispenser who files a request in writing or electronically on a form provided by the Program and who meets the criteria for waiver set forth in § 10305.2.
- 10305.2 The criteria for a waiver of the reporting requirements shall include a history of compliance with laws and regulations by the dispensers regularly practicing at that location and may include, but is not limited to:
 - (a) Substantial hardship created by a natural disaster or other emergency beyond the control of the dispenser; or
 - (b) Dispensing in a controlled research project approved by a regionally accredited institution of higher education or under the supervision of a governmental agency.
- 10305.3 The Program may grant waivers on a case-by-case basis, which shall be subject to the terms and conditions stated in the waiver, limited to a specified time period, and subject to being vacated.
- 10305.4 Denial by the Program of a request for a waiver shall be deemed a final Department action.

- 10305.5 A dispenser whose request for a waiver is denied may seek review of the final Department action in the Superior Court of the District of Columbia within twenty (20) days after receipt of the notice. The review shall be an on the record review of the decision, and not a *de novo* review.
- 10306 PRESCRIBER AND DISPENSER ACCESS TO PRESCRIPTION MONITORING DATA**
- 10306.1 Prescribers, dispensers, and their delegates shall register with the Program in order to access or otherwise request disclosure of prescription monitoring data.
- 10306.2 Prescribers, dispensers, and their delegates who have successfully registered with the Program may access or otherwise request information on an existing or new patient for the purpose of:
- (a) Establishing a prescription history to make informed treatment or dispensing decisions;
 - (b) The medical care or treatment of the patient about whom prescription monitoring data is being requested; or
 - (c) Performing due diligence and exercising professional judgment when presented with a prescription to dispense a covered substance for use by the patient about whom prescription monitoring data is being requested.
- 10306.3 Upon request from a prescriber, the Director may provide a report containing prescription monitoring data on all covered substances dispensed pursuant to the prescriber's own prescriptions or by the prescriber, provided that the request is submitted on a form or in a manner approved by the Program.
- 10306.4 As part of the registration process, a prescriber or dispenser shall attest:
- (a) That the prescription monitoring data received from the Program shall not be further disclosed by the prescriber or dispenser except as allowed by law; and
 - (b) That the prescription data shall only be used for the purposes stated in the request and in accordance with the law.
- 10306.5 The Program shall:
- (a) Establish procedures to authenticate that the prescriber or dispenser is licensed in good standing, and eligible to access the prescription monitoring data; and

- (b) Authorize a prescriber or dispenser to access or otherwise request disclosure of prescription monitoring data electronically.
- 10306.6 If the authorization issued to a registrant is compromised in any manner that may allow another individual to access prescription monitoring data for unauthorized purposes, the registrant shall notify the Program within twenty-four (24) hours after discovery.
- 10306.7 A prescriber or dispenser authorized to access prescription monitoring data may delegate his or her authority to access the data to up to two (2) health care professionals who are:
- (a) Licensed, registered, or certified by a health occupations board; and
- (b) Employed at the same location and under the direct supervision of the prescriber or dispenser.
- 10306.8 Each delegate shall submit a separate application for registration, which shall include the individual's license, registration, or certification number, and a copy of another form of government issued identification.
- 10306.9 The supervising prescriber or dispenser, and the delegate, shall sign the delegate registration application, attesting that the delegate is an employee of the same facility, under the direct supervision of the requesting prescriber or dispenser, and that any requests made of the Program will be for use by the supervising prescriber or dispenser.
- 10306.10 A delegate registration shall expire on June 30 of each even-numbered year, or at any time the delegate leaves, if the delegating prescriber or dispenser removes the authorization, or if the individual otherwise becomes ineligible to receive information from the Program, whichever occurs first. The delegating prescriber or dispenser shall notify the Program in writing within twenty-four hours (24) of any change.
- 10306.11 The delegating prescriber or dispenser is responsible for ensuring that the delegate is knowledgeable of the laws related to confidentiality of Program information, and shall immediately notify the Program of any known unauthorized use of Program information by a delegate.
- 10306.12 A prescriber or dispenser who delegates his or her authority to request disclosure of or otherwise access prescription monitoring data to a health care professional shall:
- (a) Make reasonable efforts, including regularly reviewing and auditing any available logs of system access and use, to ensure the authorized health care professional is requesting disclosure of, redisclosing, or otherwise

accessing prescription monitoring data in clear compliance with the law and this chapter, and all other State and federal laws and regulations governing the security and confidentiality of protected health information and personal medical records;

- (b) Immediately notify the Program, as well as the licensing entity responsible for licensing, certifying, or registering the authorized health care professional, if the prescriber or dispenser believes that the confidentiality of prescription monitoring data or the security of the Program has been compromised by an authorized health care professional; and
- (c) Notify the Program within twenty-four (24) hours of any requested change in the registration status of an authorized health care professional, including if that authorized health care professional is no longer employed by or practicing under the authority of the prescriber or dispenser.

10307 MANDATORY DISCLOSURE OF PRESCRIPTION MONITORING INFORMATION FOR LAW ENFORCEMENT AND REGULATORY PURPOSES

10307.1 To request disclosure of prescription monitoring data for law enforcement or regulatory purposes, an individual shall be registered with the Program as an authorized agent entitled to receive reports.

10307.2 A request for registration as an authorized agent shall be accompanied by:

- (a) An attestation from the applicant's employer confirming the identity of the applicant and the applicant's eligibility to receive the reports; and
- (b) An attestation from the applicant that the prescription data will not be further disclosed and will be used only for the purposes stated in the request and in accordance with the law.

10307.3 A registration as an authorized agent shall expire on June 30th of each even-numbered year or at any time the agent leaves, or otherwise becomes ineligible to receive information from the Program.

10307.4 An authorized agent shall only request disclosure of information related to a specific criminal investigation or as authorized under § 10307.5. Requests shall be made in a format designated by the Program and shall contain:

- (a) An agency case number or other identifier sufficient to identify an existing *bona fide* individual investigation;
- (b) A specified time period to be covered in the report;

- (c) The specific patient, prescriber, or dispenser for whom the report is to be made; and
- (d) The name, title, and original signature of the official under whose authority the request is made.

10307.5 After receiving a request for access or information in accordance with this section, the Program shall disclose to the requestor information relevant to:

- (a) A specific investigation of a specific patient, dispenser, or prescriber to an agent designated by the Chief of the Metropolitan Police Department to conduct drug diversion investigations;
- (b) An investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health occupations board or the Department;
- (c) A disciplinary proceeding before a health occupations board or in any subsequent hearing, trial, or appeal of an action or board order to designated employees of the Department;
- (d) The proceedings of any grand jury or additional grand jury that has been properly impaneled; or
- (e) A specific investigation of a specific dispenser or prescriber to an agent of the United States Drug Enforcement Administration with authority to conduct drug diversion investigations.

10308 DISCRETIONARY DISCLOSURE OF INFORMATION

10308.1 The Director may, at the Director's discretion, disclose prescription monitoring data in the Program's possession as permitted by the Act to certain persons, provided the request is made in the format designated in § 10303 and the PDMP Instruction Manual and meets the requirements of this chapter.

10308.2 The Director may disclose personal dispensing information concerning a patient who is over the age of eighteen (18) years to that patient, provided the request is accompanied by a copy of a valid photo identification issued by a government agency of any jurisdiction in the United States verifying that the recipient is over the age of eighteen (18) and includes a notarized signature of the requesting party. If the patient is under the age of eighteen (18), the information may be disclosed to the parent or legal guardian of the patient, provided the disclosure is not otherwise prohibited by District or federal law.

- 10308.3 The Director may disclose information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting, or denying licenses, certificates, or registrations to practice a health profession when the regulatory authority licenses the dispenser or prescriber, or the dispenser or prescriber is seeking licensure by the regulatory authority making the request, provided the request is related to an allegation of a possible controlled substance violation and is accompanied by an agency case number or other identifier sufficient to confirm an existing *bona fide* individual investigation.
- 10308.4 The Director may disclose to designated employees of the Department of Health Care Finance, or to the Medicaid Fraud Control Unit of the Office of the Inspector General, as appropriate, the following:
- (a) Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the District Medicaid program, DC Health Care Alliance, or any other public health care program;
 - (b) Information relating to an investigation concerning a specific patient who is currently eligible for and receiving, or who has been eligible for and has received, medical assistance services; or
 - (c) Other information relevant to the Medicaid Fraud Control Unit of the Office of the Inspector General related to a specific prescriber, dispenser, or patient.
- 10308.5 Requests for information made pursuant to § 10308.4 of this chapter shall be made in a format designated by the Program and shall contain:
- (a) An agency case number or other identifier sufficient to identify an existing *bona fide* individual investigation;
 - (b) A specified time period to be covered in the report;
 - (c) The identification of the specific patient, prescriber, or dispenser for whom the report is to be made; and
 - (d) The name, title, and original signature of the official under whose authority the request is made.
- 10308.6 The Director may disclose information relevant to the determination of the cause of death of a specific patient to the designated employees of the Office of the Chief Medical Examiner, provided that the request is made in a format designated by the Program and signed by the Chief Medical Examiner.

- 10308.7 To request prescription monitoring data from the Program pursuant to this section, authorized employees shall register with the Program.
- 10308.8 A request for registration as an authorized agent shall be accompanied by:
- (a) An attestation from the applicant's employer confirming the identity of the applicant and the applicant's eligibility to receive the reports; and
 - (b) An attestation from the applicant that the prescription monitoring data will not be further disclosed and will only be used for the purposes stated in the request and in accordance with law.
- 10308.9 A registration as an authorized agent issued pursuant to this subchapter shall expire on June 30th of each even-numbered year or at any time the agent leaves, or otherwise becomes ineligible to receive information from the Program. The employer shall notify the Program, in writing, within twenty-four (24) hours when an agent leaves his or her current employment or otherwise becomes ineligible to receive information from the Program.
- 10308.10 The Director may disclose information for bona fide research or education purposes to qualified personnel in response to requests determined by the Program to be consistent with institutional review board protocols and human subjects research protections, provided that:
- (a) Data elements that would reasonably identify a specific patient, prescriber, or dispenser shall be deleted or redacted from the prescription monitoring data prior to disclosure;
 - (b) The request is made in a format designated by the Program and is signed by the Chief Researcher or Principal educator. The request shall be accompanied by the requestor's credentials, and a written proposal or abstract explaining the purpose and scope of the research, analysis, education, or study plan with sufficient detail to enable the Program to determine the validity of the request and abilities of the requestor; and
 - (c) The release of information to the requestor shall only be made pursuant to a signed agreement between the qualified personnel of the requestor and the Director to ensure compliance with the Act.
- 10308.11 With the exception of personal dispensing information provided to a patient or the parents or legal guardian of a patient, all requests for disclosure of prescription monitoring data shall be accompanied by an attestation that the prescription data will not be further disclosed and shall only be used for the purposes stated in the request and in accordance with the law.

10309 INTEROPERABILITY WITH OTHER STATE PRESCRIPTION DRUG

MONITORING PROGRAMS

- 10309.1 Upon request, the Program may disclose prescription monitoring data to another state's prescription drug monitoring program provided that the request:
- (a) Is submitted on a form or in a manner approved by the Program;
 - (b) Is under the authority of the authorized administrator of that state's program; and
 - (c) Assures that prescription monitoring data will only be used or redisclosed in accordance with District law.
- 10309.2 The Program may develop and implement interoperability to facilitate the automated exchange of prescription monitoring data provided that a written agreement has been established with the other state's program, or third party, and provided that the information technology employed will:
- (a) Only disclose prescription monitoring data in a manner consistent with District laws and regulations; and
 - (b) Operate in accordance with State and federal laws and regulations governing the security and confidentiality of protected health information and personal medical records.

10310 NOTICE OF REQUESTS FOR INFORMATION

- 10310.1 Any prescriber or dispenser who intends to request information from the Program about a patient or prospective patient shall provide notice to the patient that a request may be made to obtain information on all covered substances dispensed to that patient. The notice may be provided by use of a conspicuous sign in an area that will be easily viewed and read by the patient.
- 10310.2 In lieu of posting a sign, the prescriber or dispenser may provide notice in written material provided to the patient, or may obtain written consent from the patient.

10311 CONFIDENTIALITY

- 10311.1 All prescription monitoring data collected, maintained, or submitted pursuant to this Program is confidential, privileged, not subject to discovery, subpoena, or other means of legal compulsion in civil litigation, and is not a public record.
- 10311.2 The Program shall ensure that confidential or privileged patient information is kept confidential and that records or information protected by a privilege between a health care provider and a patient, or otherwise required by law to be held confidential, is filed in a manner that, except as otherwise provided by law or regulation, does not disclose the identity of the person protected.

10311.3 The Program shall periodically conduct an audit review of prescription monitoring data and disclosure requests to ensure compliance with this chapter and the Act.

10312 REQUESTS TO PROGRAM TO CORRECT PRESCRIPTION MONITORING DATA

10312.1 If a patient, a patient's authorized representative, or a prescriber believes that prescription monitoring data relating to the patient's or prescriber's prescription history is incorrect, the patient, authorized representative, or prescriber may notify the dispenser and request correction.

10312.2 Upon receiving notice from a patient, a patient's authorized representative, or prescriber that prescription monitoring data specific to a patient's prescription history or a prescriber's prescribing history is incorrect, the dispenser shall:

- (a) Correct the information, if appropriate, within seventy-two (72) hours, including reversing information for any prescription that was not dispensed, if applicable; and
- (b) Provide a corrected prescription history report to the patient or the patient's authorized representative, if requested to do so.

10313-10315 [RESERVED]

10316 THE PDMP ADVISORY COMMITTEE

10316.1 The PDMP Advisory Committee ("Committee") shall consist of seven (7) members, three (3) of which shall be *ex officio* members. The Director of the Department of Health ("Director") shall appoint the remaining four (4) members, who may be from the public or private sectors, who may serve without residency restrictions, and who shall represent multiple disciplines and stakeholders in the area of prescription drug abuse. Membership of the Committee shall be as follows:

- (a) The Director, or his or her subordinate designee, who shall serve as chairperson;
- (b) The Executive Director for the Board of Medicine or his or her subordinate designee;
- (c) The Executive Director for the Board of Pharmacy or his or her subordinate designee; and

- (d) Four (4) members who shall represent multiple disciplines and stakeholders in the area of prescription drug abuse, and include representation from the medical and pharmacy practices, the Metropolitan Police Department, and a consumer member.

10316.2 All actions of the Committee shall be taken pursuant to a vote of a majority of the members of the Committee. A majority of the appointed members shall constitute a quorum.

10316.3 The chairperson shall only vote in cases of a tie among Committee members.

10316.4 Each appointed member of the Committee shall serve at the pleasure of the Director. Public members of the Committee shall serve a maximum term of nine (9) years from the date of appointment.

10316.5 Members of the Committee shall not be compensated for time expended in performing Committee duties.

10316.6 The Committee shall convene at least two (2) times per year to advise the Director:

- (a) On the implementation and evaluation of the Program;
- (b) On the establishment of criteria for indicators of possible misuse or abuse of covered substances;
- (c) On standardization of the methodology that should be used for analysis and interpretation of prescription monitoring data;
- (d) In determining the most efficient and effective manner in which to disclose the findings to proactively inform prescribers regarding the indications of possible abuse or misuse of covered substances;
- (e) On identifying drugs of concern that demonstrate a potential for abuse and that should be monitored; and
- (f) Regarding the design and implementation of educational courses for:
 - (1) Persons who are authorized to access the prescription monitoring information;
 - (2) Persons who are authorized to access the prescription monitoring information, but who have violated the laws or breached professional standards involving the prescribing, dispensing, or use of any controlled substances or drugs monitored by the Program;

- (3) Prescribers on prescribing practices, pharmacology, and identifying, treating, and referring patients addicted to or abusing controlled substances or drugs monitored by the Program; and
- (4) The public about the use, diversion and abuse of, addiction to, and treatment for the addiction to controlled substances or drugs monitored by the Program.

10316.7 The Committee shall keep minutes of all its meetings.

10316.8 Pursuant to Section 2(b) of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(b)), and for the purposes set forth therein, the Committee may also meet in closed session.

10399 DEFINITIONS:

10399.1 The following terms shall have the meanings ascribed:

Act – the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66; D.C. Official Code §§ 48-853.01 *et seq.*).

Administer – the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- (A) A practitioner (or, in the practitioner's presence, by the practitioner's authorized agent); or
- (B) The patient or research subject at the direction of and in the presence of the practitioner.

Controlled substance – a drug, substance, or immediate precursor, as set forth in Schedules I through V of Subchapter 2 of the District of Columbia Uniform Controlled Substances Act (D.C. Official Code §§ 48-901 *et seq.*)

Covered substance – all controlled substances included in Schedules II, III, IV, and V as set forth in Subchapter 2 of the District of Columbia Uniform Controlled Substances Act of 1981 (D.C. Law 4-29; D.C. Official Code §§ 48-901 *et seq.*), Schedules II through V of the Federal Controlled Substances Act (21 U.S.C. § 812), and any other drug as specified by rulemaking, that is required to be reported to the Program pursuant to the Act.

DEA – the United States Drug Enforcement Administration.

Department – the District of Columbia Department of Health.

Director – the Director of the District of Columbia Department of Health.

Dispense – to distribute a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

Dispenser – a practitioner who dispenses a covered substance to the ultimate user, or his or her agent, but shall not include:

- (a) A licensed hospital or institutional facility pharmacy that distributes covered substances for the purpose of inpatient hospital care or the dispensing of prescriptions for controlled substances at the time of discharge from such a facility;
- (b) A practitioner or other authorized person who administers a covered substance;
- (c) A wholesale distributor of a covered substance; or
- (d) A clinical researcher providing a covered substance to research subjects as part of a research study approved by a hospital-based institutional review board or an institutional review board accredited by the association for the accreditation of human research protections programs.

District – the District of Columbia.

Drug –

- (a) Any substance recognized as a drug, medicine, or medicinal chemical in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, or official Veterinary Medicine Compendium or other official drug compendium or any supplement to any of them;
- (b) Any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animal;
- (c) Any chemical substance, other than food, intended to affect the structure or any function of the body of man or other animal; and
- (d) Any substance intended for use as a component of any items specified in subparagraph (A), (B), or (C) of this paragraph, but

does not include medical devices or their components, parts, or accessories.

Drugs of concern – a drug that is not a controlled substance, but which is nevertheless identified by the Director or the PDMP Advisory Committee as a drug with the potential for abuse.

Health occupations board – a board that, pursuant to Section 408 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.08), licenses and regulates health professionals with the authority to prescribe or dispense covered substances.

Interoperability – with respect to a District of Columbia or state prescription drug monitoring program, the ability of that program to share electronically reported prescription information with another state, district, or territory of the United States' prescription drug monitoring program or a third party, approved by the Director, which operates interstate prescription drug monitoring exchanges.

Patient – the person or animal who is the ultimate user of a controlled substance or other drug required to be submitted under the Act for whom a lawful prescription is issued or for whom a controlled substance or such other drug is lawfully dispensed.

Practitioner –

- (a) A physician, dentist, advanced practice registered nurse, veterinarian, scientific investigator, or other person who is licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in the District of Columbia; or
- (b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of its professional practice or research in the District of Columbia.

Prescriber – a practitioner or other authorized person who prescribes a controlled substance or other covered substance in the course of his or her professional practice.

Prescription drug monitoring program – a program that collects, manages, analyzes, and provides information regarding covered substances or other

drugs required under the Act or a program established by a similar act in another state, district or territory of the United States.

PDMP Advisory Committee – the multi-discipline committee established pursuant to Section 3 of the Act, which functions under the Department to advise the Director on the implementation and evaluation of the District's prescription drug monitoring program.

PDMP Instruction Manual – the manual maintained by the Director that provides detailed instructions for registering with, reporting to, and requesting information from the Program.

Program or PDMP – the prescription drug monitoring program established by the Act.

Reporting period – the twenty-four (24) hour time period immediately following the dispensing of a covered substance.

Stakeholder – a person, group, or organization that could be affected by the Program's actions, objectives, and policies.

Ultimate user – a person who lawfully possesses a controlled substance for that person's own use or for the use of a member of that person's household or for administering to an animal owned by him or her or by a member of that person's household.

Zero report – an electronic data submission reflecting no dispensing activity for a given period.

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 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (5), (7), (12), (15), and (19), 14, and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (5), (7), (12), (15), and (19), 50-313, and 50-319 (2012 Repl. & 2015 Supp.)), and D.C. Official Code § 47-2829(b), (d), (e), (e-1), and (i) (2012 Repl. & 2015 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 5 (Taxicab Companies, Associations and Fleets) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would amend Chapter 5 to enhance customer service standards and establish greater parity in operating and licensing rules throughout the taxicab industry by: (1) establishing requirements for independent taxicabs owners to obtain certificates of operating authority, to be renewed on an annual basis; (2) implementing new standards for taxicab companies and associations.

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

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS AND FLEETS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended to read as follows:

The title of Chapter 5 is amended to read as follows:

TAXICAB COMPANIES, ASSOCIATIONS, FLEETS, AND INDEPENDENT TAXICABS

Section 501, INITIAL AND RENEWAL CERTIFICATE AND LICENSES; FILING REQUIREMENTS, is amended as follows:

A new Subsection 501.3 (n) is added to read as follows:

501.3

...

- (n) Certification that it is in compliance with the operating requirements of § 510.

Section 505, INDEPENDENT TAXICABS, is amended to read as follows:

505 INDEPENDENT TAXICABS - VEHICLES AND OWNERS

- 505.1 The Office shall not issue any new Independent Taxicab Numbers. Each taxicab vehicle in operation in the District shall be identified by the PVIN assigned to it pursuant to this title.
- 505.2 Effective December 31, 2015, each independent taxicab owner (“applicant”) shall apply annually for a certificate of operating authority using a form provided by and in a manner established by the Office, for which the Office shall charge a fee of fifty dollars (\$50), which shall include the following information and documentation:
- (a) The applicant’s residence and business addresses;
 - (b) The applicant’s home and mobile telephone numbers and email address;
 - (c) The name of the taxicab company fleet or taxicab association with which the applicant is associated, if any;
 - (d) The make, model, year of manufacture, and vehicle identification number of the applicant’s vehicle;
 - (e) The PVIN of the applicant’s vehicle;
 - (f) The odometer reading of the applicant’s vehicle;
 - (g) Whether the applicant’s vehicle is wheelchair accessible; and
 - (h) The type of fuel used by the applicant’s vehicle.
- 505.3 Each independent taxicab owner shall report to the Office any change in the information required by § 502.5 within three (3) business days.
- 505.4 Each independent taxicab shall be in compliance with the uniform color scheme requirements of §§ 503.1 and 503.3.
- 505.5 An Independent Taxicab Number shall not be displayed on a vehicle that is not painted in the uniform color scheme, except where consistent with § 503.3(d).
- 505.6 Each independent taxicab shall have displayed on the exterior of each rear door the following markings, in the following order, centered, from top to bottom, which shall comply with § 505.12:
- (a) The name of the taxicab owner, or the owner’s trade name or insignia;
 - (b) The word “taxicab” unless the word “cab” or “taxicab” is part of the trade name or insignia;

- (c) The vehicle's Independent Taxicab Number centered within a rectangular box, so as to be clearly visible from the rear; and
- (d) A *bona fide* 24-hour customer service telephone number which is either a toll free number or a local number with a "202" area code.

505.7 Except as provided otherwise in this title, all information required by § 1010.14 shall be updated within three (3) business days.

505.8 All letters and numbers on independently operated taxicabs shall be Gothic in style, three (3) inches high, three-eighths (3/8) of an inch wide, with three-eighths (3/8) of an inch between each digit and the inside edge. The letters and numbers shall be painted as follows on taxicabs not yet required by this title to be painted in the uniform color scheme:

- (a) On taxicabs with the body painted black, the numbers, letters, and boxes required by this section shall be white; and
- (b) On taxicabs with the body painted white, the numbers, letters, and boxes required by this section shall be black.

505.9 No Independent Taxicab Number issued for a taxicab vehicle may be transferred to another taxicab vehicle.

505.10 If an Independent Taxi Number assigned by the Office is surrendered by the owner or revoked by the Commission, the number shall be null and void and may not be reclaimed, reassigned, reissued, renewed, or redistributed by the Office.

A new Section 510 is added to read as follows:

510 TAXICAB COMPANIES AND ASSOCIATIONS – OPERATING REQUIREMENTS

510.1 Each taxicab company shall report the sales tax for all taxicab rentals to DCRA, Office of Tax and Revenue or other appropriate agency.

510.2 Each taxicab company shall maintain a *bona fide* 24-hour customer service telephone number which is either a toll free number or a local number with a "202" area code.

510.3 Each taxicab company and association shall maintain a computerized data system capable of electronically submitting to the Office all information required by this title and other applicable law.

510.4 Not later than December 31, 2015, each taxicab company and association shall maintain a data system which allows it to track its owned and associated vehicles

in real time whenever such vehicles are providing taxicab service. The system shall not be used to track in real time an independently owned vehicle that is not providing taxicab service.

- 510.5 Each taxicab company and association shall provide one or more safety devices for all its owned and associated vehicles which conforms to the equipment standards of § 603.8(n)(3), as specified in an administrative issuance, including a device which also provides for driver's safety.
- 510.6 Each taxicab company and association shall maintain a website containing only current and accurate information about the company or association.
- 510.7 Not later than December 31, 2015, each taxicab company and association shall maintain the following current and accurate records, in an electronic format, for each of its owned or associated vehicles:
- (a) Whether the vehicle is owned or associated;
 - (b) The fleet number, if any;
 - (c) The make, model, year of manufacture, and vehicle identification number;
 - (d) The PVIN;
 - (e) The odometer reading;
 - (f) Whether the vehicle is wheelchair accessible; and
 - (h) The type of fuel used by the applicant's vehicle.
- 510.8 Each taxicab company and association shall require each operator with whom it is associated to comply with § 816 (Standards of Conduct; Unlawful Activities Prohibited) and § 822 (Operation of Public Vehicles for Hire) through a lease or other written agreement.
- 510.9 No taxicab company or association shall seek to prevent a taxicab owner from terminating the owner's association with the company or association, provided however, that a company or association may, as a condition for termination, require the taxicab owner to:
- (a) Fulfill any outstanding contractual obligations; and
 - (b) Satisfy any outstanding debts or liabilities owed to a third party.
- 510.10 A party to a termination or proposed termination of the association of a taxicab owner and a taxicab company or taxicab association may request mediation by the

Office pursuant to an administrative issuance. Mediation offered by the Office shall be voluntary and any mediation decision shall be non-binding.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Secretary to the Commission, District of Columbia Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, DC 20020, Attn: Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-208
September 4, 2015

SUBJECT: Appointment — District of Columbia Housing Preservation Strike Force

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl.), and pursuant to section 4(a) of Mayor's Order 2015-158, effective June 3, 2015, establishing the District of Columbia Housing Preservation Strike Force ("**STRIKE FORCE**"), it is hereby **ORDERED** that:

1. **HONORABLE ANITA BONDS**, At-Large Councilmember, is appointed as a member of the Strike Force, and shall serve in that capacity for a term end June 3, 2016.
2. **HONORABLE ELISSA SILVERMAN**, At-Large Councilmember, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
3. **BRIAN KENNER**, Deputy Mayor, Office of the Deputy Mayor for Planning and Economic Development, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
4. **POLLY DONALDSON**, Director, Department of Housing and Community Development, is appointed as the Chair and member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
5. **ERIC SHAW**, Director, Office of Planning, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
6. **MELINDA BOLLING**, Acting Director, Department of Consumer and Regulatory Affairs, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
7. **ADRIANNE TODMAN**, Executive Director, District of Columbia Housing Authority, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.

8. **MARIA K. DAY-MARSHALL**, Interim Executive Director, District of Columbia Housing Finance Agency, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
9. **JOHANNA SHREVE**, Chief Tenant Advocate, Office of Tenant Advocate, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
10. **JOE STERNLIEB**, Chief Executive Officer, Georgetown Business Improvement District, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
11. **CHARLES WILKES**, Chairman, Wilkes Company, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
12. **TOM BORGER**, Chairman, Borger Management, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
13. **TODD LEE**, affordable housing finance consultant, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
14. **CHRISTOPHER HORNIG**, Managing Partner, Klein Hornig, LLP, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
15. **ELIZABETH ELIA**, Member, Elia Law Group, PLLC, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
16. **AMY VRUNO**, Executive Director and Lead Organizer, Washington Interfaith Network, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
17. **ERIC PRICE**, Executive Vice President, AFL-CIO Housing Investment Trust, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.
18. **RAMON JACOBSON**, Senior Program Officer, Local Initiatives Support Corporation, is appointed as a member of the Strike Force, and shall serve in that capacity for a term to end June 3, 2016.

EFFECTIVE DATE: This Order shall be effective *nunc pro tunc* to July 7, 2015.



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, SEPTEMBER 16, 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-00071; Daci Enterprises, LLC, t/a Dacha Beer Garden, 1600 7th Street NW, License #92773, Retailer DT
Substantial Change (Class Change from Class "D" Tavern to Class "C" Tavern)

Protest Hearing (Status) 9:30 AM
Case # 15-PRO-00059; 1610 Restaurant, LLC, t/a Stetson's, 1610 U Street NW License #60455, Retailer CT
Substantial Change (Change of Hours for Live Entertainment)

Protest Hearing (Status) 9:30 AM
Case # 16-PRO-00069; El Sol, LLC, t/a El Sol Restaurant & Tequileria, 1227 11th Street NW, License #99065, Retailer CR
Application for a New License

Show Cause Hearing (Status) 9:30 AM
Case # 15-CC-00008; Los Cuates Restaurant, Inc., t/a Los Cuates Restaurant 1564 Wisconsin Ave NW, License #79261, Retailer CR
Sale to Minor Violation (two counts), Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing (Status) 9:30 AM
Case # 15-CMP-00356; Rasika West End, LLC, t/a Rasika West, 1177 22nd Street NW, License #87042, Retailer CR
Failed to Post License Conspicuously in the Establishment

Show Cause Hearing (Status) 9:30 AM
Case # 15-CMP-00358; Aha Corporation, t/a Java House, 1645 Q Street NW License #72780, Retailer CR
No ABC Manager on Duty (two counts)

Board's Calendar
Calendar September 16, 2015

Fact Finding Hearing* **9:30 AM**
Case # 15-251-00124; DC Irich, LLC, t/a Sign of the Whale, 1825 M Street NW
License #85120, Retailer CT
Simple Assault, Interfered with an Investigation

Show Cause Hearing* **10:00 AM**
Case # 15-251-00078; Da Luft DC, Inc., t/a Da Luft Restaurant & Lounge
1242 H Street NE, License #87780, Retailer CR
Operating After Hours, No ABC Manager on Duty, Interfered with an Investigation, Violation of Settlement Agreement

Fact Finding Hearing* **11:00 AM**
Case # 15-251-00123; Howard Theatre Entertainment, LLC, t/a Howard Theatre
620 T Street NW, License #88646, Retailer CX
Assault with a Deadly Weapon

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

Protest Hearing* **1:30 PM**
Case # 13-PRO-00176; Hak, LLC, t/a Midtown, 1219 Connecticut Ave NW
License #72087, Retailer CN
Application to Renew the License
This Hearing has been continued to October 21, 2015 at 1:30 pm.

Protest Hearing* **1:30 PM**
Case # 15-PRO-00027; I Before E, LLC, t/a Trinity, 1606 7th Street NW
License #98042, Retailer CT
Application for a New License

Show Cause Hearing* **2:30 PM**
Case # 15-CC-00007; H&Y Chun Corporation, t/a Michigan Liquors
3934 12th Street NE, License #23640, Retailer A
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, No ABC Manager on Duty

Protest Hearing* **4:30 PM**
Case # 15-PRO-00025; Po Boy Jim, LLC, t/a Po Boy Jim, 709 H Street NE
License #87903, Retailer CR
Substantial Change (Entertainment Endorsement to allow Karaoke and a D.J)

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

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, SEPTEMBER 16, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On September 16, 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#15-251-00146 Green Island Cafe/Heaven & Hell (The), 2327 18TH ST NW Retailer C Tavern, License#:ABRA-074503
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2. Case#15-CC-00069 Austin Grill, 750 E ST NW Retailer C Restaurant, License#: ABRA-076102
-

3. Case#15-CC-00027 Los Cuates Restaurant, 1564 WISCONSIN AVE NW Retailer C Restaurant, License#:ABRA-079261
-

4. Case#15-CC-00040 Corduroy, 1122 9TH ST NW Retailer C Restaurant, License#: ABRA-078003
-

5. Case#15-CC-00032 Skip's Liquors, 405 61ST ST NE Retailer A Retail - Liquor Store, License#: ABRA-078204
-

6. Case#15-AUD-00080 Aroma Indian Restaurant, 1919 I ST NW Retailer C Restaurant, License#: ABRA-001847
-

7. Case#15-CC-00065 Glover Park Market, 2411 37TH ST NW Retailer B Retail - Grocery, License#: ABRA-016999
-

8. Case#15-CC-00041 The Mayflower Hotel/Edgar, 1127 CONNECTICUT AVE NW Retailer C Hotel, License#:ABRA-080787

9. Case#15-CC-00056 Carmine's, 425 7th ST NW Retailer C Restaurant, License#: ABRA-083047

10. Case#15-CC-00063 JB Liquors, 3914 14TH ST NW Retailer A Retail - Liquor Store, License#: ABRA-084240

11. Case#15-CC-00075 Harry's Reserve, 909 NEW JERSEY AVE SE Retailer A Retail - Liquor Store, License#:ABRA-084834

12. Case#15-CC-00067 Renaissance Hotel, 999 9TH ST NW Retailer C Hotel, License#: ABRA-085654

13. Case#15-CC-00066 Le Pain Quotidien, 975 F ST NW Retailer D Restaurant, License#: ABRA-088176

14. Case#15-CMP-00491 Sushi Sai, 4221 A CONNECTICUT AVE NW Retailer D Restaurant, License#: ABRA-088557

15. Case#15-CC-00048 Kitty O'Shea's DC, 4624 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-090464

16. Case#15-CC-00049 Bodega Market, 1136 FLORIDA AVE NE Retailer B Retail - Class B, License#: ABRA-094621

17. Case#15-CC-00080 El Sol Restaurant, 3911 14TH ST NW Retailer C Restaurant, License#: ABRA-094995

18. Case#15-CC-00064 Evolve Vegan Restaurant, 341 Cedar ST NW Retailer C Tavern, License#: ABRA-095047

19. Case#15-CC-00068 Stop & Go Market, 3001 SHERMAN AVE NW Retailer B Retail -
Grocery, License#:ABRA-071763

20. Case#15-PRO-00027 TRINITY 405.1, 1606 7TH ST NW Retailer C Tavern, License#:
ABRA-098042

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, SEPTEMBER 16, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement between Central Shaw Neighborhood Association and Ivy and Coney, dated June 2, 2015. *Ivy and Coney*, 1537 7th Street, N.W., Retailer CT, License No.: 092860.

2. Review of Settlement Agreement between ANC 6E and Ivy and Coney, dated June 2, 2015. *Ivy and Coney*, 1537 7th Street, N.W., Retailer CT, License No.: 092860.

3. Review of Settlement Agreement between ANC 6A and Jumbo Liquors, dated August 20, 2015. *Jumbo Liquors*, 1122 H Street, N.E., Retailer A, License No.: 000420.

4. Review of Request for Sunday Delivery, dated September 1, 2015. *Premium Distributors of Washington, D.C., LLC*, 3500 Fort Lincoln Drive, N.E., Retailer A, License No.: 060290.

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, SEPTEMBER 16, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 2B. SMD 2B03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Raku An Asian Diner*, 1900 Q Street NW, Retailer C Restaurant, License No. 023943.

2. Review Application for Safekeeping of License – Original Request. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Skewers/Café Luna*, 1633 P Street NW, Retailer C Restaurant, License No. 099313.

3. Review Application for Class Change from Retailer C Restaurant to Retailer C Tavern. ANC 7D. SMD 7D04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Chateau*, 3439 Benning Road NE, Retailer C Restaurant, License No. 010574.

4. Review Application for Class Change from Retailer B Grocery Store to Retailer A Liquor Store. ANC 8C. SMD 8C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *MLK Mini Market*, 3333 Martin Luther King Jr. Avenue SE, Retailer B Grocery, License No. 095905.

5. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday 11am to 7pm, Monday-Wednesday 7am to 9pm, Thursday-Friday 7am to 10pm, Saturday 9am to 10pm. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Monday-Saturday 10am to 10pm. **Proposed Hours of Operation:** Sunday 11am to 8pm, Monday-Friday 7am to 11pm, Saturday 9am to 11pm. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday 11am to 8pm, Monday-Saturday 9am to 11pm. ANC 2A. SMD 2A05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with

Settlement Agreement. *Market of Columbia Plaza*, 516 23rd Street NW, Retailer A, License No. 097197.

6. Review Application for Summer Garden with seating for 53. ANC 1B. SMD 1B12. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Bar Pilar*, 1833 14th Street NW, Retailer CT, License No. 072472.
-

7. Review Application for Manager's License. *Oliver A. Kopinski*-ABRA 100240.
-

***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.**

BRIDGES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS
(School year 2015- 2016)**

Bridges PCS is a public charter school that opened in August 2005. The school will be serving 344 students from preschool to 3rd grade during school year 2015-16.

Bridges PCS, in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995, invites all interested and qualified vendors to submit proposals to provide goods and services in the following areas for SY 2015-16:

- Proposals for a human resources outsourcing provider
- Proposals for Coaching Services for ECE Classrooms on the CLASS Assessment

Request for Proposals

Questions and requests for proposals may be emailed to osmith@bridgespcs.org.

Assumptions and Agreements

Proposals will not be returned. Bridges PCS reserves the right to dismiss a proposal without providing a reason. Bridges PCS reserves the right to terminate a contract at any time. Bridges PCS reserves the right to renew a contract for additional years based on mutual agreement of both parties.

Submission of Proposals

Bids must include evidence of experience in the field, qualifications and estimated fees. Submit proposals to Gary Friend at gfriend@bridgespcs.org.

Basis for Award of Contract

Bridges PCS reserves the right to award a contract as it determines to be in the best interest of the school.

Proposals must be received by 4:00 pm EST on September 21, 2015. Late proposals will not be accepted.

OFFICE OF THE CHIEF FINANCIAL OFFICER
OFFICE OF REVENUE ANALYSIS

District of Columbia Motor Fuel Tax Remains Unchanged
Effective October 1, 2015

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

For the six month period ending June 30, 2015, the computed average wholesale price of a gallon of gasoline was less than \$2.94. Accordingly, the tax, computed at 8 percent of the \$2.94 minimum price, remains at 23.5 cents per gallon for the period of October 1, 2015 through March 31, 2016.

DC INTERNATIONAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Phase I and Hazmat Assessment, Commissioning, Traffic Consultant
and Third-Party Review**

DC International PCS is seeking proposals for Phase 1 and Hazmat assessment, commissioning, traffic consultant, and third-party review. For full details, email Kate Dydak at kdydak@programmanagers.com. Proposals must be received no later than the close of business Friday, September 25, 2015.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in six (6) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 1B05, 1B06, 3D07, 5A04, 5B04 and 7F07

Petition Circulation Period: **Monday, September 14, 2015 thru Monday, October 5, 2015**

Petition Challenge Period: **Thursday, October 8, 2015 thru Thursday, October 15, 2015**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

**Certification of Filling Vacancies
In Advisory Neighborhood Commissions**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancies have been filled in the following single-member districts by the individuals listed below:

Arthur Barkmann
Single-Member District 3C04

Maria Barry
Single-Member District 4C02

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF EXTENDED PUBLIC COMMENT****2015 District of Columbia Wildlife Action Plan**

On August 7, 2015 the Department of Energy and Environment (the Department) published notice of its intent to solicit comments from the public on the District of Columbia Wildlife Action Plan. The Department of the Interior and Related Agencies Appropriations Act of 2002 (Title I, Public Law 107-63) directs all states and the District of Columbia to update their Wildlife Action Plan every ten years and to make this plan available for public review and comment. In accordance with this requirement, the Department developed and published a draft District of Columbia Wildlife Acton Plan for a 30-day public comment between August 7, 2015 and September 7, 2015.

On September 4, 2015, the Committee on Transportation & the Environment of the Council of the District of Columbia (the Committee) published notice of intent to hold a Public Roundtable on the “Draft 2015 District of Columbia Wildlife Plan”. The Department is committed to considering any unique comments not already presented during the Department’s public comment process while finalizing this Plan and will incorporate the testimony and record generated by the Public Roundtable to the extent that it provides new substantive information.

Please contact the Committee to ascertain their rules for submitting testimony and comments. Contact information is as follows: Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue NW, Suite 108, Washington, DC 20004 or abenjamin@dccouncil.us. The Committee’s record will close at the end of the business day on September 21, 2015.

DEPARTMENT OF ENERGY AND ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6982 to the Smithsonian Institution to operate one Generac 14 kWe natural gas-fired emergency generator set with a 32 bhp natural gas-fired engine at the National Zoological Park, located at 3001 Connecticut Avenue NW, Washington, DC. The contact person for the facility is John Michael Bixler, Deputy Director of Facilities Management, at (202) 633-2573.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Generator Model No.	Permit No.
Greenhouse	3001 Connecticut Ave., NW Washington, DC 20008	14 kWe (32 hp)	05503	6982

The proposed emission limits are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4233(e) and Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)		
NO _x + HC	CO	VOC
10	387	N/A

- 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. 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 generator engines are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.209

Pollutant	Maximum Annual Emissions (tons/yr)
Oxides of Nitrogen (NO _x)	0.229
Total Particulate Matter (PM Total)	0.00109
Volatile Organic Compounds (VOCs)	0.00662
Sulfur Dioxide (SO _x)	0.000033

The application to operate the generator engine and the draft 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
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 12, 2015 will be accepted.

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

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

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

The Board’s regular meeting, previously scheduled from 9:30 AM to 2:00 PM on the fourth Monday of every month, is now scheduled to be held from 9:00 AM to 12:30 PM on the fourth Monday of every month beginning in September 2015. The meeting will be open to the public from 9:00 AM until 10:00 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 10:00 AM to 12:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

At the Board’s next meeting, to be held on Monday, September 28, 2015, at 9:00 AM, the Board will also conduct a disciplinary hearing in the matter of Leslie Goddard, LGSW, at 9:30 AM. In accordance with 17 DCMR § 4109.1, the hearing is open to the public.

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

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH (DOH)
COMMUNITY HEALTH ADMINISTRATION (CHA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA)
REQUEST FOR APPLICATIONS (RFA)
RFA# CHA_WIC_091815**

**Programs to Provide WIC Local Agency Services
October 1, 2015 – September 30, 2016**

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA), Nutrition and Physical Fitness Bureau is soliciting applications from qualified organizations to provide WIC nutrition services, Breastfeeding Peer Counseling services and other non-funded coordinated services that enhance WIC services. The WIC State Agency, administers funds provided by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) for the operation of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program). The overall goal of WIC is to improve the health status of eligible participants by providing nutritious foods to supplement diets, information on healthy eating, breastfeeding support and referrals to health care and other social services. Service provision includes but is not limited to health assessment, nutrition education, nutrition assessment and counseling, breastfeeding promotion, program recruitment and outreach and referral services.

CHA will award up to three grants from a total of **\$3,700,000.00** in available funding. All awards resulting from this RFA are contingent upon the continued availability of federal funds.

Eligible Applicants are nonprofit organizations or businesses with a demonstrated track record of providing WIC services to District residents for a minimum 8 years. **Eligible Use of Funds:** The provision of WIC services as set forth by <http://www.fns.usda.gov/sites/default/files/wic/WICRegulations-7CFR246.pdf> . Funds can be used for expenses incurred during the Period of Performance, of October 1, 2015 through September 30, 2016.

The Request for Application #CHA_WIC_091815 will be released on Friday September 18, 2015. The RFA will be posted on the Office of Partnerships and Grant Services website, under the District Grants Clearinghouse <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>. A limited number of copies of the RFA will be available for pick up at DOH/CHA offices located at 899 North Capitol Street, NE Washington, DC 20002 3rd floor.

The deadline for submission is September 28, 2015 at 1:00 pm. All applications must be received in the DOH/CHA suite on the third floor by 1:00 pm. **Late and incomplete applications will not be accepted.**

A Pre-Application conference call will be held on **Tuesday, September 22, 2015 from 1 pm to 2 pm.** **Conference Call Number:** (641) 715-3580 **Access code:** 268-039

Please contact Christi Dorsey at 202.442.9160 or christi.dorsey@dc.gov for additional information.

**CHA is located in a secured building. Government issued identification must be presented for entrance.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH (DOH)
COMMUNITY HEALTH ADMINISTRATION (CHA)
NOTICE OF FUNDING AVAILABILITY (NOFA)
REQUEST FOR APPLICATIONS
RFA # CHA_SBTTP_09.23.15**

School-based Teen Pregnancy Prevention Programs

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA) is soliciting applications from qualified applicants to implement school based programs in Wards 5, 7, and 8. The purpose of the program is to reduce incidences of teen pregnancy by offering teen girls, grades eight through twelfth, a supportive environment that promotes educational achievement and teaches healthy development, sexual responsibility, and positive social skills.

Approximately \$500,000 will be available from FY 16 District Appropriated funds to fund an eligible organization for one year (11 months) beginning November 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 have experience working with teens, including pregnant and parenting teens. Grant awards maybe made annually contingent on demonstrated progress by the recipient on achieving performance objectives and the continued availability of funds.

The release date for RFA # CHA_SBTTP_09.23.15 is September 23, 2015 and the deadline for submission of applications is Friday October 23, 2015 at 4:00 pm. A limited number of copies of the RFA will be available for pickup at DOH/CHA offices located at 899 North Capitol Street, NE Washington, DC 20002 on the third floor and on the website <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>.

The Pre-Application Conference will be held at the CHA offices located at 899 North Capitol Street, NE Washington, DC 20002 third floor on Friday, **October 2, 2015** from 11:30 am to 1:00 pm. Please contact Belinda Logan at (202) 442- 9017 or at Belinda.logan@dc.gov for additional information.

**CHA is located in a secured building. Government issued identification must be presented for entrance.

DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION
NOTICE OF AGENCY TEMPORARY CLOSING

The office of the Health Regulation and Licensing Administration, located at 899 North Capitol Street, NE, Washington DC 20002, will be temporarily closed to the public on Tuesday, September 15, 2015 from 8:15 am to 4:45 pm for Administration training.

The office will reopen to the public on Wednesday, September 16, 2015 from 8:15 am to 4:45 pm for our normal business hours.

We apologize for any inconvenience this may cause you. Thank you for your consideration.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Computers and Related Accessories**

Mundo Verde PCS seeks bids for computers and related accessories for testing. 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 4:00pm September 22, 2015.

**OFFICE OF THE DEPUTY MAYOR
FOR PLANNING AND ECONOMIC DEVELOPMENT**

**FY2016 GREAT STREETS RETAIL SMALL BUSINESS
REIMBURSEMENT GRANTS**

TECHNICAL AMENDMENT

The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications from qualified small business owners who wish to improve their place of business. 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. The grants are competitive, partially-reimbursable, and up to \$50,000 each. 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 the 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.).

The purpose of this technical amendment is to provide updates to the Request for Applications (RFA) that was issued for this grant program on Friday, August 7, 2015.

APPLICATION DEADLINE

The application deadline for this grant program has been extended to **FRIDAY, OCTOBER 2, 2015 at 4PM.**

CLARIFICATION OF ELIGIBLE APPLICANTS

On page 4 of the RFA, under Section IV. Eligible Applicants, the following three types of businesses are listed as *ineligible* to receive grant funding under this program:

- Construction/general contracting/architecture/design-build
- Financial services
- Realtors

Please note that construction and related businesses that serve clients on-site at their business property and drive day-time foot traffic to the corridor are eligible to apply for the grant.

Please note that "Financial services" refers to businesses whose main function is cash-checking. Thus, tax preparers and financial literacy consultants that serve clients on-site at their business property and drive day-time foot traffic to the corridor are eligible to apply for the grant.

Please note that "Realtors" that serve clients on-site at their business property and drive day-time foot traffic to the corridor are eligible to apply for the grant.

DEFINITION OF “ANNUAL REVENUE”

On page 5 of the RFA, under Section IV. Eligible Applicants, the following threshold is listed as a minimum requirement to apply for the grant: “Provide proof that the business’ average annual revenue (based on the last three (3) completed fiscal years), or the projected average annual revenue for the first three (3) years “in business,” does not exceed \$1 million.” DMPED will measure an applicant business’ annual revenue based on business tax returns submitted with the application. Annual revenue will be calculated as **gross profit from sales and/or operations**, which is equivalent to gross receipts or sales minus the cost of goods sold. For new businesses, or those in operation for less than three years, DMPED will use a combination of business tax returns and financial projections from the business plan submitted with the application to determine annual revenue.

CLARIFICATION OF SCORING CRITERIA

On page 7 of the RFA, under Section XI. Scoring Criteria, there are 100 points assigned to the “Existing business” criterion. For this criterion, applicants will be scored as follows:

- 100 points if the applicant is an existing business on the Great Streets corridor where they seek funding
- 75 points if the applicant is an existing business regardless of location and is relocating their business to a Great Streets corridor
- 50 points if the applicant is an existing business regardless of location and is opening another location on a Great Streets corridor
- 0 points if the applicant is a new business

On page 8 of the RFA, under Section XI. Scoring Criteria, there are 30 points assigned to the “Job creation and retention” criterion. Under this criterion, applicants can earn 1 point for each District resident with at least one documented barrier to employment who is trained and hired as a full-time permanent employee (½ point for each part-time permanent hire) by the applicant due to the proposed improvement project. Please note that documented barriers to employment are as follows:

- Basic skills deficiency (determined by the Comprehensive Adult Student Assessment Systems (CASAS) testing score)
- Lack of a secondary education credential (no high school diploma or GED)
- A documented history of substance abuse
- Homelessness
- A history of job cycling (not maintaining steady employment)
- A felony conviction or previous incarceration

Please direct all inquiries to:

LaToyia Hampton, Grants Manager
Office of the Deputy Mayor for Planning and Economic Development
1100 4th Street SW, Suite E500
Washington, DC 20024
Telephone: [\(202\) 724-7648](tel:2027247648)
Email: LaToyia.Hampton@dc.gov

OFFICE OF POLICE COMPLAINTS

NOTICE OF PUBLIC MEETING

POLICE COMPLAINTS BOARD MEETING

September 17, 2015

6:00 p.m.

1400 I St, Suite 700, Washington, DC, 20008

For additional information, contact Christian J. Klossner at 202-727-3838

AGENDA OF MEETING

- I. Call to Order
- II. Public Comment Period
- III. Approval of PCB Minutes
 - a. May 28, 2015
- IV. Agency Report
- V. Executive Session (if necessary)

DISTRICT OF COLUMBIA RETIREMENT BOARD

INVESTMENT COMMITTEE

NOTICE OF CLOSED MEETING

September 17, 2015

10:00 a.m.

2nd Floor, DCRB Board Room

900 7th Street, N.W.

Washington, D.C 20001

On Thursday, September 17, 2015, at 10:00 a.m., the District of Columbia Retirement Board (DCRB) will hold a closed investment committee meeting regarding investment matters. In accordance with D.C. Code § 2-575(b)(1), (2), and (11) and § 1-909.05(e), the investment committee meeting will be closed to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

The meeting will be held in the DCRB Board Room at 900 7th Street, N.W., 2nd Floor, Washington, D.C., 20001.

For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF OPEN PUBLIC MEETING**

September 17, 2015
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, September 17, 2015, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.reaves@dc.gov.

AGENDA

- | | | |
|-------|-----------------------------------|-----------------|
| I. | Call to Order and Roll Call | Chairman Bress |
| II. | Approval of Board Meeting Minutes | Chairman Bress |
| III. | Chairman's Comments | Chairman Bress |
| IV. | Executive Director's Report | Mr. Stanchfield |
| V. | Investment Committee Report | Ms. Blum |
| VI. | Operations Committee Report | Mr. Ross |
| VII. | Benefits Committee Report | Mr. Smith |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Audit Committee Report | Mr. Hankins |
| X. | Other Business | Chairman Bress |
| XI. | Adjournment | |

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENT AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after October 15, 2015.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on September 11, 2015. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for appointments as DC Notaries Public

Effective: October 15, 2015

Page 2

Alston	Gwendolyn F.	Federal Deposit Insurance Corporation 550 17th Street, NW	20429
Barnes	Porsche R.	Stintson Leonard Street, LLP 1775 Pennsylvania Avenue, NW, Suite 800	20006
Black	Bianca Leigh	Lexero Law 316 F Street, NE, Suite 101	20002
Blumenthal	Margaret	Heritage Reporting Corporation 1220 L Street, NW, 206	20005
Bradley	Jordana	CareFirst BlueCross BlueShield 840 1st Street, NE	20065
Brincefield	Barbara	Cahill Gordon & Reindel LLP 1990 K Street, NW, Suite 950	20006
Browne	Margaret	District of Columbia Public Schools 1200 First Street, NE, 10th Floor	20002
Buckley	Joseph A.	Buckley Group, LLC 5185 MacArthur Boulevard, NW, Suite 710	20016
Carty	Elizabeth H.	Washington Real Estate Investment Trust 1775 Eye Street, NW, Suite 1000	20006
Choumil	Mo	ATG Title, Inc. 1701 Pennsylvania Avenue, NW, Suite 300	20006
Chuku-Hines	Gina I.	Self (Dual) 2504 10th Street, NE, Apartment 203	20001
Coates	Alexandria E.	LSM 1212 Bank Street, NW	20007
Coleman	Cassandra E.	National Railroad Passenger Corporation (Amtrak) 60 Massachusetts Avenue, NE	20002
Corley	Dorothy	Wilson Sonsini Goodrich & Rosati 1700 K Street, NW, 5th Floor	20006

**D.C. Office of the Secretary
Recommendations for appointments as DC Notaries Public**

Effective: October 15, 2015

Page 3

Cotter III	Thomas Raymond	Jdos Internationale, Inc 4506 14th Street, NW	20011
Davis	Cynthia A.	Kings & Queens Childcare Center, LLC 4831 9th Street, NW	20011
Davis	Daryl M.	The Parrish Group, LLC 1701 Pennsylvania Avenue, NW, Room 300	20006
Duren-Jones	Dionne M.	Office of the Attorney General, Child Support Services Division 441 4th Street, NW, 5th Floor	20001
Eaton	Marion A.	Girl Scout Council of the Nation's Capital 4301 Connecticut Avenue, NW, Suite M2	20008
Elam	Glenwood	UPS Store 6047 455 Massachusetts Avenue, NW	20001
Ewell	Deborah M.	Unity Health Care, Inc 1220 12th Street, SE, Suite 120	20003
Gabriel	Esther R.	US Telecommunications Training Institute (USTTI) 1150 Connecticut Avenue, NW, Suite 702	20036
Gamble	Tamika	Wells Fargo Bank, NA 1200 1st Street, NE	20002
Giove	Beth Neiberg	Bailey & Glasser LLP 1054 31st Street, NW, Suite 230	20007
Gonzalez	Wendy Pamela	Slocumb Law Firm, LLC 777 6th Street, NW, Suite 200	20001
Gorostiza	Cosme	Wells Fargo Bank, NA 3325 14th Street, NW	20010
Greene	Charolette L.	Self 3400 Commodore Barney, Drive, NE #412W	20018
Grenier	Peter C.	Grenier Law Group PLLC 1400 L Street, NW, Suite 420	20005

D.C. Office of the Secretary
Recommendations for appointments as DC Notaries Public

Effective: October 15, 2015

Page 4

Hamilton	Greta E.	GMMB (Greer, Margolis, Mitchell & Burns) 3050 K Street, NW	20007
Hammett	Melissa	Eagle Academy PCS 3400 Wheeler Road, SE	20032
Hampton	Andrae	Citi Bank 171 K Street, NW	20006
Hernandez	Dahnnya N.	Douglas & Boykin, PLLC 1850 M Street, NW, Suite 640	20008
Hernandez Mendez	Tracy R.	Office of the Staff Judge Advocate, Fort Lesley J. McNair 210 A Street, SE, Suite 300	20319
Hines	Bradley Wade	Slocumb Law Firm, LLC 777 6th Street, NW, Suite 200	20001
Horn	Rachel S.	Blake Real Estate, Inc. 1150 Connecticut Avenue, NW, Suite 801	20036
Houston	Samuel Spencer	Atlantic Closing and Escrow 5335 Wisconsin Avenue, Suite 440	20015
Johnson	Angela T.	Department of Public Works 1725 15th Street, NE	20002
Jones	Patricia A. Harvey	Stroock & Stroock & Lavan LLP 1875 K Street, NW	20006
Joseph	Irma	Rails-to-Trails Conservancy 2121 Ward Court, NW, 5th Floor	20037
Krautramer	Danielle	Planet Depos 1100 Connecticut Avenue, Suite 950	20036
Love	Janelle	Housing Service Center 21 MacDill Boulevard, Joint Base Anacostia-Bolling, DC	20032
Martinez	Marissa A.	US Chamber of Commerce 1615 H Street, NW	20009

D.C. Office of the Secretary
 Recommendations for appointments as DC Notaries Public

Effective: October 15, 2015

Page 5

Matheson	Lawrence	Commonwealth Land Title Company 1015 15th Street, NW, Suite 300	20005
Matthews	LaTreviette	NETWORK 25 E Street, NW, Suite 200	20001
McClurg	Karen	Neighborhood Development Company 3232 Georgia Avenue, NW, Suite 100	20010
McCrea	Sharon H.	Self 3918 S Street. SE	20020
McGhee	Judy S.	Federal Aviation Administration 800 Independence Avenue, SW	20591
Menso	Rebecca A.	Sutherland Asbill & Brennan LLP 700 6th Street, NW, Suite 700	20001
Monk	Tameya	District of Columbia Public Schools 1200 First Street, NE, 10th Floor	20002
Montgomery	Breanna M.	AmeriTitle Settlements Inc. 5100 Wisconsin Avenue, NW, Suite 520	20016
Moten	Dereka	Clements Worldwide One Thomas Circle, NW	20005
Murphy	Eugene	Department of Employment Services 4058 Minnesota Avenue, NE	20019
Obeso Pulido	Maria Isabel	Dentons 1301 K Street, NW, Suite 600, East Tower	20005
Park	Bona	Self 3500 13th Street, NW, #202	20037
Parker	Edith L.B.	Paul, Weiss, Rifkind, Wharton & Garrison LLP 2001 K Street, NW	20006
Parris	Elizabeth S.	Andrews Kurth LLP 1350 I Street, NW, Suite 1100	20005
Peterson	Belinda J	Zuckerman Spaeder LLP 1800 M Street, NW, Suite 1000	20036

D.C. Office of the Secretary
Recommendations for appointments as DC Notaries Public

Effective: October 15, 2015

Page 6

Phelps	Deborah	RatnerPrestia 1090 Vermont Avenue, NW, Suite 1200	20005
Pou	Sylvia	Estevez and Associates, LLC 3600 14th Street, NW	20010
Rashid	Ahmir	Self 1010 Massachusetts Avenue, NW, Room 906	20001
Rey	David	TIAA-CREF 601 13th Street, NW, Suite 700 N	22205
Rios	Maryanne	Wells Fargo Bank, NA 1300 I Street, NW	20005
Rodriguez	Karla A.	A-K Real Estate, Inc. 1776 I Street, NW	20006
Ross	Briana	Wells Fargo Bank, NA 1200 1st Street, NE	20002
Ruff-Wilkinson	Emily	Palantir Technologies 1025 Thomas Jefferson Avenue, NW	20007
Sanchez	Wilfredo	Wells Fargo Bank, NA 4302 Connecticut Avenue, NW	20008
Schwier	Bobbie J.	Baker Donelson 901 K Street, NW	20001
Scott-Hill	Cynthia Ann	U.S Agency for International Development 1300 Pennsylvania Avenue, NW	20523
Shaw	Aquicha D.	Self 3720 First Street, SE, Unit # 303	20032
Sieverling	Abigail	WeWork 1875 Connecticut Avenue, NW, 10th Floor	20009
Sklepovich	Chrisine E.	Mehlman Castagnetti Rosen Binel & Thomas, Inc. 1341 G Street, NW, Suite 1100	20005

**D.C. Office of the Secretary
Recommendations for appointments as DC Notaries Public****Effective: October 15, 2015****Page 7**

Smith	Lisa	Jdos Internationale, Inc 4506 14th Street, NW	20011
Smith	Ruby D.	Georgetown University 37th and O Streets, NW	20057
Solomon	Efrata	Capital View General Constuction 1618 7th Street, NW, #102	20001
Sooyoung	Andrew	Wells Fargo Bank, NA 5201 MacArthur Boulevard, NW	20016
Sylor	Kyle J.	The Weidenfeld Law Firm, PC 888 17th Street, NW, Suite 1250	20007
Tanvir	Shafia	US Department of Energy 1000 Independence Avenue, SW	20585
Van Hall	Laurie	EMILY's List 1800 M Street, NW, Suite 375N	20036
Vizcaino	Maria B.	The Phillips Collection 1600 21st Street, NW	20009
Walsh	Rachel Janine	Slocumb Law Firm, LLC 777 6th Street, NW, Suite 200	20001
Whitehead	Christina D.	DC Department of Correction 1901 D Street, SE	20003
Montgomery	Breanna M.	AmeriTitle Settlements Inc. 5100 Wisconsin Avenue, NW, Suite 520	20016

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be on Tuesday, September 15, 2015 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Meeting Minutes from May 20, 2015 - Action Item, Judge Weisberg.
2. Appointment/Reappointment of two members: Marvin Turner and Judi Garrett – Informational Item, Judge Weisberg.
3. Overview of Ethic Training for Boards and Commissions – Informational Item, Marvin Turner.
4. Proposed “Enactment Plus” revisions to the D.C. Criminal Code – Action Item, Richard Schmechel.
 - Overview of Proposed Revisions
 - Commission Discussion
 - Action by Commission
5. Next Meeting – To be discussed.
6. Adjourn

BOARD OF ZONING ADJUSTMENT*****NOTICE OF PROPOSED RULEMAKING*******BZA Application No. 16620A**

The Board of Zoning Adjustment of the District of Columbia (BZA), pursuant to the authority set forth in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286, D.C. Official Code § 6-1306), and the Zoning Regulations of the District of Columbia (Regulations), hereby gives notice of its intention to not disapprove, or in the alternative, disapprove the following:

Application of the Embassy of the Republic of Azerbaijan, pursuant to 11 DCMR § 1002 of the Foreign Missions Act, to allow the construction of a security fence in the TSP/NO/R-1-A District at premises 2741 34th Street N.W. (Square 2122, Lot 27).

A public hearing date has not yet been set for the case. Notice of the public hearing date will be mailed to property owners within 200 feet of the subject property and the affected **Advisory Neighborhood Commission (ANC) 3C**. Additionally, it will be published in the *DC Register*, the public hearing calendar of the Office of Zoning (OZ) website at <http://dcoz.dc.gov/bza/calendar.shtm>, and on public hearing notices available at the OZ office. A final determination on an application to locate, replace, or expand a chancery shall be made no later than six months after the date of the filing of the application.

HOW TO FAMILIARIZE YOURSELF WITH THE CASE

In order to review exhibits in the case, follow these steps:

- Visit the OZ website at www.dcoz.dc.gov
- Under “Featured Services”, click on “Case Records”.
- Enter the BZA application number indicated above and click “Go”.
- The search results should produce the case. Click “View Details”.
- On the right-hand side, click “View Full Log”.
- This list comprises the full record in the case. Simply click “View” on any document you wish to see, and it will open a PDF document in a separate window.

HOW TO PARTICIPATE IN THE CASE

Members of the public may participate in a case by submitting a letter in support or opposition into the record or participating as a witness. Visit the Interactive Zoning Information System (IZIS) on our website at <http://app.dcoz.dc.gov> and click on “Participating in an Existing (ZC or BZA) Case” for an explanation of these options. Please note that party status is not permitted in Foreign Missions cases.

If you have any questions or require any additional information, please call OZ at 202-727-6311.

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

Appeal No. 18705 of Kingman Park Civic Association and W. Simpkins, pursuant to 11 DCMR §§ 3100 and 3101, from a decision by the Department of Consumer and Regulatory Affairs (DCRA) to permit a Street Car Maintenance Garage, Repair Facility and Street Car Wash, in the R-5-B District at premises 2500 Benning Road, N.E. (Parcel 160/45).

HEARING DATE: February 25, 2014

DECISION DATE: March 11, 2014

DECISION AND ORDER

This appeal was filed with the Board of Zoning Adjustment (the “Board” or the “BZA”) on November 18, 2013, challenging DCRA’s issuance of a building permit that allowed a proposed “Street Car Maintenance Garage, Repair Facility and Street Car Wash”. Appellant raised several alleged errors, only one of which pertained to an interpretation made by the Zoning Administrator of the Zoning Regulations; namely whether the facility met the definition of a mass transit facility. Having found the definition was met, the Board voted to sustain the Zoning Administrator’s determination.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Public Hearing

The Office of Zoning scheduled a hearing on the appeal for February 11, 2014. In accordance with 11 DCMR §§ 3112.13 and 3112.14, the Office of Zoning mailed notice of the hearing to the Appellant, to the Government of the District of Columbia (the owner of the property that is the subject of the appeal), the Advisory Neighborhood Commission (“ANC”) 5D, and to DCRA, the appellee.

Parties

The parties in this case were the appellants Kingman Park Civic Association (the “KPCA”) and William Simpkins (collectively the “Appellant”), the appellee DCRA, and the Government of the District of Columbia as owner of the property upon which the proposed facility was to be located.

Advisory Neighborhood Commission

The property that is the subject of the appeal is located within the boundary of Advisory Neighborhood Commission 5B, which did not file a report.

BZA APPEAL NO. 18705**PAGE NO. 2****FINDINGS OF FACT**

1. The District intends to reintroduce streetcars.
2. The first part of the streetcar system will include track along H Street and Benning Road, N.E.
3. The District selected 2500 Benning Road, N.E. (the "Site") as the location for a training, maintenance, and storage facility (the "Facility").
4. The Site is located in the R-5-B Zone District and is adjacent to the first line of streetcar tracks.
5. DDOT applied to DCRA for a permit to construct new retaining walls and a maintenance pit at the proposed facility.
6. The proposed facility would consist of a car wash to clean the streetcars, facilities to perform routine maintenance and repairs of the vehicles, facilities to support the inspection of the system, offices for streetcar system staff and supervisors, meeting rooms, and facilities for streetcar operators, mechanics, and supervisors to be trained in all aspects of streetcar operating including safety training. The meeting rooms would also be used for meeting with the community.
7. The Zoning Administrator personally reviewed the application and concluded that the Facility met the definition of "mass transit facility", which is permitted in the R-5-B district as a matter of right.
8. The permit (RW 1300166) was issued to DDOT on October 16, 2013. (Exhibit 15.)
9. Appellant KPCA filed an appeal of the permit on November 18, 2013.

CONCLUSIONS OF LAW

The Board is authorized by the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to hear and decide appeals where it is alleged by the appellant that there is error in any decision made by any administrative officer in the administration of the Zoning Regulations. (11 DCMR §§ 3100.2 and 3200.2.) In an appeal, the Board may reverse or affirm, in whole or in part, or modify the decision appealed from. (11 DCMR § 3100.4.)

The administrative decision in this case is DCRA's decision to issue a permit authorizing a streetcar maintenance and repair facility and a streetcar wash based upon the Zoning Administrator's determination that the facility was a permitted mass transit facility.

In addition to claiming that the Facility was not permitted in the zone district where the site is located, the Appellant also claimed the permit should not have been issued because it violated

BZA APPEAL NO. 18705**PAGE NO. 3**

the District's Comprehensive Plan, the District of Columbia Environmental Policy Act of 1989 (lack of environmental impact statement), and the Construction Codes (construction commenced without permit). The Appellant also claimed that the Facility would be a flood hazard.

None of these allegations concern the administration of the Zoning Regulations and the Board lacks authority to consider them. *See Appeal No. 18460 of Gina Avery* (2013) ("Since the Large Tract Review Process and the Comprehensive Plan were not adopted by the Zoning Commission, neither can be considered Zoning Regulations and any error regarding their interpretation is beyond the Board's jurisdiction."); *Appeal No. 18429 of Edward V. Hanlon* (2013) (Claims that permit approvals were inconsistent with historic preservation requirements were outside of Board's jurisdiction); *Appeal Nos. 18239 & 18241* (2011) (Decisions to withdraw notices of revocation were based upon the Constructions Codes and were outside of Board's jurisdiction); *Appeal No. 18154 of Capitol Hill Restoration Society* (2011) (Board has no authority to hear an appeal that is not based to some degree upon an interpretation of a zoning regulation); *Appeal No. 17769 of ANC 6A*, 56 DCR 156 (2009) (Board lacks subject matter jurisdiction over claim that DCRA misapplied environmental requirements in issuing building permit); *Appeal No. 17329 of Georgetown Residence Alliance* (2006) (Claims based upon the District Historic Preservation Act were outside of the Board's jurisdiction); *Appeal No. 04-0001 of William Robinson*, 52 DCR 3677 (2005); *Appeal No. 03-0001 of Peter Choharis*, 51 DCR 8210 (2004) (Requirement for a building permit is outside of Board's jurisdiction because requirement stems from Zoning "Act" and is not included in the Zoning "Regulations").

Turning to the merits of the appeal, the sole issue to be resolved is whether the Zoning Administrator correctly concluded that proposed facility is a "mass transit facility." The term "mass transit facility" is defined, in pertinent part, as: "facilities ... that have been determined by the Council of the District of Columbia to be necessary to the operation of a fixed right-of-way mass transit system." (11 DCMR § 199.1.) The Council authorized the streetcar system and the Zoning Administrator reasonably concluded that the Facility was an integral part of that system. The Facility would provide routine maintenance and repair service for the streetcar vehicles, train system personnel in streetcar operation and safety, and provide a work environment and meeting space for system personnel and supervisors.

A mass transit facility is permitted as a matter of right in the R-5-B zone. Although not specifically listed among the matter of right R-5 zone uses listed in § 350.4, all uses permitted in an R-1 zone are carried through to the R-5 zone by virtue of §§ 350.4 (a), 320.3 (a), and 300.3 (a). A mass transit facility is permitted as a matter of right use in an R-1 zone by § 201.1 (j). Since the facility meets the definition of a mass transit facility and such facilities are permitted in the zone district where the Facility would be located, the Zoning Administrator did not err in clearing the permit for consistency with the Zoning Regulations and DCRA made no error in the Zoning Regulations by issuing it.

Therefore, for the reasons stated above, it is hereby **ORDERED** that decisions of the Zoning Administrator and DCRA are sustained.

BZA APPEAL NO. 18705
PAGE NO. 4

VOTE: 3-0-2 (Lloyd J. Jordan, Jeffrey L. Hinkle, and Michael G. Turnbull voting in support of the motion to Sustain the decisions; S. Kathryn Allen and Marnique Y. Heath being necessarily absent).

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: August 27, 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.

BOARD OF ZONING ADJUSTMENT

NOTICE OF PROPOSED RULEMAKING

BZA Application No. 19134

The Board of Zoning Adjustment of the District of Columbia (BZA), pursuant to the authority set forth in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286, D.C. Official Code § 6-1306), and the Zoning Regulations of the District of Columbia (Regulations), hereby gives notice of its intention to not disapprove, or in the alternative, disapprove the following:

Application of the Embassy of Zambia, pursuant to 11 DCMR § 1002 of the Foreign Missions Act, to allow the temporary location of a chancery in the D/R-3 District at premises 2200 R Street N.W. (Square 2512, Lot 808).

A public hearing date has not yet been set for the case. Notice of the public hearing date will be mailed to property owners within 200 feet of the subject property and the affected **Advisory Neighborhood Commission (ANC) 2D**. Additionally, it will be published in the *DC Register*, the public hearing calendar of the Office of Zoning (OZ) website at <http://dcoz.dc.gov/bza/calendar.shtm>, and on public hearing notices available at the OZ office. A final determination on an application to locate, replace, or expand a chancery shall be made no later than six months after the date of the filing of the application.

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If you have any questions or require any additional information, please call OZ at 202-727-6311.

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

Z.C. Case No. 15-21

**(Kenilworth Revitalization I JV, LLC and DCHA – First-Stage PUD, Consolidated
PUD, and Related Map Amendment at Various Lots in
Squares 5113, 5114, and 5116)
September 3, 2015**

THIS CASE IS OF INTEREST TO ANC 7D

On August 31, 2015, the Office of Zoning received an application from Kenilworth Revitalization I JV, LLC and the District of Columbia Housing Authority (“DCHA”) (together, the “Applicant”) for approval of a first-stage planned unit development (“PUD”), a consolidated PUD, and a related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 5-9 in Square 5113; Lot 10 in Square 5114; and Lots 164, 165, 172-180, and 186 in Square 5116 in the Northeast quadrant, on a site approximately bounded by Anacostia Avenue, N.E. (west), Kenilworth Avenue, N.E. (east), and Douglas Street, N.E. (south).

The property is currently zoned R-5-A and R-1-B. The Applicant is requesting a related map amendment to rezone the property, for the purposes of this project, primarily to R-5-B; with Lots 177, 178, and 179 in Square 5116 being rezoned to C-2-A.

The Applicant intends to construct a mixed-use, mixed-income development to include approximately 430 residential units, along with office, retail, and community space.

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

District of Columbia REGISTER – September 11, 2015 – Vol. 62 - No. 38 012360 – 012491