

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Resolution 21-280, Foster Care Extended Eligibility Emergency Declaration Resolution of 2015
- D.C. Council adopts ACR 21-138, Celebration of Pope Francis’s Historic Papal Visit to Washington, D.C. Recognition Resolution of 2015
- D.C. Council schedules public roundtables on Repairs on Public Housing and Senior Services in the District
- Department of Health schedules a public hearing on the Preventive Health and Health Services Block Grant
- Department of Public Works establishes rules for winter sidewalk safety
- Office of the State Superintendent of Education announces funding availability for the DC School Garden Grant
- Department of Energy and Environment announces funding availability for the Lead Poisoning Prevention Outreach Coordination and Education Grants

DISTRICT OF COLUMBIA REGISTER

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

A RESOLUTION

21-247

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency, due to congressional review, with respect to the need to authorize the disposition by lease of District-owned real property located at 1351 Nicholson Street, N.W., commonly known as the Old Brightwood School and designated for tax and assessment purposes as Lot 0846 in Square 2794.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “1351 Nicholson Street, N.W., Old Brightwood School Lease Amendment Congressional Review Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On March 1, 2001, the Community Academy Public Charter School (“CAPCS”) entered into a lease agreement with the District to lease the property located at 1351 Nicholson Street, N.W. (Lot 0846, Square 2794), which is improved by the Old Brightwood School, for a period of twenty years.

(b) On February 19, 2015, the District of Columbia Public Charter School Board (“PCSB”) voted to revoke the charter of CAPCS at the end of the 2014-2015 school year, with the revocation effective as of July 1, 2015. In order to ensure that the students enrolled at CAPCS schools were not displaced, PCSB and the Deputy Mayor for Education worked to identify other entities that would be willing and able to assume control over the various CAPCS campuses. Friendship Public Charter School, Inc. (“Friendship PCS”) agreed to take over the CAPCS campus located at 1351 Nicholson Street, N.W. (the “Nicholson Street Property”) and stepped in as an assignee of the lease CAPCS had with the District.

(c) In assuming the lease for the Nicholson Street Property from CAPCS, Friendship PCS agreed to shoulder responsibility for a \$22 million bond that CAPCS originally had for the online campus located at the Nicholson Street campus. This bond was set to default on June 30, 2015 due to CAPCS’s charter being revoked and its inability to pay for the bond. In accepting responsibility for this \$22 million bond, Friendship PCS combined the \$22 million bond with its current bond assets and closed on these consolidated bonds in September 2015.

(d) A condition of Friendship PCS’s ability to close was the approval by the Council of the District of Columbia of Friendship PCS’s assumption of the Nicholson Street Property lease from CAPCS. Friendship PCS was scheduled to close on its bond consolidation in late August/early September 2015. Thus, on July 14, 2015, the Council passed the 1351 Nicholson Street, N.W., Old Brightwood School Lease Emergency Amendment Act of 2015, effective July

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31, 2015 (D.C. Act 21-136; 62 DCR 10874) (the “emergency legislation”).

(e) On September 22, 2015, the Council passed the 1351 Nicholson Street, N.W., Old Brightwood School Lease Amendment Act of 2015, enacted on October 16, 2015 (D.C. Act 21-169; 62 DCR 13750) (the “permanent legislation”). On October 23, 2015, the permanent legislation was transmitted to Congress for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(f) The emergency legislation expired on October 29, 2015; however the permanent legislation is not expected to become law until December 21, 2015. A congressional review emergency is necessary to ensure that the provisions of the emergency legislation continue in effect, without further interruption, until the permanent legislation becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the 1351 Nicholson Street, N.W., Old Brightwood School Lease Amendment Congressional Review Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

21-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency, due to congressional review, with respect to the need to authorize the disposition by lease of District-owned real property located at 4095 Minnesota Avenue, N.E., commonly known as the Woodson School and designated for tax and assessment purposes as Lot 0813 in Square 5078.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “4095 Minnesota Avenue, N.E., Woodson School Lease Amendment Congressional Review Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On May 26, 2000, Friendship Public Charter School, Inc. (“Friendship PCS”) entered a lease agreement with the District to lease the property located at 4095 Minnesota Avenue N.E. (Lot 0813, Square 5078) for a period of twenty years. In 2009, the lease was amended to extend it for an additional ten years, giving the lease a total duration of thirty years. Friendship PCS seeks to amend the lease again to extend it for another ten years, for a total of forty years. The amended lease would also include an option for a twenty-five year renewal.

(b) On April 14, 2015, the Council of the District of Columbia approved Resolution 21-77, the Friendship Public Charter School, Inc. Revenue Bonds Project Approval Resolution of 2015. Resolution 21-77 authorized and provided for the issuance, sale, and delivery of District revenue bonds to Friendship PCS in an amount not to exceed \$70 million. Having received this bond financing, Friendship PCS now requests an extension of its 4095 Minnesota Avenue, N.E. lease.

(c) Additionally, on February 19, 2015, the District of Columbia Public Charter School Board (“PCSB”) voted to revoke the charter of Community Academy Public Charter School (“CAPCS”) at the end of the 2014-2015 school year, with the revocation effective as of July 1, 2015. In order to ensure that the students currently enrolled at CAPCS schools are not displaced, PCSB and the Deputy Mayor for Education worked to identify other entities that would be willing and able to assume control over the various CAPCS campuses. Friendship PCS agreed to take over the CAPCS campus located at 1351 Nicholson Street, N.W. (the “Nicholson Street Property”), as well as CAPCS’s Armstrong property, and is stepping in as an assignee of the lease CAPCS had with the District for the Nicholson Street Property.

(d) In assuming the lease for the Nicholson Street Property from CAPCS, Friendship PCS agreed to shoulder responsibility for a \$22 million bond that CAPCS originally had for the online

ENROLLED ORIGINAL

campus located at the Nicholson Street Property. This bond was set to default on June 30, 2015 due to CAPCS's charter being revoked and its inability to pay for the bond. In accepting responsibility for this \$22 million bond, Friendship PCS combined the \$22 million bond with its current bond assets, most of which Friendship PCS acquired through Resolution 21-77, and closed on these consolidated bonds in September 2015.

(e) A condition of Friendship PCS's ability to close was the approval by the Council of the District of Columbia of the extension of Friendship PCS's lease for the property at 4095 Minnesota Ave. N.E. Friendship PCS was scheduled to close on their bond consolidation in late August/early September 2015. Thus, on July 14, 2015, the Council passed the 4095 Minnesota Avenue, N.E., Woodson School Lease Emergency Amendment Act of 2015, effective August 11, 2015 (D.C. Act 21-152; 62 DCR 11446) (the "emergency legislation").

(f) On September 22, 2015, the Council passed the 4095 Minnesota Avenue, N.E., Woodson School Lease Amendment Act of 2015, enacted on October 16, 2015 (D.C. Act 21-170; 62 DCR 13752) (the "permanent legislation"). On October 23, 2015, the permanent legislation was transmitted to Congress for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(g) The emergency legislation will expire on November 9, 2015; however, the permanent legislation is not expected to become law until December 21, 2015. A congressional review emergency is necessary to ensure that the provisions of the emergency legislation continue in effect until the permanent legislation becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the 4095 Minnesota Avenue, N.E., Woodson School Lease Amendment Congressional Review Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency, due to congressional review, with respect to the need to allow the Grandparent Caregivers Program subsidy to be transferred to a relative caregiver when a grandparent is no longer able to care for the child.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Grandparent Caregivers Program Subsidy Transfer Congressional Review Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Grandparent Caregivers Program Subsidy Transfer Temporary Amendment Act of 2014, effective March 7, 2015 (D.C. Law 20-177; 62 DCR 21), expired on October 18, 2015.

(b) The Grandparent Caregivers Program Subsidy Transfer Amendment Act of 2015, enacted on October 16, 2015 (D.C. Act 21-168; 62 DCR 13746), is pending congressional review.

(c) The congressional review emergency is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Grandparent Caregivers Program Subsidy Transfer Congressional Review Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Mr. Ernest Chrappah to the District of Columbia Taxicab Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Taxicab Commission Ernest Chrappah Confirmation Resolution of 2015”.

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

Mr. Ernest Chrappah
4000 Massachusetts Avenue, N.W.
Apartment 928
Washington, D.C. 20016
(Ward 3)

as chairperson of the District of Columbia Taxicab Commission, established by section 5 of the District of Columbia Taxicab Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.04), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21- 251

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Mr. Linwood Jolly to the District of Columbia Taxicab Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Taxicab Commission Linwood Jolly Confirmation Resolution of 2015”.

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

Mr. Linwood Jolly
6609 16th Street, N.W.
Washington, D.C. 20012
(Ward 4)

as a public member of the District of Columbia Taxicab Commission, established by section 5 of the District of Columbia Taxicab Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.04), replacing Bart Lasner, for an unexpired term to end May 4, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Mrs. Dottie Love Wade to the District of Columbia Taxicab Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Taxicab Commission Dotti Love Wade Confirmation Resolution of 2015”.

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

Mrs. Dotti Love Wade
1116 Columbia Road, N.W.
Washington, D.C. 20009
(Ward 1)

as a public member of the District of Columbia Taxicab Commission, established by section 5 of the District of Columbia Taxicab Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.04), replacing Cyril L. Crocker, whose term expired May 4, 2014, for a term to end May 4, 2019.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-255

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Mr. Jose Ortiz to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Jose Ortiz Confirmation Resolution of 2015".

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

Mr. Jose Ortiz
3389 Stephenson Place, N.W.
Washington, D.C. 20015
(Ward 4)

as a public member of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 12, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Mr. Donovan W. Anderson, Esq. as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board Donovan W. Anderson, Esq. Confirmation Resolution of 2015”.

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

Mr. Donovan W. Anderson, Esq.
2516 34th Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member, and the chairperson, of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, for a term to end May 7, 2019.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Mr. Stephen Taylor as the Commissioner of the Department of Insurance, Securities, and Banking.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commissioner of the Department of Insurance, Securities, and Banking Stephen Taylor Confirmation Resolution of 2015”.

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

Mr. Stephen Taylor
1405½ Fifth Street, N.W.
Washington, D.C. 20001
(Ward 6)

as the Commissioner of the Department of Insurance, Securities, and Banking, established by section 3 of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-102), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01, to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-258

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Mr. Jed Ross as the Chief Risk Officer of the Office of Risk Management.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Chief Risk Officer of the Office of Risk Management Jed Ross Confirmation Resolution of 2015”.

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

Mr. Jed Ross
3032 N Street, N.W.
Washington, D.C. 20007
(Ward 2)

as the Chief Risk Officer of the Office of Risk Management, established by section 3(b) of the Reorganization Plan No. 1 of 2003, effective December 15, 2003 (50 DCR 6504), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Phylisa Carter to the Corrections Information Council Governing Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Corrections Information Council Governing Board Phylisa Carter Confirmation Resolution of 2015".

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

Ms. Phylisa Carter
360 H Street, N.E.
Apt. 509
Washington, D.C. 20002
(Ward 6)

as a member of the Corrections Information Council Governing Board, established by section 11201a of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01), for a term to end June 7, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Lisa Bornstein to the Commission on Human Rights.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Human Rights Lisa Bornstein Confirmation Resolution of 2015".

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

Ms. Lisa Bornstein
1725 New Hampshire Avenue, N.W.
205
Washington, D.C. 20009
(Ward 2)

as a member of the Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Karen Mulhauser to the Commission on Human Rights.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Human Rights Karen Mulhauser Confirmation Resolution of 2015".

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

Ms. Karen Mulhauser
319 7th Street, N.E.
Washington, D.C. 20002
(Ward 6)

as a member of the Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), replacing Mr. David Scruggs, for a term to end December 31, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Dr. Jenifer Smith as the Director of the Department of Forensic Sciences.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Forensic Sciences Jenifer Smith Confirmation Resolution of 2015".

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

Dr. Jenifer Smith
954 Crabapple Drive
State College, PA 16801

as the Director of the Department of Forensic Sciences, established by section 3 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.02), in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), to serve a 4-year term.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Dr. Juliette Saussy as the Medical Director of the Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fire and Emergency Medical Services Department Medical Director Juliette Saussy Confirmation Resolution of 2015".

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

Dr. Juliette Saussy
301 East Windsor Avenue
Alexandria, VA 22301

as the Medical Director of the Fire and Emergency Medical Services Department, in accordance with section 3a(a) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, effective April 15, 2008 (D.C. Law 17-147; D.C. Official Code § 5-404.01(a)), and section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the reappointment of Assistant Chief Patrick Burke to the Police Complaints Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Complaints Board Patrick Burke Confirmation Resolution of 2015".

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

Assistant Chief Patrick Burke
4837 W Street, N.W.
Washington, D.C. 20007
(Ward 3)

as the Metropolitan Police Department member of the Police Complaints Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), for a term to end January 12, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Bobbi Strang to the Police Complaints Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Complaints Board Bobbi Strang Confirmation Resolution of 2015".

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

Ms. Bobbi Strang
1606 K Street, N.E., Apt. 2
Washington, D.C. 20002
(Ward 5)

as a member of the Police Complaints Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), for a term to end January 12, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Elvi Moore as a member of the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities Elvi Moore Confirmation Resolution of 2015".

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

Ms. Elvi Moore
4200 Massachusetts Avenue, N.W.
Apartment 713
Washington, D.C. 20016
(Ward 3)

as a member of the Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), succeeding Philippa Hughes, whose term expired June 30, 2013, for a term to end June 30, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Stacie Lee Banks to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities Stacie Lee Banks Confirmation Resolution of 2015".

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

Ms. Stacie Lee Banks
4465 Sedwick Street, N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), succeeding Lavinia M. Wohlfarth, whose term expired June 30, 2014, for a term to end June 30, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Mr. C. Brian Williams to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities C. Brian Williams Confirmation Resolution of 2015".

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

Mr. C. Brian Williams
434 Warner Street, N.W.
Washington, D.C. 20001
(Ward 6)

as a member of the Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), succeeding Christopher B. Cowan, whose term expired June 30, 2014, for a term to end June 30, 30, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Kim Alfonso to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities Kim Alfonso Confirmation Resolution of 2015".

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

Ms. Kim Alfonso
1809 Parkside Drive, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), succeeding Tendani Mpulubusi, whose term expired June 30, 2014, for a term to end June 30, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Maria Hall Rooney to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities Maria Hall Rooney Confirmation Resolution of 2015".

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

Ms. Maria Hall Rooney
6136 32nd Street, N.W.
Washington, D.C. 20015
(Ward 4)

as a member of the Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), succeeding Danielle M. St. Germaine-Gordon, whose term expired June 30, 2014, for a term to end June 30, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 11 and 12 to Contract No. GF-2010-C-0030 with Parkinson/Forrester UDC Student Center JV, LLC for the construction of the New Student Center at the University of the District of Columbia, Van Ness Campus, and to authorize payment in the aggregate amount of \$3,584,222 for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Order Nos. 11 and 12 to Contract No. GF-2010-C-0030 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 11 and 12 to Contract No. GF-2010-C-0030 for the construction of the New Student Center at the University of the District of Columbia, Van Ness Campus, and to authorize payment in the aggregate amount of \$3,584,222 for the goods and services received and to be received under the contract.

(b) On January 21, 2011, Contract No. GF-2011-C-0030 in the amount of \$29,899,000 was awarded to Parkinson/Forrester UDC Student Center JV, LLC for the construction of the New Student Center at the University of the District of Columbia, Van Ness Campus.

(c) The aggregate value of the additional scope of work under Change Order Nos. 11 and 12 to the contract exceeds \$1 million in a 12-month period.

(d) Approval of Change Order Nos. 11 and 12 to Contract No. GF-2010-C-0030 in the aggregate amount of \$3,584,222 is necessary to compensate Parkinson/Forester UDC Student Center JV, LLC for work performed and to be performed in timely completing the construction of the New Student Center at the University of the District of Columbia, Van Ness Campus.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order Nos. 11 and 12 to Contract No. GF-2010-C-0030 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-03 with Archer Park, LP, for program units located at 1100 and 1200 Mississippi Avenue, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2014-LRSP-03 Approval Resolution of 2015".

Sec. 2. (a) In 2007, the District passed title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

(b) In April 2014, DCHA participated in a Request for Proposals issued by the District of Columbia Department of Housing and Community Development ("DHCD"). Of the total proposals received, 12 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units throughout the District for extremely low-income families making from 0% to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the agreement to enter into a long-term contract ("ALTSC") by the Council, DCHA will execute the agreement with the selected housing provider under the LRSP.

(c) There exists an immediate need to approve the ALTSC with Archer Park, LP, in order to provide long-term affordable housing units for extremely low-income households in the District for units located at 1100 and 1200 Mississippi Avenue, S.E.

(d) The Council's approval authorizes the ALTSC between DCHA and Archer Park, LP, with respect to the payment of rental subsidy, and allows the owner to lease the rehabilitated

ENROLLED ORIGINAL

units at Archer Park and house District extremely low-income households with incomes at 30% or less of the area median income.

Sec. 3. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into the ALTSC with Archer Park, LP, for the creation of 10 affordable housing units, in an initial amount not to exceed \$124,560 annually.

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to DCHA and the Mayor.

Sec. 5. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-04A with 2255 MLK, LLC, for program units located at 2255 MLK Avenue, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2014-LRSP-04 Approval Resolution of 2015".

Sec. 2. (a) In 2007, the District passed title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

(b) In April 2014, DCHA participated in a Request for Proposals ("RFP") issued by the District of Columbia Department of Housing and Community Development ("DHCD"). Of the total proposals received, 12 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units throughout the District for extremely low-income families making from 0% to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the agreement to enter into a long-term contract ("ALTSC") by the Council, DCHA will execute the agreement with the selected housing provider under the LRSP.

(c) There exists an immediate need to approve the ALTSC with 2255 MLK, LLC, in order to provide long-term affordable housing units for extremely low-income households in the District for units at The Four Points, located at 2255 MLK Avenue, S.E.

(d) The Council's approval authorizes the ALTSC between the DCHA and 2255 MLK, LLC, with respect to the payment of rental subsidy, and allows the owner to lease the

ENROLLED ORIGINAL

rehabilitated units at The Four Points and house District extremely low-income households with incomes at 30% or less of the area median income.

Sec. 3. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the ALTSC with 2255 MLK, LLC, for the creation of 4 affordable housing units, in an amount not to exceed \$ 46,752 annually.

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to DCHA and the Mayor.

Sec. 5. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to allow for the temporary naming of an adopted or sponsored Department of Parks and Recreation athletic field in honor of a current or former professional sports player and to permit the District to display the logo of an entity sponsoring or adopting a Department of Parks and Recreation athletic field on signage at the field; and to amend the Recreation Act of 1994 to clarify that certain entities, including a nonprofit organization, may adopt or sponsor a Department of Parks and Recreation program, site, facility, field, or operation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Athletic Field Naming and Sponsorship Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On September 16, 2015, Chairman Phil Mendelson and Councilmembers Evans, Allen, and Cheh, introduced the Athletic Field Naming and Sponsorship Amendment Act of 2015, passed on 1st reading on November 3, 2015 (Engrossed version of Bill 21-340) (the “permanent legislation”). The permanent legislation was referred to the Committee of the Whole, which held a hearing on it on October 13, 2015, and reported it favorably on October 20, 2015.

(b) The permanent legislation was passed on first reading on November 3, 2015. Its second reading may not occur until at least 14 days thereafter. The legislation then would need to be signed by the Mayor and transmitted to Congress for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(c) The District of Columbia is presently attempting to enter into a philanthropic partnership with the Washington Nationals baseball club to renovate a Department of Parks and Recreation athletic field slated for completion by March 1, 2016.

(d) Based on the schedule for enactment of the permanent legislation, it does not seem likely that the District will have the authority to enter in to this partnership in sufficient time for the required agreements to be executed and the field renovations to occur.

(e) It is therefore important that emergency legislation authorize the District to enter into this partnership before the permanent legislation becomes effective.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Athletic Field Naming and Sponsorship Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to amend the Fiscal Year 2016 Budget Support Act of 2015 and various other acts to clarify provisions supporting the Fiscal Year 2016 budget; and to amend the Firearms Control Regulations Act of 1975 to clarify the descriptions of the boundaries around the White House and the U.S. Naval Observatory within which a concealed pistol licensee is prohibited from carrying a pistol.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2016 Second Budget Support Clarification Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On June 30, 2015, the Council passed the Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905) (“Act 21-248”). Act 21-248 was signed by the Mayor on August 11, 2015, was transmitted to Congress on September 9, 2015, and became effective on October 22, 2015.

(b) At the June 30, 2015 Legislative Meeting, the Council also adopted the Fiscal Year 2016 Budget Support Emergency Act of 2015, effective July 27, 2015 (D.C. Act 21-127; 62 DCR 10201) (“Act 21-127”), an emergency version of Act 21-148. Act 21-127 was signed by the Mayor and became effective on July 27, 2015.

(c) Following the Council’s adoption of Acts 21-127 and 21-148, it was discovered that several provisions within these measures were in need of technical corrections or further clarification. On September 22, 2015, the Council adopted the Fiscal Year 2016 Budget Support Clarification Emergency Amendment Act of 2015, effective October 16, 2015 (D.C. Act 21-164; 62 DCR 13734) (“Act 21-164”) and approved a corresponding temporary measure, the Fiscal Year 2016 Budget Support Clarification Temporary Amendment Act, passed on 2nd reading on November 3, 2015 (Engrossed version of Bill 21-396), on first reading.

(d) Since the Council’s adoption of D.C. Act 21-164, additional necessary clarifications or other changes to the law have come to the Council’s attention, necessitating the adoption of the revisions contained in the Fiscal Year 2016 Second Budget Support Clarification Emergency Amendment Act of 2015, including:

- (1) Necessary clarifications to the District’s license-to-carry-a-pistol law;
- (2) Provisions authorizing the Board of Review of Anti-Deficiency Violations to access records and materials to perform the Board’s investigatory functions;

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- (3) Modifications to the District’s combined reporting provisions;
- (4) Revisions to the structure of the District’s parking-meters program;
- (5) Clarification to the application of the cost-of-living computation as it pertains to the standard deduction; and
- (6) Other technical revisions.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2016 Second Budget Support Clarification Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to the amend the Homeless Services Reform Act of 2005 to authorize the Mayor to place a family that does not have a safe-housing alternative in a temporary interim eligibility placement pending a determination of eligibility for shelter and an assessment of the supportive services necessary to assist the family in obtaining sustainable permanent housing, to authorize the Mayor to provide shelter to a family in a private rooms meeting certain minimum standards and constructed for the purpose of closing the District of Columbia General Family Shelter, to add an expedited appeals process for a family that is denied eligibility for shelter following an interim eligibility placement, and to provide that a family may continue in an interim eligibility placement pending the outcome of an appeal of a denial of eligibility for shelter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Interim Eligibility and Minimum Shelter Standards Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Department of Human Services (“DHS”) seeks to codify its current practice of temporarily placing a family seeking shelter into shelter before making a final eligibility determination.

(b) Specifically, DHS seeks to codify this practice at the start of “hypothermia season” in order to allow for a more thorough review of a family’s circumstances and housing options in order to distinguish more fully those families that are entitled to shelter.

(c) This emergency legislation would codify the Department’s existing practice and establish an appeals process for a family ultimately determined to be ineligible for shelter during an interim eligibility placement.

(d) This legislation also would authorize the Mayor to utilize private rooms rather than apartment-style units as shelter for families.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to enact the Uniform Interstate Family Support Act, as revised with amendments officially adopted by the National Conference of Commissioners on Uniform State Laws to ensure that the amendments will be in effect prior to January 1, 2016.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Uniform Interstate Family Support Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On November 23, 2007, the United States signed the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance at the Hague.

(b) In order to implement the Convention, the Uniform Law Commission drafted the 2008 Amendments to the Uniform Interstate Family Support Act, to be adopted by every state.

(c) On September 29, 2014, the President signed the Preventing Sex Trafficking and Strengthening Families Act, approved September 9, 2014 (Pub. L. No. 113-183; 128 Stat. 1919), which required that the 2008 Amendments to the Uniform Interstate Family Support Act be in effect in each state and the District of Columbia, no later “than the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act”, provided that, if a state has a 2-year legislative session, “each year of the session shall be deemed to be a separate regular session of the State legislature.”

(d) In order to ensure adoption in all states, the Office of Child Support Enforcement in the United States Department of Health and Human Services issued an Action Transmittal which requires states to have the 2008 Revised Uniform Interstate Family Support Act in effect by January 1, 2016, as a prerequisite for continued federal financial support for child support enforcement and Temporary Assistance for Needy Families (“TANF”).

(e) On September 17, 2015, Juanita Devine, the Regional Program Manager for Region III of the federal Office of Child Support Enforcement, wrote Benidia Rice, the Director of the Child Support Services Division of the Office of the Attorney General for the District of Columbia, a letter stating that “[a] State must have an approved State IV-D plan in order to receive federal funding under Title IV-D of the [Social Security] Act” and that “a State plan

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disapproval would result in immediate suspension of all Federal payments for the State's child support enforcement program." She noted that for Fiscal Year 2013, the federal share for the District's IV-D program, including incentive payments, was \$19,912,823. She also noted that an approved IV-D plan is a condition for eligibility for a TANF block grant and that, for Fiscal Year 2013, the TANF block grant to the District was \$92,609,815.

(f) The Committee on the Judiciary held a hearing on the permanent legislation, the Uniform Interstate Family Support Act of 2015, passed on 1st reading on November 3, 2015 (Engrossed version of B21-0245), on October 8, 2015, and marked up the bill on October 28, 2015.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Uniform Interstate Family Support Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21- 279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to order the closing of portions of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W., in Square 3128 in Ward 5.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Closing of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W., in Square 3128, S.O. 13-09432, Emergency Declaration Resolution of 2015”.

Sec. 2. There exists an immediate need to approve emergency legislation to close those portions of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W., in Square 3128, which are paper streets that traverse the site of the former McMillan Sand Filtration Plant in Ward 5. The McMillan site is owned by the District, and the Office of the Deputy Mayor for Planning and Economic Development is actively overseeing its redevelopment into a mix of residential, commercial, and recreational uses. Emergency legislation to close the streets within McMillan site is necessary to permit the immediate subdivision of the property into townhome, commercial, multifamily, and District parcels. Subdivision is necessary to ensure that the needed permits can be obtained, the land disposition and development agreements can be executed, and the complex horizontal and vertical development activities can be completed according to the project schedule and within the disposition authority provided for in the McMillan Townhomes Parcel, Commercial Parcel, and Multifamily Parcels Disposition Extension Approval Resolution of 2015, effective November 3, 2015 (Res. 21-253; 62 DCR ____). The development project was approved by the Council pursuant to the McMillan Residential Townhomes Parcel Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-705; 62 DCR 1091), the McMillan Residential Multifamily Parcels Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-706; 62 DCR 1094), and the McMillan Commercial Parcel Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-707; 62 DCR 1097). Making the street closings effective sooner than congressional review otherwise would allow will enable the project to proceed without the risk of delay.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing

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of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W., in Square 3128, S.O. 13-09432, Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to amend the Day Care Policy Act of 1979 to address the growing needs for foster parents and support the foster care community by extending eligibility for subsidized child care to foster parents who may no longer be working but have some form of verifiable income, teen parents under 21 years of age who themselves are in foster care or wards of the District, and foster parents who are not working but who are enrolled in a verified job training or education program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Foster Care Extended Eligibility Emergency Declaration Resolution of 2015".

Sec. 2. (a) The District of Columbia leads the nation in providing high-quality pre-K to over 70% of the District's 3-year olds and over 90% of the District's 4-year olds. In order to ensure that the District's youngest children are prepared when they enter our pre-K programs, a need exists to increase the level of high-quality child care and services that our 0-3 year old population receives.

(b) Currently, 3,542 children ages 0-3 receive a child care subsidy in the District of Columbia, and of those children, 215 live with foster parents that seek support through subsidized child care services. These are generally some of the District's most vulnerable residents who need comprehensive services and a continuity of care to ensure that they are poised to succeed when they enter pre-K and Kindergarten.

(c) In order to address the needs of the population discussed in subsection (b) of this section and their families, the Office of the State Superintendent of Education is expanding the eligibility for subsidized child care to 3 specific cohorts of the foster care population: foster parents who may no longer be working but have some form of verifiable income; teen parents under 21 years of age who themselves are in foster care or wards of the District; and foster parents who are not working but who are enrolled in a verified job training or education program.

(d) Under current District law, children receiving a child care subsidy are not guaranteed continuity of care, as their subsidy status is linked to their foster parent's employment status. Thus, if a foster parent loses his or her job or has retired his or her foster child will either not be eligible for the subsidy or will lose the subsidy and thus child care. This disruption is particularly detrimental to these children, as they are often the population with the greatest need

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for consistency and continuity. Thus, a need exists to allow the children in foster homes to continue to receive a child care subsidy, and therefore child care, despite the employment status of their foster parent.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Foster Care Extended Eligibility Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to confirm the reappointment of Mr. Mike Silverstein as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board Mike Silverstein Confirmation Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Alcoholic Beverage Control Board (“Board”) is a 7-member, independent body that meets once each week to adjudicate, administer, and enforce alcoholic beverage laws.

(b) Board members are appointed by the Mayor and confirmed by the Council for 4-year terms.

(c) There may be as many as 7 members on the Board, with 3 members constituting a quorum.

(d) On September 24, 2015, a proposed resolution was introduced by Chairman Mendelson at the request of the Mayor to reappoint Mike Silverstein to serve on the Board for a term to end May 7, 2019.

(e) A public hearing was held on October 26, 2015 to consider Mr. Silverstein’s nomination.

(f) Mr. Silverstein’s current term expired on May 7, 2015, and it is therefore necessary to confirm his reappointment by emergency legislation before the 180-day holdover period for his seat expires on November 3, 2015.

(g) Without emergency action, the Board will lack a quorum and not have sufficient members to conduct business.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Alcoholic Beverage Control Board Mike Silverstein Emergency Confirmation Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm, on an emergency basis, the reappointment of Mr. Mike Silverstein as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board Mike Silverstein Emergency Confirmation Resolution of 2015”.

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

Mr. Mike Silverstein
1301 20th Street, N.W.
Apt. #705
Washington, D.C. 20036
(Ward 2)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, for a term to end May 7, 2019.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to confirm the reappointment of Mr. Nicholas S. Alberti as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Nicholas S. Alberti Confirmation Emergency Declaration Resolution of 2015".

Sec. 2. (a) The Alcoholic Beverage Control Board ("Board") is a 7-member, independent body that meets once each week to adjudicate, administer, and enforce alcoholic beverage laws.

(b) Board members are appointed by the Mayor and confirmed by the Council for 4-year terms.

(c) There may be as many as 7 members on the Board, with 3 members constituting a quorum.

(d) On September 21, 2015, a proposed resolution was introduced by Chairman Mendelson at the request of the Mayor to reappoint Nicholas S. Alberti to serve on the Board for a term to end May 7, 2019.

(e) A public hearing was held on October 26, 2015 to consider Mr. Alberti's nomination.

(f) Mr. Alberti's current term expired on May 7, 2015, and it is therefore necessary to confirm his reappointment by emergency legislation before the 180-day holdover period for his seat expires on November 3, 2015.

(g) Without emergency action, the Board will lack a quorum and not have sufficient members to conduct business.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Alcoholic Beverage Control Board Nicholas S. Alberti Emergency Confirmation Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm, on an emergency basis, the reappointment of Mr. Nicholas S. Alberti as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board Nicholas S. Alberti Emergency Confirmation Resolution of 2015”.

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

Mr. Nicholas S. Alberti
1330 North Carolina Avenue, N.E.
Washington, D.C. 20002
(Ward 6)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, for a term to end May 7, 2019.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to confirm the appointment of Ms. Angie Gates as Director of the Office of Cable Television, Film, Music, and Entertainment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office of Cable Television, Film, Music, and Entertainment Angie Gates Confirmation Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Entertainment and Media Production and Development Amendment Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), created the Office of Cable Television, Film, Music, and Entertainment (“OCTFME”) by merging the Office of Cable Television and the Office of Motion Picture and Television Development.

(b) The OCTFME will realize efficiencies by better utilizing staff and resources to achieve the previously separate agencies’ complementary missions.

(c) Ms. Gates was unanimously confirmed by the Council as Director of the Office of Motion Picture and Television Development on April 14, 2015.

(d) To ensure that OCTFME has permanent leadership as soon as possible, emergency legislation is necessary to confirm Ms. Angie Gates as Director.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Director of the Office of Cable Television, Film, Music, and Entertainment Angie Gates Emergency Confirmation Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-286

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm, on an emergency basis, the appointment of Ms. Angie Gates as Director of the Office of Cable Television, Film, Music, and Entertainment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office of Cable Television, Film, Music, and Entertainment Angie Gates Emergency Confirmation Resolution of 2015”.

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

Ms. Angie Gates
901 11th Street, N.E.
Washington, D. C. 20002
(Ward 6)

as the Director of the Office of Cable Television, Film, Music, and Entertainment, established by section 201 of the Cable Television Reform Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1252.01), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to approve the amended proposal for the property designated as Lot 25 in Square 526, which was previously conveyed to Golden Rule Plaza, Inc.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Plaza West Disposition Restatement Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The District conveyed property designated for tax and assessment purposes as Lot 25 in Square 526, commonly known as the Golden Rule Property (“Property”), to Golden Rule Plaza, Inc. (“Developer”) on October 28, 2005, in accordance with the proposal submitted by the Developer.

(b) At the time of the conveyance, the proposed development included an affordable senior citizens apartment building, a senior day care facility, and an intergeneration center (“Initial Project”).

(c) Since 2005, the Developer has been preparing the site and securing the financing for the redevelopment of the Property. During this time, the Initial Project has been revised to contain approximately 223 units of affordable housing, with supportive services, outdoor space, parking, and any ancillary uses allowed under applicable law (“Amended Project”).

(d) Council approval is necessary to allow timely construction of the Amended Project in order to provide necessary affordable housing in the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Plaza West Disposition Restatement Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCAM-14-CS-0123A with Nextility, Inc. to develop on-site solar power generation systems at approximately 34 District government buildings, and to authorize payment for the power generated by the systems for a 20-year period.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCAM-14-CS-0123A Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2.(a) There exists an immediate need to approve Contract No DCAM-14-CS-0123A with Nextility, Inc. to develop on-site solar power generation systems at approximately 34 District government buildings, and to authorize payment for the power generated by the systems for a 20-year period at a competitive price.

(b) Contract No. DCAM-14-CS-0123A is a multiyear contract that requires Council approval pursuant to section 451(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 1-252.02).

(c) Approval of Contract No. DCAM-14-CS-0123A is necessary for the District to enter into a long-term agreement with Nextility, Inc. to develop on-site solar power generation systems at approximately 34 District government buildings, and to allow the Department of General Services to purchase the power generated by the systems for a 20-year period at a competitive rate. The systems must be put in service by Nextility, Inc. before December 31, 2016, in order for the systems to qualify for solar investment tax credits, without which development of the systems is not economically viable. Given the time required for the development of the systems, including engineering and construction, the District must act immediately.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-14-CS-0123A Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCHT-2015-C-0018 with Maximus Health Services, Inc. to provide and administer a Provider Data Management System.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHT-2015-C-0018 Approval Emergency Declaration Resolution of 2015".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Department of Health Care Finance, proposes to enter into a multiyear agreement with Maximus Health Services, Inc. ("Maximus") to provide and administer a Provider Data Management System.

(b) The firm-fixed price under this multiyear contract with Maximus is \$12,952,907.23.

(c) Approval is necessary to allow the District to receive the benefit of these vital services in a timely manner from Maximus.

(d) These critical services can only be obtained through an award of the multiyear contract with Maximus.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHT-2015-C-0018 Emergency Approval Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To approve, on an emergency basis, multiyear Contract No. DCHT-2015-C-0018 with Maximus Health Services, Inc. to provide and administer a Provider Data Management System to properly screen Medicaid providers to ensure they meet participation eligibility requirements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCHT-2015-C-0018 Emergency Approval Resolution of 2015”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(c)(3)), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves multiyear Contract No. DCHT-2015-C-0018 between the Department of Health Care Finance and Maximus Health Services, Inc. to provide and administer a Provider Data Management System to properly screen Medicaid providers to ensure that they meet participation eligibility requirements in a firm-fixed price amount of \$12,952,907.23, for a term beginning November 9, 2015, and ending November 8, 2019.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-128

IN THE COUNCIL OF THE DISTRICT OF COLULMBIA

November 3, 2015

To posthumously honor Reverend Dr. John T. Tavlarides and recognize his more than 50 years as the senior priest and later dean of St. Sophia Greek Orthodox Cathedral, founded in 1904 and located at 36th Street and Massachusetts Avenue since 1955.

WHEREAS, John Theodore Tavlarides was born November 26, 1939 in Stamford Connecticut.

WHEREAS, John Tavlarides’ father worked as a cook and was a chanter at a Greek Orthodox church across the street from the family home, and the church served a large part of the family’s life;

WHEREAS, John Tavlarides graduated in 1953 from Hellenic College Holy Cross Greek Orthodox School of Theology in Brookline, Massachusetts, was ordained the same year, and served as a priest at the Archdiocesan Cathedral of the Holy Trinity in New York;

WHEREAS, Reverend Tavlarides also did graduate work at the General Theological Seminary of the Episcopal Church in New York, and Catholic University and Wesley Theological Seminary in Washington, and received a doctorate in ministry in 1996 from St. Vladimir’s Orthodox Theological Seminary in Yonkers, New York;

WHEREAS, Reverend Tavlarides arrived at St. Sophia Greek Orthodox Cathedral (“St. Sophia”) in 1956 as the first American-born priest to serve at Washington, D.C.’s oldest Greek Orthodox congregation;

WHEREAS, during his 55 years in the pulpit, he was considered an innovative and sometimes controversial leader, guiding his congregation of about 1500 parishioners through periods of growth and cultural change;

WHEREAS, prior to Reverend Tavlarides’ introduction of bilingual liturgy in 1961, services at St. Sophia had been conducted primarily in Greek;

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WHEREAS, Reverend. Tavlarides instituted classes for the study of the Greek language and Orthodox traditions, and Byzantine music and Greek chanting were a regular part of the cathedral's religious services;

WHEREAS, Reverend Tavlarides' signature achievement was an educational program called Inquiry Into Orthodoxy, offered primarily to adults and to people interested in converting to the faith, and he led the 10-week lecture series for 50 years;

WHEREAS, Reverend Tavlarides also participated in many ecumenical efforts in Washington, D.C., including presidential inaugurations and the Pageant of Peace;

WHEREAS, in the 1960s and 1970s, Reverend Tavlarides spearheaded an ambitious remodeling of St. Sophia, which was meant to evoke the authentic feel of a Byzantine-era church;

WHEREAS, the restoration, which spurred a Byzantine revival movement at other churches, transformed St. Sophia into one of the country's most striking and ornate houses of worship of any faith; and

WHEREAS, Reverend Tavlarides, who retired from St. Sophia in 2011, passed in 2015 and is survived by his wife of 62 years, Harriott Anastasiadis Tavlarides, and 5 children: Nia Stratos, Theodore Tavlarides, Christopher Tavlarides, Mark Tavlarides, and Demetri Tavlarides.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLULMBIA, That this resolution may be cited as the "Rev. Dr. John T. Tavlarides Posthumous Recognition Resolution of 2015".

Sec. 2. The Council of the District of Columbia salutes, recognizes, and honors Rev. Dr. John T. Tavlarides on his illustrious ministerial service and his influence on the course of Saint Sophia's history, which is believed, without contestation, to be that of no previous single priest.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To celebrate the 90th birthday and acknowledge the accomplishments, contributions, and community service of George Idelson, a champion of thoughtful community development, a civil servant, and longtime Cleveland Park resident.

WHEREAS, Mr. Idelson and his wife Evelyn and 2 children moved to Cleveland Park in 1967, and he instantly became involved in community activities, serving as a member of parent associations for both the National Child Research Center and John Eaton Elementary School, and becoming a member of the Cleveland Park Club and the Friends of Cleveland Park Library;

WHEREAS, as an active member of Citizens for City Living and the Cleveland Park Historical Society, Mr. Idelson spearheaded efforts that ultimately led to the U.S. Department of Interior designating Cleveland Park as an historic district, and he championed the creation of a commercial overlay zone to support the designation;

WHEREAS, from the 1960s through 1980s, Mr. Idelson's activism and involvement with various organizations contributed greatly to protecting the quality of life in Cleveland Park, and enabled the community to preserve the historic character of the neighborhood;

WHEREAS, from 2002 through 2009, Mr. Idelson served as the President of the Cleveland Park Citizens Association ("CPCA"), demonstrated leadership and commitment to Cleveland Park, hosted monthly meetings that brought information and resources to the neighborhood, and worked with government leaders to apprise them of the pride and aspirations of the Cleveland Park community;

WHEREAS, with CPCA members' support, Mr. Idelson was a leading advocate for pedestrian safety measures along Connecticut Avenue, particularly between Macomb and Ordway streets, and, with his efforts, the community was able to secure a mid-block traffic signal installed in 2013, which greatly improved the pedestrian experience;

WHEREAS, as CPCA President, Mr. Idelson led discussions with community residents, the Office on Aging, and Councilmember Mary Cheh on "Aging in Place," and these discussions

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spurred what is now known as the Cleveland Woodley Park Village, a support group for residents who wish to continue living in their homes as they age and have the support services and activities required to do so;

WHEREAS, as CPCA President, Mr. Idelson often testified before the Council of the District of Columbia, representing the position of many Cleveland Park residents on various issues directly affecting their community, including testimony on the Comprehensive Plan and zoning rules;

WHEREAS, even after his term ended, Mr. Idelson has continued to be active and represent Cleveland Park, currently serving as CPCA's delegate to and board member of the DC Federation of Citizens Associations, and serving as trustee and program chairman of the Committee of 100;

WHEREAS, Mr. Idelson also remains active in preservation efforts and supports other interests, such as serving as an active board member of the National Mall Coalition, an organization Mr. Idelson help found in 2000 whose critical mission is preservation of the Mall, and being an active member of the Tregaron Conservancy and Ward 3 Democrats; and

WHEREAS, Mr. Idelson is a gracious person who has given tirelessly of his time to preserve and protect the community he knows and adores, is viewed by many as a role model, and continues to inspire community activism in Cleveland Park, Ward 3, and the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "George Idelson Recognition Resolution of 2015".

Sec. 2. The District of Columbia is grateful for Mr. Idelson's dedication to the Cleveland Park community and the betterment of the quality of life for the neighborhood, and the Council of the District of Columbia extends to him warmest wishes on his 90th birthday.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-130

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To recognize the Transgender Day of Remembrance, and to declare November 20, 2015, as “Transgender Day of Remembrance” in the District of Columbia.

WHEREAS, transgender individuals face high rates and severity of violence, including accounting for over 60% of murdered lesbian, gay, bisexual, transgender, or HIV-positive individuals in 2014 according to the National Coalition of Anti-Violence Projects;

WHEREAS, the District of Columbia has a particularly alarming history of violence against transgender individuals, especially transgender women of color, including the murders of Deoni Jones, Lashai Mclean, Tyli’a Mack, Elexius Woodland, Bella Evangelista, Emonie Spaulding, Stephanie Thomas, Ukea Davis, and too many others;

WHEREAS, countless transgender individuals experienced violence and harassment this year in the District of Columbia and the metropolitan area and in nearby Gaithersburg, Maryland, Zella Ziona was murdered;

WHEREAS, the expensive housing market combined with discrimination results in too many transgender people being forced to live on the streets, putting them at higher risk for violence;

WHEREAS, the District of Columbia strives to be a city that is welcoming and safe for all residents and visitors, including transgender people;

WHEREAS, the Transgender Day of Remembrance is held on November 20th around the world to memorialize those killed due to anti-transgender hatred or prejudice; and

ENROLLED ORIGINAL

WHEREAS, the D.C. transgender community and allies have commemorated Transgender Day of Remembrance for the last 15 years, growing from a small group of activists to an event that attracts hundreds of participants and attendance from government officials.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Transgender Day of Remembrance Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes the contributions of the transgender community and its vulnerability to violence, and declares November 20, 2015 as “Transgender Day of Remembrance” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-131

IN THE COUNCIL OF THE DISTRICT OF COLULMBIA

November 3, 2015

To recognize and honor Frances Penn for her 40 years of federal service, 33 years of service in the private sector, and decades of commitment to community service in the District of Columbia.

WHEREAS, Frances Penn was born in Kingstree, South Carolina, and furthered her studies at the Franklin School of Science and Arts in Philadelphia, Strayer University, and the University of Maryland University College;

WHEREAS, Frances Penn began her federal career on August 29, 1966, with the Adjutant General of the U.S. Army;

WHEREAS, France Penn retired from the U.S. Department of Defense, Office of the Secretary of Defense, on September 30, 2001, after 35 years of service;

WHEREAS, Frances Penn began her career with Safeway Stores, Inc., on June 16, 1972, at the Safeway Store on Milwaukee Place, S.E., and retired from the Safeway Store on M Street, S.W., on May 30, 2005;

WHEREAS, Frances Penn was presented with the Roy Wilkins NAACP Award in July 1989 for her commitment and dedication to service;

WHEREAS, Frances Penn served as the President of the Woodridge South Community Association from January 2001 until December 2013, and currently serves as the Vice President;

WHEREAS, Frances Penn is the current Chairperson of the Fifth District Citizens' Advisory Council and has served on the board from January 2001 to the present;

WHEREAS, Frances Penn was awarded the Frank Braxton Civilian Award for Outstanding Service by the Fifth District Citizens' Advisory Council in October 2012;

WHEREAS, Frances Penn joined the Federal Communications Commission as a Human Resources Specialist in July 2010 and will retire on December 31, 2015; and

ENROLLED ORIGINAL

WHEREAS, Frances Penn is the proud and loving mother of one daughter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Frances Penn Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes and honors Frances Penn on the occasion of her retirement for her commitment and dedication to the residents of the District of Columbia and to the federal government.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-132

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To recognize and honor Ms. Patsy Harden-Mitchell on the occasion of her 80th birthday.

WHEREAS, Patsy Harden-Mitchell will be honored by family and friends on the occasion of her 80th birthday on November 19, 2015;

WHEREAS, Ms. Harden-Mitchell was born in Washington, D.C on November 19, 1935 at D.C. General Hospital;

WHEREAS, she is a proud graduate of District of Columbia Public Schools, having attended Smothers Elementary School, Grimke Elementary School, Shaw Junior High School, and Dunbar High School;

WHEREAS, she and her family were members of Shiloh Baptist Church;

WHEREAS, she was a dedicated and tireless employee of the District of Columbia government, working in various positions but most notably in the Model Cities Program, the Department of Housing and Community Development, and as the District of Columbia liaison to the Interstate Commission on the Potomac River Basin, and having retired from its service;

WHEREAS, she raised her family in the District of Columbia;

WHEREAS, she is the wife of William O. Mitchell and the mother of 2 sons and the grandmother of 3 grandchildren;

WHEREAS, during a long and productive lifetime, she has served as an inspiration and example to her family and has demonstrated, in countless ways, her dedication to the welfare of others and the environment and has earned the respect and affection of people from all walks of life and all ages; and

WHEREAS, in her lifetime she has witnessed the most eventful time in the history of our country and the District of Columbia and in her positive way been a force for good and a

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stabilizing influence on decision makers, neighbors, family, and all those around her during these interesting times.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Patsy Harden-Mitchell Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes Ms. Patsy Harden-Mitchell on her 80th birthday for her lifelong dedication and contributions to the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-133

IN THE COUNCIL OF THE DISTRICT OF COLULMBIA

November 3, 2015

To declare the fourth week of October as "National Respiratory Care Week" in the District of Columbia.

WHEREAS, respiratory care practitioners in Washington, D.C. and nationwide will celebrate Respiratory Care Week;

WHEREAS, this observance celebrates the contribution that respiratory care practitioners make to our nation's health care system;

WHEREAS, respiratory care practitioners work in various areas of health care organizations and educational institutions, including the emergency department, critical care units, acute care, pulmonary diagnostics, polysomnography, skilled nursing facilities, home health care, ECMO, transport, and colleges and universities;

WHEREAS, respiratory care practitioners are health care professionals committed to providing high-quality patient care in all these settings;

WHEREAS, lung diseases, known as chronic obstructive pulmonary diseases ("COPD"), are the fourth-leading cause of death in the United States and pediatric and adult asthma and other chronic obstructive diseases affect the residents of the District of Columbia;

WHEREAS, the number of people affected by the chronic lung diseases is increasing and it costs millions annually in hospitalization, physician visits, and other medical expenses;

WHEREAS, respiratory care practitioners evaluate and treat patients with breathing and cardiopulmonary disorders;

WHEREAS, respiratory care practitioners are actively engaged in educating the public in prevention and early detection of lung disease as asthma and COPD educators;

WHEREAS, both local and national observances of this week will focus on increasing public awareness and importance of early detection of chronic lung disease; and

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WHEREAS, respiratory care practitioners, polysomnographers, pulmonary function technologists, and respiratory therapy practitioners continue to work tirelessly to provide information and educate Districts residents about lung diseases and the importance of lung health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Respiratory Care Week Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia declares the fourth week of October as “National Respiratory Care Week” in the District of Columbia and calls upon all the residents of this great city to join in observing this week.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-134

IN THE COUNCIL OF THE DISTRICT OF COLULMBIA

November 3, 2015

To declare November 4, 2015 as “Angel Medina Day” in the District of Columbia in recognition of his 30 years of service to the District of Columbia.

WHEREAS, Inspector Angel Medina, from the beginning of his life, demonstrated determination, and his “accomplish the goal” attribute made him a natural born leader;

WHEREAS, determined to be born, he was delivered in a New York City apartment with the direct assistance of a New York City police officer and, henceforth, was destined to be a police officer committed to fulfilling the duty to serve and protect;

WHEREAS, Inspector Medina has been married 34 years to his wife Brenda Medina, who is a retired Lieutenant with 33 years of law enforcement service;

WHEREAS, their son, Lonzie, currently serves as a Staff Sergeant and Chaplain's Assistant in the United States Navy, and served 2 deployments in Iraq, and their daughter, Angel, is a consistent Award Winning Manager with Enterprise and a frequent volunteer in the community;

WHEREAS, Inspector Medina already possessed an intrinsic passion to help, support, and care for the community and when he was appointed a law enforcement professional with the Metropolitan Police Department, he fulfilled his calling;

WHEREAS, Inspector Medina as a dedicated young officer, quiet, shy, and keenly observant, sought out available guidance, coaching, and teachings of senior officers, superiors, and managing leaders that shaped the dedicated professional he is today;

WHEREAS, Inspector Medina is a grateful leader humbled by many who seek and rely on his leadership, expertise, or guidance;

WHEREAS, Inspector Medina has 30 years of professional experience with the Metropolitan Police Department, from 1985 to the present, making him the current longest-serving Latino in the department;

ENROLLED ORIGINAL

WHEREAS, Inspector Medina earned a Bachelor of Science Degree at George Washington University in 2014 and graduated from the FBI Academy in 1987;

WHEREAS, Inspector Angel Medina has proven leadership, organizational, and managerial skills and received the Inspector of the Year Award in 2014;

WHEREAS, Inspector Medina’s unprecedented success with administrative mandates within the Patrol Services Bureau was a great contribution to the department for 7 police districts;

WHEREAS, Inspector Medina has received numerous awards, including a Field Commander Recognition for unparalleled success with All Hands on Deck operations, the Award Unit Citation (PSA 102), the Commanding Officer’s Commendation (Fourth District), the Community Letter of Appreciation (PSA 409), the Letter of Commendation (IAD), and the Special Congressional Recognition (Third District);

WHEREAS, Inspector Medina was the Promotional Assessment Evaluator for numerous outside agencies;

WHEREAS, Inspector Medina once organized the Hispanic American Bilingual Law Enforcement Officers baseball team; and

WHEREAS, Inspector Medina has professional experience with the Patrol Services Bureau, the Fourth District Sub Station, the Fourth District, the Field Commander, as an Inspector, and also has served as First District Patrol Captain, Fourth District Patrol Lieutenant, Fourth District Detective Lieutenant, Focus Mission Team Leader and Confidential Fund Coordinator, Internal Affairs Division Sergeant, Third District Patrol Sergeant, Fourth District Patrol Officer, Auto Theft Investigator, and Detective.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Angel Medina Day Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia declares November 4, 2015 as “Angel Medina Day” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-135

IN THE COUNCIL OF THE DISTRICT OF COLULMBIA

November 3, 2015

To recognize and congratulate Reverend Frank D. Tucker on his 40th anniversary as Senior Pastor of First Baptist Church, located at 712 Randolph Street, N.W.

WHEREAS, Reverend Frank D. Tucker was born in Blackstone Virginia, attended Virginia public schools, and graduated from Foster High School;

WHEREAS, Reverend Frank D. Tucker earned a Bachelor of Arts Degree in Sociology and Philosophy from Howard University in 1961, and a Bachelor of Divinity Degree from the Howard University School of Divinity in 1964;

WHEREAS, Reverend Frank D. Tucker served as the College Minister and Assistant Professor of Theology at Florida Memorial College from 1965 to 1966, and joined the faculty at Howard University School of Divinity in 1986;

WHEREAS, Reverend Frank D. Tucker was Pastor of the Jones Memorial Baptist Church in Philadelphia, Pennsylvania from 1966 to 1976;

WHEREAS, on February 1, 1976, Reverend Frank D. Tucker became the Pastor of First Baptist Church, located at 712 Randolph Street, N.W., and has led the church’s congregation for 40 years;

WHEREAS, Reverend Frank D. Tucker is affiliated with numerous community and religious groups and has held leadership positions within several of those organizations, including serving on the Executive Committee of the Foreign Mission Board of the National Baptist Convention, USA, Inc., serving as Facilitator of the Wednesday Clergy Fellowship, serving as Chairman of the Leadership Council for Healthy Communities in Washington, D.C., serving on the Board of Directors for the Washington Urban League, serving as President of the Baptist Convention of DC and Vicinity, and serving as Chairman of the Board and CEO for the Church Association for Community Services;

WHEREAS, Revered Frank D. Tucker is the recipient of numerous awards, including the Man of the Year Award for Humanitarian Service in 1992, Martin Luther King Jr., Humanitarian Service Award in 1993, New England Youth Workshop Century Award in 1999, CACS Faith

ENROLLED ORIGINAL

Award, Tenth Anniversary of CACS in 1999, and induction into the D.C. Hall of Fame for Religion in 2008;

WHEREAS, Reverend Frank D. Tucker’s leadership has impacted several ministries, including the Baptist Minister’s Conference, the National Baptist Convention, U.S.A., Inc., the Wednesday Clergy Fellowship, the Interfaith Conference, the Church Association for Community Services, and the Mayor’s Faith Advisory Council; and

WHEREAS, under the leadership of Reverend Frank D. Tucker, First Baptist Church has provided a great deal of community services to those in need and has focused its efforts on social justice, urban ministry, and community development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “40th Anniversary of Reverend Frank D. Tucker Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Reverend Frank D. Tucker on his 40th anniversary as Senior Pastor of First Baptist Church, located at 712 Randolph Street, N.W.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-136

IN THE COUNCIL OF THE DISTRICT OF COLULMBIA

November 3, 2015

To recognize the 30th anniversary of the founding of the District of Columbia Insurance Federation.

WHEREAS, Lawrence H. Mirel recognized a need for a trade association to be a resource for insurance in the District of Columbia;

WHEREAS, the District of Columbia Insurance Federation (“DCIF”) was created in September of 1985 by Lawrence H. Mirel to enhance the professional standing of the insurance industry in the District of Columbia and has been a resource to all stakeholders, including to consumers, the Department of Insurance, Securities, and Banking, and industry peers, as well as Councilmembers and staff;

WHEREAS, the DCIF membership represents all segments of the insurance industry, including property and casualty and life and health insurers, national trade association partners, and representatives of the reinsurance and agents and brokers communities;

WHEREAS, insurance products and services can provide financial security in the event of loss, thereby helping individuals, families, and businesses to meet immediate and future financial obligations;

WHEREAS, surveys show that a majority of Americans believe that insurance is an important part of sound financial planning for future needs;

WHEREAS, inadequate insurance coverage may create financial hardship for individuals, families, and businesses and potentially reduce or eliminate business expansion plans and employment opportunities;

WHEREAS, determining, providing, and servicing the correct form and adequate amount of insurance requires dedicated and responsive professionals because how much and what type of insurance to purchase can be a difficult decision due to the variety of insurance products that are available;

ENROLLED ORIGINAL

WHEREAS, consumers can greatly benefit from expert advice provided by qualified insurance professionals, including carrier sales, customer service, and claims representatives, agents, and brokers; and

WHEREAS, the DCIF continues to play a key role in providing information and support to the insurance community in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Insurance Federation Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes and commends the District of Columbia Insurance Federation for the many contributions of its founders and members to insurance consumers and other stakeholders on the occasion of its 30th year.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To recognize the tremendous impact that pediatric medical imaging and radiation has on children’s health care and declare November 8, 2015 as the “International Day of Radiology” in the District of Columbia.

WHEREAS, the International Day of Radiology, sponsored by the American College of Radiology, European Society of Radiology, and the Radiologic Society of North America, is celebrating the 120th anniversary of the discovery of the X-ray by Wilhelm Conrad Rontgen and the important role medical imaging and radiation oncology serve in health care;

WHEREAS, Children’s National Health Services Department of Diagnostic Imaging and Radiology will designate November 6, 2015 to celebrate the International Day of Radiology, which this year is dedicated to pediatric imaging;

WHEREAS, Children’s National Health Services Department of Diagnostic Imaging and Radiology has one of the few pediatric radiology programs in the United States with several physicists on staff, confirming patient safety through the careful monitoring of all equipment;

WHEREAS, approximately 130,000 diagnostic imaging studies on children are performed each year at Children’s National Health Services Department of Diagnostic Imaging and Radiology, playing a critical role in the detection, diagnosis, and management of a wide variety of diseases affecting children; and

WHEREAS, medical imaging reduces the number of invasive surgeries, unnecessary hospital admissions, and lengths of hospital stays and helps lower health care costs of Americans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “International Day of Radiology Recognition Resolution of 2015”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia declares November 8, 2015 as “International Day of Radiology” in the District of Columbia, recognizing and honoring Children’s National Health Services Department of Diagnostic Imaging and Radiology for its invaluable contributions to improve pediatric radiology on behalf of the residents of the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To honor and express appreciation to Pope Francis for his historic visit to Washington, D.C. in September of 2015.

WHEREAS, Pope Francis was born Jorge Mario Bergoglio on December 17, 1936 in Buenos Aires, Argentina, and became the Archbishop of Buenos Aires in 1998;

WHEREAS, on March 13, 2013, Pope Francis was elected to be the spiritual leader of over one billion Catholics worldwide as the 266th Pope of the Roman Catholic Church;

WHEREAS, Pope Francis made an historic trip to North America and visited both the United States and Washington, D.C., for the first time in September of 2015;

WHEREAS, on September 23, 2015, Pope Francis arrived at the largest arrival ceremony held by the Obama administration and officially addressed President Barack Obama and numerous government officials at a ceremony held on the South Lawn of the White House;

WHEREAS, on September 23, 2015, Pope Francis participated in a papal parade that traveled along 15th Street, Constitution Avenue, and 17th Street, N.W., where he greeted thousands of onlookers and well-wishers who celebrated his historic visit;

WHEREAS, on September 23, 2015, Pope Francis participated in a midday prayer at the Cathedral of St. Matthew the Apostle with several U.S. Bishops, including Cardinal Donald Wuerl, the Archbishop of Washington;

WHEREAS, on September 23, 2015, Pope Francis celebrated Mass at the Basilica of the National Shrine of the Immaculate Conception before thousands of District residents and canonized Blessed Junipero Serra, a Spanish-born Franciscan Friar;

WHEREAS, on September 24, 2015, Pope Francis became the first pope to ever address a joint session of the United States Congress and gave an historic speech to its members;

WHEREAS, on September 24, 2015, Pope Francis visited Catholic Charities at St. Patrick's Church, where he prayed and had lunch with 300 homeless men and women; and

ENROLLED ORIGINAL

WHEREAS, Pope Francis’s historic papal visit was one of the most celebrated and well-attended public events in the history of Washington, D.C.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Celebration of Pope Francis’s Historic Papal Visit to Washington, D.C. Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia honors and celebrates Pope Francis’s historic visit to Washington, D.C. in September of 2015.

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

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

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

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

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

B21-479 Minor and Protected Person Identity Theft Prevention Amendment Act of 2015

Intro. 11-17-15 by Councilmembers Evans, Nadeau, Allen, Alexander, Orange, Grosso, Todd, Bonds, and McDuffie and referred to the Committee on Business, Consumer, and Regulatory Affairs

B21-480 Accessible For-Hire Vehicle Tax Credit Amendment Act of 2015

Intro. 11-17-15 by Councilmember Evans and referred to the Committee on Finance and Revenue with comments from the Committee on Transportation and the Environment

B21-481 Home Purchase Assistance Program Amendment Act of 2015

Intro. 11-17-15 by Councilmembers Bonds, Allen, Todd, Alexander, Grosso, Nadeau, Orange, Cheh, and Silverman and referred to the Committee on Housing and Community Development

B21-482 Indigenous Peoples' Day Amendment Act of 2015

Intro. 11-17-15 by Councilmember May and referred to the Committee of the Whole

B21-483 Fee Transparency Act of 2015
Intro. 11-17-15 by Councilmembers Silverman, Nadeau, Bonds, Allen, and Cheh and referred to the Committee of the Whole

B21-484 Jobs for D.C. College Graduates Amendment Act of 2015
Intro. 11-17-15 by Councilmembers May and Todd and referred to the Committee of the Whole

PROPOSED RESOLUTION

PR21-422 Compensation Agreement between the District of Columbia Department of Behavioral Health and District of Columbia Nurses Association Approval Resolution of 2015
Intro. 11-13-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

**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

**B21-0107, THE “MARIJUANA DECRIMINALIZATION CLARIFICATION
AMENDMENT ACT OF 2015”**

AND

**B21-0444, THE “DEATH CERTIFICATE GENDER IDENTITY RECOGNITION
AMENDMENT ACT OF 2015”**

**Thursday, December 10, 2015, 10 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, December 10, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public hearing on Bill 21-0107, the “Marijuana Decriminalization Clarification Amendment Act of 2015”, and Bill 21-0444, the “Death Certificate Gender Identity Recognition Amendment Act of 2015”. The hearing will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10 a.m.

The stated purpose of Bill 21-0107, the “Marijuana Decriminalization Clarification Amendment Act of 2015”, is to amend the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that a private club is a place to which the public is invited and that the prohibition on consumption of marijuana in public is not limited by the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014; and to require the Mayor to revoke the business license, certificate of occupancy, and permits of an entity violating section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014. This bill is the permanent version of previously enacted identical emergency and temporary legislation.

The stated purpose of Bill 21-0444, the “Death Certificate Gender Identity Recognition Amendment Act of 2015”, is to amend the Vital Records Act of 1981 to clarify the process for respecting a decedent’s gender identity on their death certificate; to allow an individual with

rights to a decedent's remains to file a petition in Superior Court for determining gender identity; and to shield the person completing the death certificate from liability for damages or costs for how they enter the decedent's sex.

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, December 7, 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 December 18, 2015.

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

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

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

ANNOUNCES A PUBLIC HEARING ON:

**Bill 21-359 the “Ballpark Fee Overpayment Act of 2015”
Bill 21-417, the “Bolling Air Force Base Military Housing Clarification Act of 2015”
Tuesday, December 8, 2015
10:00 a.m.
Room 120 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Tuesday, December 8, 2015 at 10:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 21-359 the “Ballpark Fee Overpayment Act of 2015” would amend Chapter 27B of Title 47 of the District of Columbia Official Code to provide for the refund of overpaid ballpark fees by an entity that is directly or indirectly majority owned by a Real Estate Investment Trust.

Bill 21-417, the “Bolling Air Force Base Military Housing Clarification Act of 2015” would amend section 47-1080 of Title 47 of the District of Columbia Official Code to clarify that certain real property located on federal property used by the United States Department of the Air Force is exempt from the Ballpark fee.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Monday, December 7, 2015. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE 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

PR 21-406, Contract Appeals Board Maxine E. McBean Confirmation Resolution of 2015

PR 21-407, Contract Appeals Board Marc D. Loud Confirmation Resolution of 2015

on

**Tuesday, November 24, 2015
11:00 a.m., Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on PR 21-406, the “Contract Appeals Board Maxine E. McBean Confirmation Resolution of 2015” and PR 21-407, the “Contract Appeals Board Marc D. Loud Confirmation Resolution of 2015.” The roundtable will be held at 11:00 a.m. on Tuesday, November 24, 2015 in Room 120 of the John A. Wilson Building.

The stated purpose of PR 21-406 is to confirm the reappointment of Maxine E. McBean to a member of the Contract Appeals Board. The stated purpose of PR 21-407 is to confirm the reappointment of Judge Marc D. Loud, Sr. as a member and chairperson of the Contract Appeals Board. The purpose of this roundtable is to receive testimony from public witnesses as to the fitness of the nominees for the Contract Appeals Board. The Contract Appeals Board is the tribunal for hearing contract solicitation and award protests and disputes between contractors and the District.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or to email Evan Cash, Committee Director, at ecash@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, November 20, 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 November 20, 2015, the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of PR 21-406 and PR 21-407 can be obtained on <http://lims.dccouncil.us>, or through the Legislative Services Division (Room 10) of the Secretary of the Council’s office.

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 Tuesday, December 8, 2015.

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

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEES ON
DEFINITION OF ANC'S "GREAT WEIGHT"

on

Wednesday, December 16, 2015, at 4:00 PM
John A. Wilson Building, Room 120
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, December 16, 2015, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Community Development, will hold a public roundtable on Definition of ANC's Great Weight. The roundtable will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 4:00 p.m.

The Advisory Neighborhood Commissions (ANCs) are elected bodies within the District of Columbia government that consider District government policies and programs affecting their neighborhoods, including traffic, recreation, street improvements, liquor licenses, zoning, economic development, police protection, sanitation, and the District's budget.¹ Each ANC Commissioner represents a single-member district of approximately 2,000 residents.²

ANCs provide means to the government for DC residents to provide input through representative bodies composed of members of the community.³ To make this input effective, the D.C. Code requires that District agencies give "great weight" to ANC opinions before taking an action that affects the residents of a single-member district.⁴ This roundtable will provide an opportunity for stakeholders and residents to discuss the "great weight" requirement, its legal meaning, and how to make it more effective in practice.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on December 15, 2015. Persons wishing to testify are encouraged to **submit 15 copies of written**

¹ <http://anc.dc.gov/page/about-anc>.

² <http://dccouncil.washington.dc.us/pages/learn-about-wards-and-ancs>.

³ <http://anc.dc.gov/page/about-anc>.

⁴ D.C. Code § 1-309.10(d)(3)(A).

testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, December 30, 2015.

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

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEES ON
REPAIRS ON PUBLIC HOUSING**

on

Monday, November 30, 2015, at 3:00 PM
John A. Wilson Building, Room 120
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, November 30, 2015, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Community Development, will hold a public roundtable on Repairs on Public Housing in the District of Columbia. The roundtable will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 3:00 p.m.

The District of Columbia Housing Authority (DCHA) is responsible for providing safe, affordable housing for the District's low-income population – including seniors, disabled, families with children, and veterans.¹ Public housing is home to 1.2 million households nationwide with a total of \$26 billion in deferred maintenance.² DCHA receives less than 86 percent of what is required to maintain the residential properties.

DCHA owns, manages, or subsidizes more than 8,300 of these affordable units and is dedicated to preserving and enhancing its entire housing stock. Of the over 8,300 units subsidized, nearly 1,800 are part of a redeveloped community or were recently rehabbed, and are not in immediate need of modernization.³ The remaining units, just over 6,500, are located in our family and senior/disabled conventional sites.⁴ DCHA estimates that it would cost \$1.3 billion to bring its 6,500 units in distress to a 20-year viability.⁵ The roundtable will provide an opportunity for stakeholders and residents to discuss the necessary capital improvements that are needed at public housing sites throughout the District.

¹ *DCHA Budget Oversight Hearing before the Council of the District of Columbia Committee on Housing and Community Development*, (April 15, 2015) (written testimony of Adrienne Todman, Director, DCHA).

² Available at : <http://www.dcfpi.org/poverty-rates-remain-high-for-some-groups-of-dc-residents>

³ *Id.*

⁴ *Id.*

⁵ *DCHA Budget Oversight Hearing before the Council of the District of Columbia Committee on Housing and Community Development*, (April 15, 2015) (oral testimony of Adrienne Todman, Director, DCHA).

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on November 29, 2015. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, December 14, 2015.

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

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEES ON
SENIOR SERVICES IN THE DISTRICT

on

Thursday, December 17, 2015, at 10:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, December 17, 2015, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Community Development, will hold a public roundtable on Senior Services in the District of Columbia. The roundtable will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

“Senior Services in the District” refers to all the services provided within the District specifically designed to meet the needs of the senior population. Seniors are an important and growing part of the community, especially here within the District. In order to properly address the needs of the senior community; the Committee will hold an open discussion about how the needs of seniors are currently being met, and to foster service needs into the future. The roundtable will be an opportunity for stakeholders to be heard and offer feedback, so proper steps can be taken to provide optimal support to District seniors.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on December 16, 2015. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, December 31, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 21-423, the “Fiscal Year 2017 Budget Submission Requirements Resolution of 2015,” to allow for the proposed resolution to be considered at the December 1, 2015 Legislative Meeting of the Council. The abbreviated notice is necessary to approve the budget submission requirements with sufficient time for the Executive and the Chief Financial Officer to comply with the requirements in transmitting the fiscal year 2017 budget proposal.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-148: Request to reprogram \$2,200,000 of Local Funds budget authority from Workforce Investment (WI) to the Department of Consumer and Regulatory Affairs (DCRA) was filed in the Office of the Secretary on November 13, 2015. This reprogramming ensures that DCRA is able to procure contractual services related to Information Technology Staff Augmentation Services (ITSA) through the Office of the Chief Technology ITSA program.

RECEIVED: 14 day review begins November 16, 2015

Reprog. 21-149: Request to reprogram \$3,026,000 of Fiscal Year 2016 Local funds budget authority within the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on November 13, 2015. This reprogramming ensures that OSSE will be able to provide grant awards to Local Education Agencies.

RECEIVED: 14 day review begins November 16, 2015

Reprog. 21-150: Request to reprogram \$4,500,000 of Capital funds budget and allotment within the Department of General Services (DGS) of Fiscal Year 2016 Local funds budget authority within the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on November 13, 2015. This reprogramming is needed to complete the renovation of the Van Ness Elementary School art and music classrooms, media center, modernization/renovation of multipurpose rooms and the cafeteria, and improvements to the parking lot to accommodate student enrollment.

RECEIVED: 14 day review begins November 16, 2015

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 20, 2015
Petition Date: January 4, 2016
Hearing Date: January 19, 2016
Protest Hearing: March 16, 2016

License No.: ABRA-100882
Licensee: Edgy Crafts, LLC
Trade Name: Craft Beer Cellar DC
License Class: Retailer’s Class “A” Liquor Store
Address: 301 H Street, N.E.
Contact: Andrew Kline: 202 686-7600

WARD 6

ANC 6C

SMD 6C04

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on March 16, 2016 at 1:30 pm.

NATURE OF OPERATION

New Liquor Store.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 12pm – 6 pm, Monday through Saturday 10 am – 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 20, 2015
Petition Date: January 4, 2016
Hearing Date: January 19, 2016
Protest Date: March 16, 2016

License No.: ABRA-100653
Licensee: LSEMY, LLC
Trade Name: Mike's Market/Trinidad Market
License Class: Retailer's Class "A" Liquor Store
Address: 1322 Florida Avenue, N.E.
Contact: Kiflom T. Meles: (202) 545-0009

WARD 5 ANC 5D SMD 5D06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for March 16, 2016 at 4:30 pm.

NATURE OF OPERATION

Retailer's Class "A" Liquor Store.

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

Sunday through Saturday 7am - 12am.

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

Posting Date: November 20, 2015
Petition Date: January 4, 2016
Hearing Date: January 19, 2016
Protest Date: March 16, 2016

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

WARD 2

ANC 2C

SMD 2C03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on March 16, 2016 at 4:30 pm.

NATURE OF OPERATION

New Restaurant. Japanese cuisine with an assortment of side dishes. Total Occupancy Load of 70.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 20, 2015
Petition Date: January 4, 2016
Hearing Date: January 19, 2016
Protest Date: March 16, 2016
License No.: ABRA-100621
Licensee: Daikaya Shaw, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 805 V Street, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 1 ANC 1B SMD 1B11

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on March 16, 2016 at 1:30 pm.

NATURE OF OPERATION

New Restaurant. Japanese cuisine with an assortment of side dishes. Total Occupancy Load of 70. Sidewalk Café with 30 Seats.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES

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

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 10am - 12am, Friday and Saturday 10 am - 2am

DEPARTMENT OF ENERGY & ENVIRONMENT

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD ON**Air Quality Issues**

Notice is hereby given that a public hearing will be held on Monday, December 21, 2015, at 5:00 p.m. in Room 555 at 1200 First Street NE, 5th Floor, in Washington, D.C. 20002. This hearing provides interested parties an opportunity to comment on the proposed revision to the District of Columbia's (District) State Implementation Plan (SIP), found at 40 C.F.R. Part 52 Subpart J, regarding certain federal Clean Air Act (CAA) requirements under Sections 110(a)(2)(A) to (M). Once the District has completed its procedures, the proposed revisions to the SIP will be submitted to the EPA for approval.

This SIP revision is a compilation of elements that describe how the District is implementing the "infrastructure" elements of the 2012 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS). Once approved by EPA, it will provide a federally enforceable written confirmation of how the District will continue to comply with the §110(a)(2) requirements of the CAA for PM_{2.5}.

Copies of the proposed SIP revision are available for public review during normal business hours at the offices of the Department of Energy & Environment (DOEE), 1200 First Street NE, 5th Floor, Washington, DC 20002, and on-line at <http://doee.dc.gov/>.

Interested parties wishing to testify at this hearing must submit in writing their names, addresses, telephone numbers and affiliation, if any, to Ms. Jessica Daniels at the DOEE address above or at jessica.daniels@dc.gov by 4:00 p.m. on Monday, December 21, 2015. Questions about this SIP revision should be directed to Mr. Rama S. Tangirala by phone at 202-535-2989 or email at rama.tangirala@dc.gov, or Ms. Daniels at 202-741-0862 or jessica.daniels@dc.gov. No comments will be accepted after Monday, December 21, 2015.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION**

**PREVENTIVE HEALTH AND HEALTH AND SERVICES BLOCK GRANT
ADVISORY COMMITTEE**

Announces

**Preventive Health and Health Services Block Grant (PHHSBG)
2016 Annual Public Hearing**

The Department of Health (DOH)/Community Health Administration (CHA) and the Preventive Health Services Block Grant Advisory Committee are conducting a hearing to be held on *Thursday, December 10, 2015, 4:30pm – 6:30pm* at 899 North Capitol Street, NE, 3rd Floor Room 306.

The public hearing is being held to ensure that all citizens have the opportunity to present their views concerning funding priorities. The block grant supports programs operated by CHA and community-based organizations that address chronic disease, injury, primary care and access to healthcare.

Presentations should address a specific area of focus; for example: asthma, youth/domestic violence, teen pregnancy, oral health, physical activity/exercise, nutrition and healthy eating.

To register as a presenter, please contact Sherry Billings at (202) 442-9173 or sherry.billings@dc.gov and/or Valerie Brown at (202) 442-9386 or Valerie2.Brown@dc.gov on or before 4:00pm Wednesday, December 9, 2015. The following information is needed for registration: name, address, telephone number and organization name (when applicable).

Each testimony should reflect 1) area of focus, 2) magnitude of the health problem, and 3) proposed solutions. All testimonies are limited to 3 pages, double spaced, no longer than 3-5 minutes. For the record, testimonies may be submitted in hard copy up until 4:00 p.m. on Thursday, December 9, 2015 at 899 North Capitol Street, N.E., 3rd Floor or electronically to sherry.billings@dc.gov.

There will be an open forum following testimonies for the public hearing attendees to provide feedback to the Preventive Health Services Block Grant Advisory Committee.

Parking is available under the building at a cost. There is limited neighborhood parking. Check WMATA <http://www.wmata.com/> for other transportation options. The nearest Metro stop is Union Station.

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

TUESDAY, JANUARY 12, 2016

441 4TH STREET, N.W.

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

Case added: 19181

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

TIME: 9:30 A.M.

WARD SEVEN

19151 **Application of Saratoga Housing Inc**, pursuant to 11 DCMR § 3103.2, for a
ANC-7F variance from the off-street parking requirements under § 2101.1, to construct a
three-story, one-family dwelling in the R-2 District at premises 402 Burbank
Street S.E. (Square 5398E, Lot 30).

WARD SIX

19153 **Application of Independence Avenue Investments LLC**, pursuant to 11
ANC-6B DCMR § 3103.2, for a variance from the off-street parking requirements under §
2101.1, to commit parking spaces to a car-sharing service in the R-4 District at
premises (rear) 1524 Independence Avenue S.E. (Square 1072, Lots 2025-2032).

WARD ONE

19154 **Application of District Design & Development Argonne, LLC**,
ANC-1C pursuant to 11 DCMR § 3103.2, for a variance from the minimum parking
dimension requirements under § 2115.1, to convert an existing flat into a four-
unit apartment house in the R-5-B District at premises 1636 Argonne Place,
N.W. (Square 2589, Lot 460).

WARD THREE

19155 **Appeal of ANC 3C, et al.**, pursuant to 11 DCMR §§ 3100 and 3101, from an
ANC-3C August 13, 2015 decision by the Zoning Administrator, Department of Consumer
and Regulatory Affairs, to issue Building Permit No. B1511364, to permit a 10-
space parking area in the R-2 District at premises 2926 Porter Street N.W.
(Square 2068, Lot 95).

BZA PUBLIC HEARING NOTICE

JANUARY 12, 2016

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WARD FOUR

19157 **Application of DC Department of General Services**, pursuant to 11 DCMR §
ANC-4D 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, to permit the installation of new roof-mounted mechanical equipment to
 an existing public high school in the R-3 District at premises 5200 2nd Street
 N.W. (Square 3327, Lot 800).

WARD TWO

19158 **Application of Talal (P2) Ventures LLC**, pursuant to 11 DCMR §§ 3103.2
ANC-2E and 3104.1, for a variance from the distance from a residence district
 requirements under § 734.2, and a special exception from the food delivery
 service use requirements under § 734, to establish a food delivery service use in
 the C-2-A District at premises 1815 Wisconsin Avenue N.W. (Square 1299, Lot
 327).

WARD SIX

19159 **Application of Edward and Jessica Long**, pursuant to 11 DCMR § 3104.1,
ANC-6C for a special exception under § 223, not meeting the lot occupancy requirements
 under § 403, the open court requirements under § 406, and the non-conforming
 structure requirements under § 2001.3, and a special exception from the height
 requirements under § 400.23, to construct a third-floor addition with roof deck to
 an existing one-family dwelling in the R-4 District at premises 650 F Street N.E.
 (Square 860, Lot 7).

THIS CASE WAS EXPEDITED AT THE REQUEST OF THE OFFICE OF PLANNING:**WARD THREE**

19181 **Application of The Department of General Services of DC**, pursuant to
ANC-3G 11 DCMR §§ 3103.2 and 3104.1, for a variance from the screening requirements
 under § 2117.12, and special exceptions from the rooftop structure requirements
 under § 411, and the retaining wall requirements under § 413, to renovate an
 existing public elementary school in the R-1-B District at premises 5701 Broad
 Branch Road N.W. (Square 2012, Lot 809).

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

BZA PUBLIC HEARING NOTICE

JANUARY 12, 2016

PAGE NO. 3

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.

MARNIQUE Y. HEATH, CHAIRMAN, FREDERICK L. HILL, VICE CHAIRPERSON, JEFFREY L. HINKLE, 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, FEBRUARY 9, 2016
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

19167 **Application of SK Asset Group, LLC**, pursuant to 11 DCMR § 3103.2, for
ANC-6E variances from the lot occupancy requirements under § 403.2, and the off-street
parking requirements under § 2101.1, to construct a three-story flat in the R-4
District at premises 445 M Street N.W. (Square 513, Lot 161).

WARD FIVE

19173 **Application of Equity Trust Company, Custodian FBO**, pursuant to 11
ANC-5D DCMR § 3104.1, for a special exception from the conversion to apartment house
requirements pursuant to § 336, to permit the enlargement of a pre-1958
residential building into an eight-unit apartment house in the R-4 District at
premises 1264 Holbrook Terrace N.E. (Square 4055, Lot 840).

WARD ONE

19174 **Appeal of Unit Owners' Association of The Erie Condominium**,
ANC-1C pursuant to 11 DCMR §§ 3100 and 3101, from a June 17, 2015 decision by the
Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue
Building Permit No. B1410680, to construct a new 40-unit residential building
with underground garage parking in the RC/R-5-B District at premises 2337
Champlain Street N.W. (Square 2563, Lot 887).

WARD SIX

19175 **Application of Crescent Communities LLC and RCP Development**
ANC-6D **Company**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the
side yard requirements under § 775.1, and the loading requirements under §
2201.1, and special exceptions from the rear yard requirements under § 774.1,
and the roof structure requirements under §§ 411.3 and 411.5, to construct a new
mixed-use building in the C-3-C District (South Capitol TDR receiving zone) at
premises 2 I Street S.E. (Square 695W, Lot 21).

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WARD ONE

19176 **Application of Jeffrey Sank and Dana Miller**, pursuant to 11 DCMR §
ANC-1B 3103.2, for variances from the open court requirements under § 406.1, and the
non-conforming structure requirements under § 2001.3, to construct a two-story
rear addition to an existing one-family dwelling in the R-4 District at premises
1816 Vermont Avenue N.W. (Square 334N, Lots 802 and 803).

WARD FOUR

19177 **Application of Bailey Real Estate Holdings, LLC**, pursuant to 11 DCMR
ANC-4C § 3104.1, for a special exception from the conversion to apartment house
requirements pursuant to § 336, to permit the enlargement of a pre-1958
residential building into two-story, three-unit apartment house in the R-4 District
at premises 615 Upshur Street N.W. (Square 3226, Lot 73).

WARD FIVE

19185 **Application of Samson Gugsa and Luleadey K. Jembere**, pursuant to 11
ANC-5C DCMR § 3103.2, for variances from the use requirements under § 200, and the
off-street parking requirements under § 2116.4, to permit a flat in the R-1-B
District at premises 3101 35th Street N.E. (Square 4325, Lot 15).

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,

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441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)); Mayor’s Order 98-140, dated August 20, 1998; the Pharmacy Technician Amendment Act of 2012, effective May 1, 2013 (D.C. Law 19-0303; D.C. Official Code §§ 3-1207.51 *et seq.* (2012 Repl. & 2014 Supp.)), hereby gives notice of the adoption of the following new Chapter 99 (Pharmacy Technicians) of Title 17 (Business, Occupations and Professionals) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking adds a new Chapter 99, which is necessary to require the registration of pharmacy technicians and pharmacy technician trainees, and to regulate the practice of pharmacy technicians and pharmacy technician trainees.

This rulemaking was published in the *D.C. Register* on July 24, 2015 at 62 DCR 10026. The Department received two comments in response to this notice. The comment received from Kaiser Permanente stated support for the regulations as proposed, and did not recommend any changes. The second comment was an email sent to the Board of Pharmacy from the Therapeutic Research Center. The email contained specific inquiries regarding the approval of pharmacy technician training programs, and did not recommend any changes. Therefore, no changes have been made to the rulemaking.

These final rules will be effective upon publication of this notice in the *D.C. Register*.

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

CHAPTER 99 PHARMACY TECHNICIANS

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

9900 GENERAL PROVISIONS

- 9900.1 This chapter shall apply to applicants for and holders of a registration to practice as a pharmacy technician or pharmacy technician trainee.
- 9900.2 Chapter 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) shall supplement this chapter.
- 9900.3 A registered pharmacy technician shall wear a name tag bearing the title “registered pharmacy technician” and display his or her current registration in a conspicuous place in the pharmacy in which he or she is employed.
- 9900.4 A pharmacy technician trainee shall not use a title other than pharmacy technician trainee, shall wear a name badge bearing the title “pharmacy technician trainee”, and shall display his or her current registration in a conspicuous place in the pharmacy in which he or she is employed.
- 9900.5 Consistent with maintaining patient safety, no pharmacist shall supervise more pharmacy technicians and trainees than he or she can safely supervise. The pharmacist shall be fully responsible for the practice of each technician and trainee during the period of supervision and may be subject to disciplinary action for any violation of the act by a technician or trainee he or she supervises.

9901 TERM OF REGISTRATIONS

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

9902 REGISTRATION REQUIRMENTS FOR PHARMACY TECHNICIANS

- 9902.1 Except as otherwise provided in this subtitle, an applicant applying for a registration to practice as a pharmacy technician shall establish to the satisfaction of the Board that the applicant has successfully:

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

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

- (a) Submit a completed application to the Board on the required forms and include:
 - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:

- (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
 - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).
- (2) Two (2) recent passport-type photographs of the applicant’s face measuring two inches by two inches (2” x 2”), which clearly expose the area from the top of the forehead to the bottom of the chin; and
 - (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver’s license, as proof of identity.
- (b) Submit proof acceptable to the Board that the applicant has successfully met the requirements set forth in § 9902.1, § 9905.1 or § 9912.1 of this chapter;
 - (c) Undergo a criminal background check; and
 - (d) Pay all required fees.

9903 CRITERIA FOR APPROVAL OF PHARMACY TECHNICIAN TRAINING PROGRAMS

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

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

- (a) Roles and responsibilities of the pharmacy technician;
- (b) Knowledge of prescription medications;
- (c) Knowledge of strengths or dose, dosage forms, physical appearance, routes of administration, and duration of drug therapy;
- (d) The dispensing process;

- (e) Pharmaceutical calculations;
- (f) Interacting with patients;
- (g) Third party prescriptions;
- (h) Sterile and non-sterile compounding;
- (i) Requirements and professional standards for:
 - (1) Preparing;
 - (2) Labeling;
 - (3) Dispensing;
 - (4) Storing;
 - (5) Prepackaging;
 - (6) Distributing; and
 - (7) How medications are administered;
- (j) Confidentiality;
- (k) Drugs used to treat major chronic conditions;
- (l) Federal and District laws and regulations governing controlled substances and the practice of pharmacy; and
- (m) Knowledge of special dosing considerations for pediatric and geriatric populations.

9903.3 A pharmacy technician training program shall include a minimum of one hundred sixty (160) hours of practical experience.

9903.4 A pharmacy technician training program may not be longer than one (1) year.

9903.5 The Director of a pharmacy technician training program shall be qualified by education or experience to perform in this capacity.

9903.6 The Board shall have final approval of a pharmacy technician training program.

9903.7 The Board shall approve Pharmacy technician training programs offered by the U.S. Armed Forces.

- 9903.8 The Board may withdraw approval of a program if the Board finds that the program is in violation of this chapter.
- 9903.9 A pharmacy technician training program approval shall expire five (5) years from the date of issuance.
- 9903.10 To maintain continued approval the program shall submit the renewal application, renewal fee, and a self-evaluation report on a form provided by the Board at the time of renewal notification.
- 9903.11 Renewal of a program's approval is at the discretion of the Board, and the decision to renew shall be based on documentation of continued compliance with the criteria set forth in this chapter.
- 9903.12 A pharmacy technician training program shall report within thirty (30) days any substantive change in the program to include a change in:
- (a) Program name;
 - (b) Program director;
 - (c) Instructors;
 - (d) Name of institution or business if applicable;
 - (e) Address;
 - (f) Program content;
 - (g) Length of program; or
 - (h) Location of records.
- 9903.13 A pharmacy technician training program shall maintain records of participants for five (5) years from date of completion or termination of program. The records shall be maintained either on-site or at another location where the records are readily retrievable upon request for inspection. A program shall provide a certificate of completion to participants who successfully complete the program and provide verification of completion of the program for a participant upon request by the Board.

9904 EXAMINATION REQUIREMENTS FOR PHARMACY TECHNICIAN TRAINING PROGRAMS

- 9904.1 To be approved by the Board a training program examination shall:

- (a) Test for competency of the content criteria set forth in § 9903.2 of this chapter;
- (b) Include a minimum of ninety (90) multiple choice questions;
- (c) Include sufficient additional questions so that the examination questions may be rotated twice a year;
- (d) Require a passing score of seventy-five percent (75%) or higher; and
- (e) Shall be certified as psychometrically valid.

9905 REGISTRATION BY RECIPROCITY

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

- (a) Submit a completed application to the Board on the required forms and include:
 - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:
 - (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
 - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).
 - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and
 - (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.
- (b) Submit proof of current licensure, registration, or certification, in good standing, to practice as a pharmacy technician in another state;

- (c) Obtain verification from each state in which the applicant holds or has ever held a pharmacy technician registration, that the registration is current and in good standing, or if the registration is no longer active, that it was in good standing immediately prior to its expiration. The registration verification form must be sent directly to the Board, by the verifying Board;
- (d) Undergo a criminal background check; and
- (e) Pay all required fees.

9906 REGISTRATION FOR PHARMACY TECHNICIAN TRAINEES

9906.1 A person shall register with the Board as a pharmacy technician trainee within thirty (30) days after beginning an employer-based pharmacy technician program recognized by the Board.

9906.2 Individuals enrolled in a non-employer-based pharmacy technician training program shall register with the Board as a pharmacy technician trainee prior to performing duties of a pharmacy technician trainee in a pharmacy.

9906.3 A pharmacy technician trainee registration shall expire one (1) year from the date of issuance and shall not be renewed.

9906.4 Every pharmacy that uses a person as a pharmacy technician trainee shall have documentation on site at the pharmacy and available for inspection showing that the person is currently enrolled in a Board approved pharmacy technician training program.

9906.5 A registered pharmacy technician trainee may provide the pharmacy technician functions permitted under § 9910 of this chapter, under the direct supervision of a licensed pharmacist, commensurate with the training and experience he or she has received.

9906.6 To be eligible to register as a pharmacy technician trainee a person shall:

- (a) Be at least 17 years of age;
- (b) Have a high school diploma or its equivalent; and
- (c) Be enrolled in a Board-approved pharmacy technician training program or employed in a pharmacy as a pharmacy technician trainee.

9906.7 To apply for a registration as a pharmacy technician trainee a person shall:

- (a) Submit a completed application to the Board on the required forms and include:

- (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:
 - (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
 - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).
 - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and
 - (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.
- (b) Submit proof acceptable to the Board that the applicant has successfully met the requirements set forth in § 9906.5 of this chapter;
 - (c) Undergo a criminal background check; and
 - (d) Pay all required fees.

9907 CONTINUING EDUCATION REQUIREMENTS

- 9907.1 Except as provided in § 9907.2, this section shall apply to all applicants for the renewal, reactivation, or reinstatement of a pharmacy technician registration.
- 9907.2 This section shall not apply to applicants for the first renewal of a pharmacy technician registration.
- 9907.3 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 9908 of this chapter.
- 9907.4 An applicant for renewal of a pharmacy technician registration shall:
- (a) Have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter, which shall include at least two (2) contact hours of continuing education credit in pharmacy

law, and two (2) contact hours in medication safety, during the two (2) year period preceding the date the registration expires;

- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit.

9907.5 For the purposes of this section, pharmacy-related subject matter shall include, but not be limited to, the following topics:

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

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

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

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

(e) Verification by the sponsor of completion, by signature or stamp.

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

9907.9 An applicant for renewal of a registration who fails to renew the registration by the date the registration expires may renew the registration for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the renewal thereof.

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

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

(a) Serious and protracted illness of the applicant; and

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

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

9908 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

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

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

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

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

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

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

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

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

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

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

9909 CONTINUING EDUCATION CREDITS

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

9909.2 A maximum of ten (10) contact hours of the required twenty (20) contact hours may be earned by completing a relevant college course with a grade of “C” or better.

9909.3 For approved college courses, each semester hour of credit constitutes ten (10) contact hours of continuing education credit, and each quarter hour constitutes five (5) contact hours of continuing education credit.

9909.4 A continuing education credit shall only be valid if it is earned in a topic listed under § 9907.5.

9910 SCOPE OF PRACTICE

9910.1 A registered pharmacy technician may perform pharmacy technician functions only in accordance with this chapter.

9910.2 A registered pharmacy technician may provide pharmacy technician functions under the direct supervision of a licensed pharmacist that shall include but are not limited to the following:

- (a) Entering prescription and drug history information into a data system or other record keeping system;
- (b) Compounding and reconstituting drugs for dispensing;
- (c) Calling a physician for refill authorization for non-controlled substances in which no changes are made to the order;
- (d) Preparing prescription labels or patient information;
- (e) Removing the drug to be dispensed from inventory;
- (f) Counting or measuring the drug to be dispensed;
- (g) Packaging and labeling the drug to be dispensed and the repackaging thereof;

- (h) Stocking or loading automated dispensing devices or other devices used in the dispensing process;
- (i) Placing, receiving, unpacking, and storing drug orders;
- (j) Checking all prescription and non-prescription stock for outdates and processing of outdated returns;
- (k) Assisting the pharmacist in preparing and reconstituting sterile products and other medications;
- (l) Retrieving prescription files, patient files, profiles, and other records pertaining to the practice of pharmacy; and
- (m) Notifying the patient or the patient's agent of the opportunity to receive an oral consultation from the pharmacist.

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

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

9911 OTHER PHARMACY RELATED SERVICES

9911.1 Unless otherwise authorized by the Board, an individual who works at a pharmacy and is not licensed or registered by the Board as a pharmacist or

pharmacy intern or authorized to perform the services of a pharmacy technician under this chapter, may perform only ancillary pharmacy services, such as:

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

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

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

9912 GRANDFATHERING

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

- (a) The applicant is at least seventeen (17) years of age; and
- (b) The applicant submits proof, acceptable to the Board, that he or she has worked as a pharmacy technician for at least twenty-four (24) consecutive months immediately prior to the effective date of the Act; and
- (c) A licensed pharmacist or pharmacists who have supervised the applicant for at least six (6) months immediately prior to the date of the application

attests in writing that the applicant has competently performed the functions of a pharmacy technician; or

- (d) Demonstrates to the satisfaction of the Board that the applicant has been performing the function of pharmacy technician on a full-time or substantially full-time basis continually for at least twenty-four (24) months immediately preceding the effective date of the Act and is qualified to do so on the basis of pertinent education, training, experience, and demonstrated current experience.

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

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

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

9999 DEFINITIONS

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

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

Board – the Board of Pharmacy

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

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

trainee; and

- (d) Fully responsible for the practice of the pharmacy technician or pharmacy technician trainee.

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

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

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

DEPARTMENT OF PUBLIC WORKS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Public Works, pursuant to the authority set forth in Section 8 of An Act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, effective March 11, 2015 (D.C. Law 20-211, 61 DCR 13074 (December 26, 2014)) (the Act), and Mayor's Order 2015-174, dated June 25, 2015, hereby gives notice of the adoption of a new Chapter 17 (Winter Sidewalk Safety) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

The adopted rules provide guidance on compliance with the Act, set forth the penalty for failure to comply, and establish a process by which a senior citizen or resident with a disability may self-certify his or her exemption from compliance.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 21, 2015 at 62 DCR 011600. No comments were received during the comment period. Comments received after the comment period were considered; however, no changes were made to the rulemaking. The rules were adopted as final on October 5, 2015, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 17, WINTER SIDEWALK SAFETY, of Title 24 DCMR, PUBLIC SPACE AND SAFETY, is added to read as follows:

CHAPTER 17 WINTER SIDEWALK SAFETY

1700 WINTER SIDEWALK SAFETY: GENERAL PROVISIONS

1700.1 Each owner of a commercial or residential building or property in the District shall remove snow and ice from any paved sidewalks, curb cuts, and curb ramps abutting the building or property within eight (8) hours of daylight after the snow or other precipitation has ceased falling, regardless of the source of the accumulation.

1700.2 The owner may delegate this responsibility to a tenant, occupant, lessee, or other individual (referred to in this chapter as a "delegee") by written agreement.

1701 DUTIES OF OWNER OR DELEGEE

1701.1 In carrying out his or her obligation under Section 1700, the owner or delegee shall:

- (a) Clear the entire width of the sidewalk or to a width of thirty-six inches (36"), whichever is less. If only a width of thirty-six inches (36") is required to be cleared under this paragraph, the owner or delegee shall ensure that the sidewalk is cleared in a continuous path;

- (b) Clear all curb ramps that provide access to the sidewalk, regardless of the source of snow accumulation;
- (c) Clear all curb cuts abutting the property, regardless of the source of the snow accumulation; and
- (d) Place snow or ice in the tree box area or in the grassy area adjacent to the sidewalk. If no tree box or grassy area is present, the owner shall place the snow or ice in the area of the sidewalk adjacent to the curb but not in the street or bicycle lane.

1701.2 If snow or ice cannot be removed without damaging the sidewalk, the owner or delegee shall cover the snow or ice with sand, sawdust, or another appropriate substance to render the sidewalk safe for pedestrian travel.

1702 PENALTIES FOR FAILURE TO COMPLY

1702.1 If the owner or delegee fails to properly remove or cover snow or ice within twenty-four (24) hours after the snow or other precipitation has ceased to fall, the Mayor or his or her designated agent may issue a notice of violation for the failure to comply with this section.

1702.2 No more than one (1) notice of violation may be issued within a twenty-four (24) hour period for the same property.

1702.3 The fine imposed for a violation shall be:

- (a) Twenty-five dollars (\$25) for a residential property; and
- (b) One hundred and fifty dollars (\$150) for a commercial property.

1702.4 A notice of violation issued under this subsection shall be adjudicated pursuant to the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code §§ 8-801 *et seq.*).

1703 EXEMPTIONS FOR SENIOR CITIZENS AND DISABLED PERSONS

1703.1 A residential property owner who is sixty-five (65) years of age or older or who is disabled shall be exempt from the provisions of this section.

1703.2 If such an owner is issued a notice of violation, it shall be a complete defense if the owner self-certifies that he or she is sixty-five (65) years of age or older or disabled, unless the District shows by a preponderance of the evidence that the certification is false or does not meet the standards set forth in Subsection 1703.1 of this section.

1703.3 For the purposes of this section an owner is disabled if the owner:

- (a) Has been determined to have a disability pursuant to a government assistance program; or
- (b) Has evidence from a medical doctor that he or she is unable to, or should not, undertake the physical activity required to remove ice or snow.

1703.4 For the purposes of the exemption set forth in this section, the property must be owner-occupied and residential.

1799 DEFINITIONS

1799.1 For the purposes of this chapter, the following terms shall have the meanings ascribed:

Commercial property - property that does not receive District government solid waste collection service.

Curb cut – a depression or opening in the curb along the traveled portion of a roadway created to permit the travel of motor vehicles from the roadway to property adjacent to the roadway.

Curb ramp – a ramp cutting through a curb or built up to the curb, generally designed to provide an accessible path to individuals with disabilities, such as a ramp leading from a roadway to a sidewalk.

Residential property - property that receives District government solid waste collection service (residential buildings containing three (3) or fewer dwelling units) as defined in 24 DCMR § 1399.1.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority in the District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2010, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code § 29-101.05 (2012 Repl.)), and Mayor's Order 2011-178, dated October 25, 2011, hereby gives notice of the intent to revise Chapter 89 (Trade Name Registration) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking clarifies the requirements for creating and maintaining a trade name registration as outlined in Chapter 89.

A previous version of this notice of proposed rulemaking was published in the *D.C. Register* on August, 28, 2015 at 62 DCR 11932. Due to substantive changes made to the rulemaking, this new notice of proposed rulemaking is submitted to the *D.C. Register* for public comments. In addition, the Director gives notice of intent to take final rulemaking action to adopt this amendment in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 89, TRADE NAME REGISTRATION, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended to read as follows:

CHAPTER 89 TRADE NAME REGISTRATION**8900 APPLICABILITY**

8900.1 Each person who carries on, conducts, or transacts business in the District of Columbia under a trade name shall register that trade name with the D.C. Superintendent of Corporations as required under D.C. Official Code § 47-2855.02.

8901 APPLICATION FORM

8901.1 Each applicant shall file a trade name application with DCRA, and provide the information specified in D.C. Official Code § 47-2855.02.

8902 TERM OF REGISTRATION

8902.1 An initial trade name registration shall expire on September 1 of the second calendar year after the calendar year in which the initial registration occurred (for example, a trade name registration that occurred on August 15, 2015, would expire on September 1, 2017).

8902.2 Except as provided in Subsection 8902.3, each renewal of a trade name registration shall expire two (2) years after the expiration date of the registration being renewed.

8902.3 If a person has an existing trade name registration on October 1, 2015, the first renewal of that trade name registration after October 1, 2015 shall expire on September 1 of the second calendar year after the calendar year in which the initial registration occurred (for example, a trade name registration that occurred on August 15, 2015, would expire on September 1, 2017).

8903 RENEWAL

8903.1 A trade name renewal application shall be filed by April 1 of the year in which the trade name registration expires; unless, the trade name registration does not expire on September 1, in which case the renewal application shall be filed within one hundred fifty (150) days before the trade name registration's expiration date.

8903.2 A trade name renewal application received after the filing deadline shall incur a late fee outlined in Subsection 8908.2.

8903.4 If a person fails to file its trade name renewal application by the filing deadline and the trade name expires pursuant to § 8902.2, the person shall complete a new trade name application and pay all fees associated with the trade name application if the person wishes to continue to register the trade name.

8904 REQUIRED SIGNATURES

8904.1 The trade name application shall be executed as specified under D.C. Official Code § 47-2855.02(c).

8905 NO PROTECTIONS OR WARRANTIES

8905.1 Registration of a trade name with DCRA does not guarantee or warrant that another person has not or will not register the same trade name with DCRA.

8905.2 DCRA's acceptance of a trade name registration shall not in any way be deemed a warranty of the applicant's right to do business in the District under the name registered, nor shall it be deemed a guarantee that the applicant is exclusively using the trade name in the District at the time of the grant of registration.

8905.3 DCRA shall not be responsible for determining whether there is an existing person carrying on, conducting, or transacting business using the same trade name.

8906 JUDICIAL FILINGS

8906.1 No person carrying on, conducting, or transacting business under a trade name shall be entitled to file an action under that trade name in a District court until the person has properly completed the registration with the Superintendent according to this chapter.

8906.2 A person's failure to properly register a trade name shall not impair the validity of a contract or act of such person and shall not prevent such person from defending a suit in a District court.

8907 CHANGES IN REGISTRATION, CANCELLATION, AND FILING REQUIREMENTS

8907.2 An amendment to, notice of cancellation of, or new registration of a trade name shall be filed according to D.C. Official Code § 47-2855.03.

8908 FEES AND REFUNDS

8908.1 The Superintendent shall charge and collect fees as specified under 17 DCMR § 612.

8908.2 The Superintendent shall charge a person a late fee equivalent to an initial trade name application fee in cases where a trade name renewal application is submitted after the renewal deadline, but before cancellation.

8908.3 A duplicate fee shall be refunded if:

- (a) The request for a refund is submitted to the Superintendent within sixty (60) calendar days after the date of payment of the duplicate fee; or
- (b) The request for a refund is submitted to the Superintendent within sixty (60) calendar days from the date of DCRA's rejection notification letter.

8909 DENIAL, CANCELLATION, OR REVOCATION OF TRADE NAME REGISTRATION

8909.1 If a person includes a false or misleading statement in its trade name registration application, or if the person files an incomplete trade name registration application, then the application shall be denied or, if the application was previously approved, the trade name shall be canceled by the Superintendent.

8909.2 If a person files a trade name registration application that fails to meet the requirements of this chapter, then the application shall be denied by the Superintendent.

8909.3 If a person fails to meet the renewal deadline set forth in § 8903 of this chapter, the Superintendent shall cancel the trade name upon its expiration.

8910 INFRACTIONS AND FINES

8910.1 Failure to comply with the requirement to register or renew a trade name under this chapter shall result in a civil infraction and fines as provided under 16 DCMR § 3201.1(c).

8910.2 Any fraudulent conduct or willful misconduct in complying with this chapter, including but not limited to the use of a fraudulent trade name registration certificate or misrepresenting the registration status of a trade name when applying for a license, shall result in a civil infraction and fines as provided under 16 DCMR § 3201.1(b).

8910.3 The Superintendent shall cancel a trade name if:

- (a) A filing entity, as defined in D.C. Official Code § 29-101.02(13), is the owner of the trade name; and
- (b) The filing entity has an inactive status with DCRA.

8911 GOOD STANDING REQUIREMENT FOR FILING ENTITIES

8911.1 If a filing entity, as defined in D.C. Official Code § 29-101.02(13), applies for a trade name as the owner, the filing entity shall be in good standing, as specified in D.C. Official Code § 29-102.08, prior to completing the trade name registration application.

8912 NAME REQUIREMENTS FOR TRADE NAMES

8912.1 In addition to the requirements specified in D.C. Official Code § 47-2855.02(d), a person or entity seeking to register a trade name that is similar to an existing trade name may register the similar trade name if the owner of the existing trade name provides written consent to the Superintendent authorizing the registration of the similar trade name.

8912.2 A trade name shall not include the following suffixes or any derivative:

- (a) Incorporated or Inc.;
- (b) Limited or Ltd.;
- (c) Professional Corporation or P.C.;
- (d) Chartered or Chtd.;
- (e) Limited Partnership or L.P. or LP;
- (f) Limited Liability Limited Partnership or L.L.L.P. or LLLP;
- (g) Registered Limited Liability Limited Partnership or R.L.L.L.P. or RLLLP;
- (h) Limited Liability Company or L.L.C. or LLC;

- (i) Limited Company or L.C. or LC;
- (j) Professional Limited Liability Company or P.L.L.C. or PLLC;
- (k) Limited or Ltd.;
- (l) Cooperative Association or Co-op or Coop; or
- (m) Limited Cooperative Association, Limited Cooperative or L.C.A. or LCA;

8999 DEFINITIONS

8999.1 As used in this chapter, the following terms shall have the mean:

DCRA - District of Columbia Department of Consumer and Regulatory Affairs.

Inactive status – the organizational standing of an entity that was formerly but is no longer registered with the DCRA to do business in the District because the entity has been administratively or voluntarily dissolved, merged out of existence, converted into a non-filing entity, domesticated outside of the District, had its certificate of registration administratively rescinded or voluntarily withdrawn, or is not in active status for any other reason.

Superintendent - DCRA Superintendent of Corporations.

Trade name - has the meaning ascribed to it in D.C. Official Code § 47-2855.01(7).

Trade name application - a DCRA-issued document requiring information to register a trade name.

All persons desiring to comment on these proposed regulations should submit written comments in to Aamir Mansoor, Legislative Counsel Fellow, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5164, Washington, D.C. 20024, or by e-mail to aamir.mansoor@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rules requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking “News Room”, and clicking on “Rulemaking”.

DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN RESOURCES

NOTICE OF PROPOSED RULEMAKING

The Director of the District of Columbia Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92 and the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code §§ 1-604.04, and 1-616.51 *et seq.*), gives notice of the intent to adopt the amendments to Chapter 16 (General Discipline and Grievances) of Title 6 (Personnel), Subtitle B (Government Personnel), of the District of Columbia Municipal Regulations (DCMR).

The proposed rules rename the current Chapter 16, "General Discipline and Grievances", as "Corrective and Adverse Actions; Enforced Leave; and Grievances". Though the chapter has been amended in its entirety, certain specific changes include the expansion of the applicability section to include Management Supervisory Service employees for procedural purposes only (both services remain at-will) (Section 1600); the establishment of a time limit in which management must initiate a corrective or adverse action (Section 1602); the Table of Appropriate Penalties, which has been renamed the Table of Illustrative Actions, and made advisory in nature as opposed to being mandatory (consistent with the factors established in *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981), which have been adopted by the Office of Employee Appeals (see *Stokes v. District of Columbia*, 502 A.2d 1006, 1010 (D.C. 1985)) (Section 1607); a new section on mediation (Section 1635) has been added to the chapter; the former section 1602 relating to admonitions has been removed (though admonitions are still provided for in Subsection 1612.9); and provisions on verbal counseling have been added in Section 1611.

Upon adoption, these rules will amend Chapter 16, General Discipline and Grievances, of Title 6-B DCMR, published at 34 DCR 1845 (March 20, 1987), and amended at 37 DCR 8297 (December 21, 1990), 46 DCR 7208 (September 10, 1999), 47 DCR 7094 (September 1, 2000), 49 DCR 11781 (December 27, 2002), 50 DCR 3185 (April 25, 2003), 51 DCR 7951 (August 13, 2004), 53 DCR 3974 (May 12, 2006), 55 DCR 1775 (February 22, 2008), and 59 DCR 008398 (July 13, 2012).

Chapter 16, GENERAL DISCIPLINE AND GRIEVANCES, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is renamed Corrective and Adverse Actions; Enforced Leave; and Grievances, and is amended to read as follows:

**CHAPTER 16 CORRECTIVE AND ADVERSE ACTIONS; ENFORCED LEAVE;
AND GRIEVANCES**

1600 APPLICABILITY

1600.1 This chapter establishes a progressive approach for addressing District of Columbia government employee performance and conduct deficits, pursuant to chapter XVI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, as amended (D.C. Law 2-139; D.C. Official Code §§ 1-616.51 through 1-616.54).

- 1600.2 The provisions of this chapter apply to all District government employees except the following:
- (a) Employees serving in a probationary period;
 - (b) Employees serving in a temporary appointment in the Career Service;
 - (c) Employees organized under the Office of the Chief Financial Officer;
 - (d) Employees of the Board of Trustees of the University of the District of Columbia;
 - (e) Attorneys in the Legal or Senior Executive Attorney Service;
 - (f) Employees in the Executive Service; and
 - (g) Except as provided in § 1600.3, employees in the Management Supervisory Services.
- 1600.3 The rules established in this chapter shall be relied upon as a guide for Management Supervisory Services (MSS) when a disciplinary action is taken for cause.
- (a) For purposes of this chapter, employees in MSS are considered “exempt” employees and § 1625 does not apply to these employees.
 - (b) In accordance with D.C. Official Code § 1-609.54(a), MSS positions are at-will appointments. Nothing in this chapter shall be construed as conferring any substantive rights to MSS employees.

1601 POLICY

- 1601.1 The policies outlined in this section apply to employees and their supervisors, personnel authorities and agency heads, and form the basis for the standards governing this chapter.
- 1601.2 Each supervisor has a duty and responsibility to ensure that employees are aware of the established performance and conduct standards (“standards”) applicable to their role and function and the consequences of not meeting those standards. Whenever such standards are not met, supervisors have an affirmative obligation to provide the employee necessary guidance and training to meet these standards and, when appropriate, to take corrective or adverse action pursuant to this chapter.
- 1601.3 Each employee has the duty and the responsibility to be aware of and abide by the existing rules and policies. Each employee also has the responsibility to perform his or her duties to the best of his or her ability and to the standards established by management and his or her job description.

- 1601.4 The District of Columbia takes a positive approach toward employee management to achieve organizational effectiveness by using a progressive system to address performance and conduct issues.
- 1601.5 The District's progressive system typically includes the following:
- (a) Verbal counseling;
 - (b) Reprimand;
 - (c) Corrective action; and
 - (d) Adverse action.
- 1601.6 Strict application of the progressive steps in §§ 1601.5 and 1610 may not be appropriate in every situation. Therefore, management retains the right to evaluate each situation on its own merits and may skip any or all of the progressive steps. However, deviation from the progressive disciplinary system is only appropriate when consistent with §§ 1606 and 1607.
- 1601.7 Each agency head and personnel authority has the obligation to and shall ensure that corrective and adverse actions are only taken when an employee does not meet or violates established performance or conduct standards, consistent with this chapter.

1602 EMPLOYEE RIGHTS

- 1602.1 Employees enjoy the protections established in this chapter. No employee may be reprimanded, suspended, demoted, placed on enforced leave, or removed without cause, as defined in this chapter.
- 1602.2 Employees who are subject to a recognized labor agreement shall enjoy the additional benefits of their collective bargaining agreement. Conflicts between such agreements and this chapter shall be resolved as follows:
- (a) The provisions of any labor agreement shall be construed as complementary to the provisions of this chapter;
 - (b) The provisions of any labor agreement shall be construed as to give effect to the provisions of this chapter;
 - (c) However, where a specific provision of a labor agreement cannot be reconciled with a specific provision of this chapter, the labor agreement shall control with respect to that provision.
- 1602.3 Corrective and adverse actions taken against employees are subject to the following limitations:

- (a) A corrective or adverse action shall be commenced no more than ninety (90) business days after the agency or personnel authority knew or should of known of the performance or conduct supporting the action;
- (b) When there is an investigation involving facts or circumstances germane to the performance or conduct supporting a corrective or adverse action, the time limit established in paragraph (a) shall be tolled pending any criminal investigation by the Metropolitan Police Department or any other law enforcement agency with jurisdiction within the United States, the Office of the United States Attorney for the District of Columbia, or the Office of the Attorney General; or, pending any investigation by the Office of the Inspector General, the Office of the District of Columbia Auditor, or the Office of Police Complaints.
- (c) Except in matters involving employees of the Metropolitan Police Department and Fire and Emergency Medical Services Department, the time limit imposed in paragraph (a) may be suspended by the personnel authority for good cause and shall be suspended pending any related investigation by the Board of Ethics and Government Accountability.

1603 [RESERVED]

1604 [RESERVED]

1605 MISCONDUCT; PERFORMANCE DEFICITS

1605.1 District employees are expected to demonstrate high standards of integrity, both on and off the job, guided by established standards of conduct and other Federal and District laws, rules and regulations. When established standards of conduct are violated or performance measures are not met, or the rules of the workplace are disregarded, corrective action or adverse action is warranted to encourage conformity to acceptable behavioral and performance standards or to protect operational integrity.

1605.2 Taking a corrective or adverse action against an employee is appropriate when the employee fails to or cannot meet identifiable conduct or performance standards, which adversely affects the efficiency or integrity of government service. Before initiating such action, management shall conduct an inquiry into any apparent misconduct or performance deficiency (collecting sufficient information from available sources, including when appropriate the subject employee) to ensure the objective consideration of all relevant facts and aspects of the situation.

1605.3 Whether an employee fails to meet performance standards shall be determined by application of the provisions set forth in Chapter 14.

1605.4 Though not exhaustive, the following classes of conduct and performance deficits constitute cause and warrant corrective or adverse action:

- (a) Conduct prejudicial to the District of Columbia government, including:
 - (1) Conviction of any felony;
 - (2) Conviction of any criminal offense that is related to the employee's duties or his or her agency's mission;
 - (3) Conduct that an employee should reasonably know is a violation of law or regulation; and
 - (4) Off-duty conduct that adversely affects the employee's job performance or trustworthiness, or adversely affects the employing agency's mission or has an otherwise identifiable nexus to the employee's position.
- (b) False Statements, including:
 - (1) Deliberate falsification of an application for employment or other personal history record by omission of a material fact or by making a false entry;
 - (2) Misrepresentation, falsification, or concealment of material facts or records in connection with an official matter;
 - (3) Knowingly and willfully making an incorrect entry on an official record or approving an incorrect official record; and
 - (4) Knowingly and willfully reporting false or misleading information or purposely omitting material facts, to any supervisor.
- (c) Fiscal irregularities;
- (d) Failure or refusal to follow instructions;
- (e) Neglect of duty;
- (f) Attendance-related offenses, including:
 - (1) Unexcused tardiness;
 - (2) Unauthorized absence; and
 - (3) Falsification of official records concerning attendance (*i.e.* timesheets, overtime requests, etc.).
- (g) Using or being influenced by intoxicants while on duty;
- (h) Unlawful possession of controlled substances and paraphernalia;

- (i) Safety and health violations;
- (j) Discriminatory practices;
- (k) Sexual misconduct;
- (l) Prohibited personnel practices;
- (m) Failure to meet performance standards; and
- (n) Inability to carry out assigned responsibilities or duties.

1605.5 An employee of the Department of Corrections, Department of Youth Rehabilitation Services, or the Metropolitan Police Department; an employee authorized to carry a firearm while on-duty; or a commissioned special police officer shall be deemed to have engaged in conduct prejudicial to the District of Columbia if:

- (a) The employee engages in any act or omission that constitutes a criminal offense; or
- (b) There is any credible evidence that the employee unlawfully used a controlled substance.

1606 ESTABLISHING APPROPRIATE ACTION

1606.1 After establishing a sufficient basis for taking action (*i.e.*, evidence to support the allegation(s); a nexus between the conduct or performance at issue and the employee’s job or the agency’s mission), managers must determine the appropriate action for the employee's conduct or performance deficits.

1606.2 For all agency actions managers shall be prepared to demonstrate that the following factors were considered:

- (a) The nature and seriousness of the misconduct or performance deficit, and its relationship to the employee's duties, position, and responsibilities, including whether the offense was intentional, technical or inadvertent; was committed maliciously or for gain; or was frequently repeated;
- (b) The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
- (c) The employee's past disciplinary record;
- (d) The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;

- (e) The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
- (f) Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
- (g) Consistency of the penalty with the table of illustrative penalties (§ 1607);
- (h) The notoriety of the offense or its impact upon the reputation of the agency or the District government;
- (i) The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
- (j) Potential for the employee's rehabilitation;
- (k) Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
- (l) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

1606.3 All of these factors shall be considered and balanced to arrive at the appropriate remedy. While not all of these factors may be deemed relevant, consideration should be given to each factor based on the circumstances.

1606.4 The analysis of the factors above shall be included in any final agency decision on adverse action.

1607 TABLE OF ILLUSTRATIVE ACTIONS

1607.1 Once it is established that an employee has failed to meet performance or conduct standards, which requires corrective or adverse action, a supervisor or manager must determine the appropriate action based on the circumstances.

1607.2 The illustrative actions in the following table are not exhaustive and shall only be used as a guide to assist managers in determining the appropriate agency action. Balancing the totality of the relevant factors established in § 1606.2 can justify an action that deviates from those outlined in the table.

(a)	NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
Conduct Prejudicial to the District Government			
(1)	Conviction of any felony.	Removal	
(2)	Conviction of any criminal offense that is related to the employee’s duties or his or her agency’s mission.	Removal	
(3)	Indictment or charge of any felony or a criminal offense that is related to the employee’s duties or his or her agency’s mission.	Enforced leave pending criminal prosecution.	
(4)	On-duty conduct that an employee should reasonably know is a violation of law or regulation.	Reprimand to Removal	Removal
(5)	Off-duty conduct that adversely affects the employee’s job performance or trustworthiness, or adversely affects his or her agency’s mission or has an otherwise identifiable nexus to the employee’s position.	Counseling to 30-day suspension	15-day suspension to Removal
(6)	Concealing, removing, mutilating, altering, or destroying government records required to be kept by statute, regulation, Mayor’s Order, document hold or subpoena, or other similar requirements.	Reprimand to Removal	14-Day Suspension to Removal
(7)	Malicious or intentional damage to or loss of District owned or leased property.	Suspension to Removal	14-Day Suspension to Removal
(8)	Using public office for significant private gain.	Removal	
(9)	Unethical or improper use of official authority or credentials.	Counseling to Removal	Removal
(10)	Unauthorized disclosure or use of (or failure to safeguard) information protected by statute or regulation or other official,	Counseling to Removal	Removal

NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
sensitive or confidential information.		
(11) Obtaining a direct or indirect financial interest that an employee should reasonably expect to be in conflict or appear to be in conflict with his or her official duties and responsibilities.	Reprimand to Removal	Removal
(12) Use of (or authorizing the use of) District owned or leased property, services or funds for inappropriate or non-official purposes.	Counseling to Removal	Removal
(13) Use of (or authorizing the use of) District owned or leased vehicles such as cars, vans, trucks, buses, aircraft, boats or any other motor vehicle for use other than official purposes.	15-Day Suspension to Removal	Removal
(14) Unauthorized use, removal or possession of an item of value belonging to another.	Counseling to Removal	Removal
(15) Assaulting, fighting, threatening, attempting to inflict or inflicting bodily harm while on District property or while on duty.	14-Day Suspension to Removal	30-Day Suspension to Removal
(16) Use of abusive, offensive, unprofessional, distracting, or otherwise unacceptable language, gestures, or other conduct; quarreling; creating a disturbance or disruption; or inappropriate horseplay.	Counseling to 15-Day Suspension	5-Day Suspension to Removal
(17) Failure to timely and properly pay any debts to the District government.	Reprimand to 14-Day Suspension	1-Day Suspension to Removal
(18) Gambling while on duty or on District government property.	Counseling to Removal	Removal
(19) Participating in a strike, work stoppage, slowdown, sickout or similar activity against the District government.	Removal	

(b)	NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
False Statements / Records --			
(1)	Deliberate falsification of a material item on an application for employment, or other personal history record by omission or by making a false entry.	14-Day Suspension to Removal	Removal
(2)	Misrepresentation, falsification or concealment of material facts or records in connection with an official matter, including investigations	Reprimand to Removal	Removal
(3)	Knowingly and willfully making an incorrect entry on an official record or approving an incorrect official record.	Counseling to Removal	Removal
(4)	Knowingly and willfully reporting false or misleading material information, or purposely omitting material facts, to any superior.	7-Day Suspension to Removal	Removal
(c) Fiscal Irregularities --			
(1)	Knowing submission of (or causing or allowing the submission of) falsely stated time logs, leave forms, travel or purchase vouchers, payroll, loan, or other fiscal document(s).	Suspension to Removal	Removal
(2)	Unauthorized and/or improper use of property, funds, or any other thing of value coming into an employee's custody as a result of employment.	Counseling to Removal	Removal
(3)	Failure to properly account for or make proper distribution of any property, or any other thing of value coming into an employee's custody as a result of employment.	Suspension to Removal	Removal
(4)	Concealment of (or failing to report) missing, lost or misappropriate funds, or other fiscal irregularities.	Reprimand to Removal	14-Day Suspension to Removal

NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
(d) Failure/Refusal to Follow Instructions -		
(1) Negligence, including the careless failure to comply with rules, regulations, written procedures, or proper supervisory instructions.	Counseling to Removal	5-Day Suspension to Removal
(2) Deliberate or malicious refusal to comply with rules, regulations, written procedures or proper supervisory instructions.	3-day Suspension to Removal	14-Day Suspension to Removal
(3) Failure to submit required statement of financial interests and outside employment.	Counseling to 3-Day Suspension	5-Day Suspension to Removal
(e) Neglect of Duty --		
Careless or negligent work, general negligence, loafing, sleeping or dozing on-duty, wasting time, and conducting personal business while on duty.	Counseling to Removal	5-Day Suspension to Removal
(f) Attendance Related Offenses --		
(1) Unexcused tardiness, including delay in: <ul style="list-style-type: none"> (a) Reporting at the scheduled starting time; (b) Returning from lunch or break periods; and (c) Returning from an authorized absence to a work station. 	Counseling to 1-Day Suspension	5-Day Suspension to Removal
(2) Unauthorized absence of one (1) workday or less, including leaving the work station without permission or before the end of the workday.	Counseling to 3-Day Suspension	3-Day Suspension to Removal
(3) Unauthorized absence of one (1) workday or more, but less than five (5) workdays.	Suspension to Removal	14-Day Suspension to Removal

NATURE OF CIRCUMSTANCES		FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
(4)	Unauthorized absence of five (5) workdays or more.	Removal	Removal
(g) Intoxicants – Alcohol and Spirits			
(1)	Unauthorized use of intoxicants while on District Government property, including where official duties are performed.	Reprimand to Removal	30-Day Suspension to Removal
(2)	Being under the influence of intoxicants when reporting to work or any time while on duty.	Suspension to Removal	30-Day Suspension to Removal
(3)	Operating a government owned or leased vehicle (or a privately owned vehicle while on duty) while under the influence of intoxicants.	Removal	
(h) Controlled Substances/Paraphernalia --			
(1)	Possession of an illegal drug, drug paraphernalia, or unauthorized controlled substance while on duty, on District government property or District government-controlled property, or on premises where official duties are performed.	5-Day Suspension to Removal	Removal
(2)	Use of an illegal drug or unauthorized controlled substance while on duty, on District government property or District government-controlled property, or on premises where official duties are performed.	14-Day Suspension to Removal	Removal
(3)	Reporting to or being on duty while under the influence of an illegal drug or unauthorized controlled substance.	14-Day Suspension to Removal	Removal
(4)	Sale or distribution of an illegal drug or controlled substance.	Removal	

NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
(5) Operating a government owned or leased vehicle (or privately-owned vehicle on official business) while under the influence of an illegal drug.	Removal	
(6) Interfering with, or refusing or failing to submit to a properly ordered or authorized drug test, including substituting, adulterating, or otherwise tampering with a urine sample.	Removal	
(i) Safety and Health Violations --		
(1) Failure to report an accident and/or injury as required.	Counseling to Removal	14-Day Suspension to Removal
(2) Failure or refusal to wear/use required protective equipment (<i>e.g.</i> seat belts, earplugs, eye protection, etc.)	Counseling to 14-Day Suspension	14-Day Suspension to Removal
(3) Operating a District owned or leased vehicle (or privately owned vehicle while on official business) without a District or State driver’s license.	Suspension to Removal	Removal
(4) Failure or refusal to observe and/or enforce safety and health regulations or to perform duties in a safe manner.	Reprimand to Removal	5-Day Suspension to Removal
(j) Discriminatory Practices --		
(1) Improperly taking or failing to take an official action based on a classification protected under the D.C. Human Rights Act or the Civil Rights Act of 1964.	Reprimand to Removal	Removal
(2) Any reprisal or retaliation against an individual because of his or her involvement in the EEO complaint process.	10-Day Suspension to Removal	Removal

NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
(3) Use of remarks or gestures that relate to and insult or denigrate an individual based on any actual or perceived trait or classification protected under the D.C. Human Rights Act or the Civil Rights Act of 1964.	Counseling to 15-Day Suspension	15-Day Suspension to Removal
(4) Negligent or insensitive conduct with respect to an individual relating to any actual or perceived trait or classification protected under the D.C. Human Rights Act or the Civil Rights Act of 1964.	Counseling to 5-Day Suspension	5-Day Suspension to Removal
(5) Failure of a supervisor to take appropriate action regarding allegations or findings of discriminatory practices.	5-Day Suspension to Removal	Removal

(k) Sexual Misconduct --

(1) Sexual assault or abuse or attempted sexual assault or abuse.	Removal	
(2) Inappropriate and/or unwelcome touching or other physical contact.	14-Day Suspension to Removal	30-Day Suspension to Removal
(3) Pressure for (or official action based on) sexual favors, including taking any action for or against an employee whether favorable or unfavorable, because of the granting of a sexual favor or the withholding of a sexual favor.	Removal	
(4) Inappropriate and/or unwelcome teasing, jokes, actions, gestures, display of visual material of a sexual nature or remarks of a sexual nature.	Counseling to 30-Day Suspension	14-Day Suspension to Removal

NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
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	NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
(l) Prohibited Personnel Actions --			
	Abuse of authority or commission of a prohibited personnel action.	Suspension to Removal	Removal
(m) Performance Deficits --			
	Failure to meet established performance standards;	Reassignment Reduced Grade Removal	
(n) Inability to carry out assigned duties			
	Any circumstance that prevents an employee from performing the essential functions of his or her position, and for which no reasonable accommodation has been requested or can be made, unless eligible for leave protected under the D.C. Family Medical Leave Act.	Removal	

1608 [RESERVED]

1609 [RESERVED]

1610 PROGRESSIVE DISCIPLINE

1610.1 The District strives to employ highly qualified and motivated individuals who successfully perform their job duties, without the need for disciplinary action. To this end, the District uses a progressive disciplinary system when an employee’s conduct fails to meet expectations. The District’s progressive system includes the following steps:

- (a) Verbal counseling;
- (b) Reprimand;
- (c) Corrective action; and
- (d) Adverse action.

1610.2 Every situation is different and in each case management must consider a number of factors when determining an appropriate action to take. This includes, among others, consideration of the seriousness of the situation, the employee’s past

disciplinary history, and the employee's work history. When appropriate, and consistent with §§ 1606 and 1607, management may skip any or all of the progressive steps outlined in § 1610.1.

1611 VERBAL COUNSELING

1611.1 As an employer, the District and its managerial staff have an obligation to create a fair, supportive, and transparent work environment that prevents the need for disciplinary action.

1611.2 However, when employees engage in misconduct or fail to meet performance standards, steps shall be taken to gather the relevant facts, correctly identify the problem(s), and then decide whether further action is warranted.

1611.3 As a first step within the continuum of progressive discipline, management should attempt to correct misconduct and performance deficits. When appropriate to the circumstances, employees shall first be counseled concerning misconduct. Performance matters shall be progressively addressed as set forth in Chapter 14.

1611.4 When counseling the employee is deemed appropriate to the circumstances the supervisor or manager shall:

- (a) Articulate the relevant conduct standard(s);
- (b) Explain how the employee has failed to meet those standards;
- (c) Explain management's conduct expectations; and
- (d) Explain the potential consequences if those expectations are not met prospectively.

1611.5 Within five (5) days, supervisors shall follow-up verbal counseling with a letter (or e-mail) to the employee. The correspondence shall establish the date, time, and content of all verbal counseling described in this section, and shall restate the information contained in § 1611.4. Supervisors shall retain a copy of the correspondence for a period of no less than two years, but it shall not be made a part of the official personnel file.

1611.6 While verbal counseling is a step within the disciplinary model, it is neither a corrective nor adverse action for purposes of this chapter.

1612 REPRIMANDS

1612.1 When counseling fails to correct conduct or performance issues, or where verbal counseling is an inadequate disciplinary response to address the conduct or performance that fails to meet expectations, a more formal response may be required. Within the progressive disciplinary model, this formal response is a reprimand and represents a corrective action.

- 1612.2 A reprimand is a written document issued by an employee's supervisor that identifies a specific conduct fault by an employee. At a minimum, a reprimand shall include:
- (a) A short narrative concerning the factual circumstances warranting the reprimand;
 - (b) A description of the conduct standards at issue and how these standards were not met;
 - (c) A brief narrative on how the employee should conduct himself or herself prospectively to alleviate the conduct fault;
 - (d) The potential consequences if the conduct requirements are not met;
 - (e) A notice informing the employee that he or she may submit a written response to the reprimand; and
 - (f) Notification to the employee of his or her right to grieve the final decision pursuant to Sections 1626 through 1637, or pursuant to an applicable labor agreement.
- 1612.3 The employee against whom a reprimand is issued shall be asked to acknowledge its receipt in writing. If the employee refuses to acknowledge receipt in writing, a witness to the refusal shall provide a brief written statement that the employee refused to acknowledge receipt in writing, which shall be signed and dated by the witness.
- 1612.4 When an employee chooses to submit a written response to the reprimand, he or she must do so within ten (10) workdays of receipt of the reprimand. Such a response shall be in writing and submitted to the person issuing the reprimand. An employee's written response may clarify, expand on, or take exception to the statements or conclusions made in the reprimand. Once submitted, the response shall be maintained and treated as an attachment to the reprimand.
- 1612.5 The official who issued the reprimand shall consider any written response submitted by the employee. The official may sustain, modify or rescind the reprimand, based on an employee's response. If the reprimand is modified, the modified reprimand shall be served and the employee given an opportunity to submit a supplemental response consistent with §§ 1612.2 through 1612.4.
- 1612.6 Unless modified or rescinded pursuant to § 1612.5, a reprimand shall be final upon receipt of an employee written response, or the expiration of the ten days specified in § 1612.4, whichever is later.
- 1612.7 A reprimand may be considered in establishing a corrective or adverse action, when the action is initiated within three (3) years of the reprimand.

1612.8 Nothing in this chapter shall preclude a management official from issuing admonitions. Admonitions shall not be maintained within the official personnel file.

1613 CORRECTIVE ACTIONS

1613.1 A corrective action is a reprimand, reassignment, or suspension of less than ten (10) workdays.

1613.2 When a corrective action is warranted, the agency shall –

- (a) Provide a notice of proposed action, in accordance with § 1618;
- (b) Afford the employee an opportunity to respond, in accordance with § 1621;
- (c) Provide a final decision on the proposed action, in accordance with § 1623; and
- (d) If a corrective action is taken, notify the employee of his or her right to grieve the final decision pursuant to §§ 1626 through 1637, or pursuant to an applicable labor agreement.

1613.3 Immediately following the issuance of a notice of proposed corrective action for a suspension pursuant to § 1613.2(a), the proposing official may conduct a resolution conference with the employee and his or her union representative (if any).

- (a) Through a resolution conference, the proposing official and affected employee may agree to a suspension which is shorter in time than the suspension in the notice of proposed action, or a reprimand in lieu of suspension.
- (b) To be valid and binding, any agreement reached between the proposing official and the employee shall be reduced to a written agreement, in which the employee voluntarily waives his or her right to file a grievance concerning any circumstances that give rise to the notice of proposed action under this chapter or pursuant to the provisions of a negotiated labor agreement.
- (c) The proposing official may defer the effective date of a proposed suspension by no more than five (5) days to accommodate the resolution conference process.
- (d) Statements concerning an agreement during the resolution conference process may not be used by any party as evidence or precedent in any other disciplinary action. Nevertheless, the outcome of a resolution

conference may be considered in the future for purposes of progressive discipline.

1613.4 The use of resolution conferences shall be limited only to proposed suspensions of less than ten (10) days.

1614 ADVERSE ACTION

1614.1 Whenever a corrective action fails to improve a performance or conduct problem, or in the case when an employee cannot carry an essential duty of his or her employment, adverse action may be warranted.

1614.2 An adverse action shall be a suspension of ten (10) or more workdays, a reduction in grade, or removal.

1614.3 When an adverse action is warranted, the agency shall:

- (a) Provide a notice of proposed adverse action, in accordance with § 1618;
- (b) Afford the employee an opportunity to respond, in accordance with § 1621;
- (c) In the case of removal, provide for an independent review by a hearing officer, pursuant to § 1622;
- (d) Provide a final decision on the proposed adverse action, in accordance with § 1623; and
- (e) If an adverse action is taken, notify the employee of his or her applicable appeal rights.

1615 [RESERVED]

1616 SUMMARY ACTIONS

1616.1 An employee may be summarily suspended or removed from his or her position, notwithstanding §§ 1613 and 1614.

1616.2 An employee may be suspended or removed summarily when his or her conduct:

- (a) Threatens the integrity of District government operations;
- (b) Constitutes an immediate hazard to the agency, to other District employees, or to the employee; or
- (c) Is detrimental to the public health, safety, or welfare.

1616.3 Any decision to take a summary action under this section must be approved in writing by the agency head. All such approvals must identify:

- (a) Sufficient facts relied upon by the agency head to support the actions;
- (b) The specific paragraph(s) of § 1616.2 established by those facts; and
- (c) The specific misconduct, consistent with § 1605, warranting suspension or removal.

1616.4 When the agency head is satisfied that the conditions of § 1616.2 are present, the agency may order the employee to immediately leave his or her duty station. Additionally, the agency may order the employee to stay away from any District government owned or occupied properties, to the extent reasonably necessary to ensure the safety of District employees and property, the integrity of government operations, and the public health, safety, and welfare

1616.5 When summary action is warranted, the agency shall:

- (a) Provide the employee with a notice of summary action, in accordance with § 1620;
- (b) Provide the employee an opportunity to respond, in accordance with § 1621;
- (c) Provide the employee with a final determination, in accordance with § 1623; and
- (d) Advise the employee of his or her applicable appeal rights.

1616.6 Except when the associated suspension or removal action is overturned by a tribunal of competent jurisdiction, an agency head's final decision on a summary action under this section shall be final and not subject to further review.

1617 ENFORCED LEAVE ACTION

1617.1 Enforced leave occurs when an employee is involuntarily placed in a non-duty leave status, which is neither a corrective nor adverse action for purposes of this chapter. This section sets forth the standards for an agency's implementation of an enforced leave action.

1617.2 For any period of enforced leave, the employee shall use any accrued leave, except sick leave, until exhausted. Thereafter, the employee will be held in a leave without pay status.

1617.3 An agency may place an employee on enforced leave when there is reliable evidence that he or she:

- (a) Utilized fraud in securing his or her appointment;
- (b) Falsified official records;

- (c) Has been indicted on, arrested for, charged with, or convicted of a felony charge (including conviction following a plea of nolo contendere); or
 - (d) Has been indicted on, arrested for, or convicted of any crime that bears a relationship to his or her position.
- 1617.4 Notwithstanding § 1617.3(c), the Metropolitan Police Department may place uniformed members and the Department of Corrections may place a correctional officers on enforced leave when he or she has been arrested, charged, indicted or convicted of any crime irrespective of the relationship between the crime and the employee's duties and responsibilities.
- 1617.5 Any decision to place an employee on enforced leave under this section shall be approved in writing by the personnel authority. All such approvals shall:
 - (a) Identify the evidence relied upon by the agency to support the action; and
 - (b) Identify the specific subparagraph(s) of § 1617.3 established by that evidence.
- 1617.6 Upon finding that the conditions described in § 1617.3 are met, the personnel authority shall place an employee on administrative leave for five (5) days prior to the effective date of the enforced leave action.
- 1617.7 When enforced leave is warranted, the agency shall –
 - (a) Provide a notice of proposed action, pursuant to § 1618;
 - (b) Provide the employee an opportunity to respond in writing, pursuant to § 1621, orally, or both;
 - (c) Provide the employee a final determination, pursuant to § 1623; and
 - (d) If placed on enforced leave, advise the employee of his or her applicable appeal rights
- 1617.8 Whenever an employee is placed on enforced leave:
 - (a) The agency must initiate either corrective or adverse action based on the evidence supporting the enforced leave action; and
 - (b) The employee shall remain on enforced leave no longer than is required to reach a final determination on corrective or adverse action, or one hundred eighty (180) days, whichever is shorter.
- 1617.9 If the basis for placing an employee on enforced leave pursuant to this section does not result in corrective or adverse action, any annual leave or pay lost as a result of the enforced leave action shall be restored retroactively.

1617.10 The personnel authority may extend the time limit prescribed by § 1617.6(b) for good cause.

1618 NOTICES OF PROPOSED ACTION

1618.1 Except in the case of a summary actions, described in § 1616, an agency contemplating a corrective, adverse, or enforced leave action shall provide the employee a notice of proposed action. Such notices shall be delivered to the employee:

- (a) No less than five (5) days prior to implementing an enforced leave action;
- (b) No less than ten (10) days prior to implementing a corrective action; and
- (c) No less than fifteen (15) days prior to implementing an adverse action.

1618.2 The notice of the proposed action shall inform the employee of the following:

- (a) The type of proposed action (corrective, adverse, or enforced leave);
- (b) The nature of the proposed action (days of suspension or enforced leave, reduction in grade, reassignment, or removal);
- (c) The specific performance or conduct at issue;
- (d) How the employee's performance or conduct fails to meet appropriate standards; and
- (e) The name and contact information of the anticipated deciding official, or if a removal action, the anticipated hearing officer for the administrative review.

1618.3 In addition to the information outlined in § 1618.2 the notice shall advise the employee of his or her right to:

- (a) Review any material upon which the proposed action is based;
- (b) Prepare a written response to the notice, as provided for § 1621;
- (c) Representation by an attorney or other representative; and
- (d) An administrative review in the case of a removal.

1618.4 The notice shall be approved and signed by a proposing official, who must be a manager within the employee's chain of command or a management official designated by the personnel authority.

1618.5 The material upon which the notice of proposed action is based, and which is necessary to support the reasons given in the notice, shall be assembled and

provided to the employee along with the notice, unless impractical. If the materials cannot be provided at the time of notice, they shall be made available to the employee for his or her review, upon request.

- 1618.6 The notice of proposed actions and supporting materials shall be served upon the employee. Service shall be accomplished by delivering the notice and materials to the employee in person, or to the employee's address of record by a commercial courier that provides delivery tracking and confirmation information. However, service shall also be deemed proper upon a showing that the employee actually received delivery of the notice, irrespective of delivery method.
- 1618.7 For notices of proposed actions delivered in person, the employee to whom the notice is issued shall be asked to certify its receipt in writing. If the employee refuses to certify receipt, a brief descriptive written statement, signed by a witness to the refusal, may be used as evidence of service.
- 1618.8 For purposes of §§ 1618.6 and 1618.7, service shall be deemed effective when the employee has actual notice of the proposed actions.
- 1618.9 Except in the case of a summary action in § 1615, employees shall remain in an active duty status pending issuance of a final determination of the proposed action pursuant to § 1623.

1619 ADMINISTRATIVE LEAVE DURING NOTICE PERIODS

- 1619.1 Following the issuance of a notice of proposed corrective or adverse action pursuant to § 1618 of this chapter, an agency head, at his or her discretion, may place the employee on administrative leave pending a final determination in accordance with this section.
- 1619.2 Except as provided in §§ 1619.3 and 1619.4, an agency may place an employee on administrative leave for no more than ninety (90) calendar days.
- 1619.3 Prior to the expiration of the limit in § 1619.2 the agency head may make a written request for an extension of time to the personnel authority.
- 1619.4 The personnel authority may approve extensions of time in increments of no more than thirty (30) days when:
- (a) Returning the employee to duty would undermine the integrity of District government operations, threaten the safety of employees, or threaten the health, safety or welfare of the public; or
 - (b) The agency has been diligently pursuing a final decision and the delay is due to circumstances beyond the agency's control.
- 1619.5 When the time limits prescribed by this section are exhausted, the employee shall be returned to full duty pending a final agency decision.

1620 SUMMARY ACTION NOTICES

1620.1 Whenever an agency summarily removes or suspends an employee, it shall serve the employee with a notice of summary action within five (5) days. Service shall be accomplished pursuant to §§ 1618.6 and 1618.7.

1620.2 The notice shall inform the employee of the following:

- (a) The nature of the summary action;
- (b) The effective date of the summary action;
- (c) The specific conduct at issue;
- (d) How the employee’s conduct fails to meet appropriate standards;
- (e) The specific paragraph(s) of § 1616.2 warranting summary action; and
- (f) The name and contact information of the deciding official, or if a removal, the hearing officer.

1620.3 In addition to the information outlined in § 1620.2, the notice of the proposed summary action shall advise the employee of his or her right to:

- (a) Review any material upon which the proposed summary action is based;
- (b) Prepare a written response to the notice of the proposed summary action, as provided for in § 1621;
- (c) Be represented by an attorney or other representative; and
- (d) An administrative review in the case of a removal.

1621 EMPLOYEE RESPONSES

1621.1 Whenever an employee is served a notice of proposed or summary action, he or she may submit a written response to the appropriate official identified in the notice. In the case of removals, the appropriate official shall be a hearing officer appointed pursuant to § 1622. Otherwise, the appropriate official shall be the deciding official.

1621.2 An agency head shall authorize an employee to use official time to prepare a written response to any notice of proposed action in the following amounts: a minimum of four (4) hours for proposed corrective actions and eight (8) hours for proposed adverse actions.

1621.3 Written responses must be received by the appropriate official according to the following schedule:

- (a) For enforced leave actions, within two (2) days of service;
- (b) For corrective actions, within five (5) days of service; and
- (c) For adverse actions, within ten (10) days of service.

1621.4 Upon application by the employee and a showing of good cause, the deciding official, or in the case of removal the hearing officer, may grant a reasonable extension of time to the limits prescribed by § 1621.3.

1621.5 The right to respond shall include the right to present evidence that the employee believes might affect the final decision on the proposed or summary action. Such evidence may include written statements of witnesses, affidavits, or documents or any other form or depiction of information.

1621.6 At the time of the response, an employee shall raise every defense, fact or matter in extenuation, exculpation, or mitigation that is relevant to the reasons for the proposed or summary action.

1622 ADMINISTRATIVE REVIEWS

1622.1 The personnel authority shall provide for an administrative review of a proposed or summary removal action against an employee, unless he or she is an exempt employee.

1622.2 The administrative review shall be conducted by a hearing officer, who shall meet the following criteria:

- (a) Be appointed by the agency head;
- (b) Be at grade levels DS-13 and above or equivalent;
- (c) Be a licensed attorney, if available;
- (d) Be neither in the supervisory chain of command between the employee and the deciding official, nor a subordinate to the proposing official; and
- (e) Have no direct and personal knowledge of the matters contained in the proposed or summary removal action, aside from hearsay that does not affect impartiality.

1622.3 In conducting the administrative review, the hearing officer shall:

- (a) Review the notice of proposed or summary action, including any supporting materials; and
- (b) Review the employee's response, if applicable.

- 1622.4 A hearing officer's review of a proposed or summary removal action shall be limited to the notice and supporting materials and any written arguments and evidence submitted by the employee.
- 1622.5 Within thirty (30) days after receiving the employee's response, or the expiration of his or her time to respond, the hearing officer shall submit a written report and recommendation to the deciding official, and shall provide a copy to the employee.
- 1622.6 Upon request, the time limit in § 1622.5 may be extended by the personnel authority for good cause for no more than thirty (30) days.
- 1622.7 The hearing officer shall ensure that there are no substantive *ex parte* communications during the administrative review process. Any substantive inquiry or information sent by or to the hearing officer shall be served on the employee, the employee's representative (if any), and the agency representative.

1623 FINAL AGENCY DECISION

- 1623.1 The final agency decision relating to a corrective or adverse action against an employee shall be made by the deciding official, who shall be the agency head, or his or her designee. A proposing official may not serve as the deciding official for the same matter, except when the size of the agency mandates otherwise.
- 1623.2 In making the final decision, the deciding official shall:
- (a) Consider the notice of proposed or summary action and supporting materials, the employee's response (if any), and any report and recommendation of a hearing officer; and
 - (b) Either sustain or reduce the proposed or summary action, remand the action to the proposing official with instructions for further consideration, or dismiss the action. A copy of any remand decision shall be served on the employee.
- 1623.3 The final determination shall be in writing, dated and signed by the deciding official.
- 1623.4 The final determination shall:
- (a) Provide a concise summary of the action(s) being taken and the effective date of the action(s);
 - (b) Succinctly enumerate each independent cause for which corrective or adverse action is being taken; specifications shall not be used in any final written decision;

- (c) Provide for an independent corrective or adverse action for each enumerated cause, consistent with § 1623.1(b);
 - (d) Demonstrate reasoned consideration of the relevant factors set forth in § 1606.2 for each independent action; and
 - (e) Articulate the employee's appeal rights, as outlined in § 1625, if any.
- 1623.5 In addition to the information specified in § 1623.4 each final agency decision shall be accompanied by:
- (a) Copies of the materials relied upon by the agency in rendering its decision;
 - (b) For enforced leave of ten (10) or more days and adverse actions:
 - (1) A copy of the Rules of Procedure for the Office of Employee Appeals (OEA); and
 - (2) An OEA appeal form;
 - (c) A notice of the employee's right to elect between the remedies specified in § 1625; and
 - (d) A notice of the employee's right to be represented by an attorney or other representative authorized by law.
- 1623.6 The final decision shall be completed within forty-five (45) days of the latter of:
- (a) The expiration of the employee's time to respond;
 - (b) The agency's receipt of the employee's response (if any);
 - (c) The completion of the hearing officer's report—and recommendation, if applicable; or
 - (d) A date agreed to by the employee.
- 1623.7 The final agency decision shall be served on the employee in accordance with §§ 1618.6 and 1618.7.
- 1623.8 The time limit established in § 1623.6 may be extended by the personnel authority for good cause.
- 1623.9 A copy of the final agency decision shall be placed in the employee's official personnel file. If the decision incorporates a notice of proposed or summary action, in whole or in part, the notice of proposed or summary action shall be attached to the final agency decision before filing in the official personnel file.

1623.10 Except in the case of a removals, a final agency decision shall be retained by the personnel authority in the official personnel file for three (3) years unless sooner ordered withdrawn by the issuing official, the official’s superiors or successors, a court of competent jurisdiction, an arbitrator of competent jurisdiction, the appropriate personnel authority, the Office of Human Rights, or pursuant to a settlement agreement.

1623.11 A final agency decision separating an employee from government service shall be a permanent record maintained by the personnel authority in the official personnel file.

1624 [RESERVED]

1625 APPEAL RIGHTS

1625.1 Except for exempt employees, an employee who disputes a final agency reprimand, corrective, adverse, or enforced leave action under this chapter may seek one (1) of the following remedies:

- (a) If the matter is covered by a grievance procedure negotiated between the District and a labor organization, the employee may elect to pursue a grievance in accordance with the applicable collective bargaining agreement;
- (b) For enforced leave actions of less than ten (10) days and for corrective actions, the employee may elect to pursue a grievance within ten (10) days from the issuance date of the final agency action;
- (c) For enforced leave actions of ten (10) or more days and adverse actions, the employee may elect to appeal the final agency action to the Office of Employee Appeals (OEA) within thirty (30) days of the effective date of the final agency decision; and
- (d) For any other agency actions under this chapter, the employee may elect to pursue a grievance within forty-five (45) business days from the date of the alleged violation or final action, whichever is later.

1625.2 An employee may elect only one (1) of the remedies specified in § 1625.1. Whenever a labor organization acts on behalf of the employee, the employee shall be deemed to have made his or her election of remedy, irrespective of whether the employee consented to the election.

1625.3 Neither grievances nor appeals to OEA shall delay implementation of any final agency action under this chapter.

1626 GRIEVANCE POLICY AND APPLICABILITY

- 1626.1 The District of Columbia government maintains a grievance policy and procedure to allow for the prompt, fair and orderly resolution of grievances and complaints relating to District employment. The grievance procedures shall be applied to:
- (a) Provide procedural consistency across District agencies;
 - (b) Ensure applicants and employees have access to procedures to address complaints and grievances timely, fairly, and without fear of reprisal; and
 - (c) Resolve workplace issues efficiently and effectively.
- 1626.2 Except for the Mayor and members of the Council, the grievance policies and procedures established at §§ 1626 through 1635 apply to all applicants and employees of all District agencies except:
- (a) The District of Columbia Superior Court and Court of Appeals;
 - (b) The District of Columbia Board of Education;
 - (c) The University of the District of Columbia;
 - (d) The District of Columbia Public Schools;
 - (e) District boards and commissions; and
 - (f) Advisory Neighborhood Commissions.
- 1626.3 Employees subject to a negotiated collective bargaining agreement may choose between any grievance procedure contained in the agreement and the grievance procedure outlined in §§ 1627 through 1637, but not both.

1627 MATTERS SUBJECT TO GRIEVANCE PROCEDURES

- 1627.1 An applicant or employee may grieve any agency action taken pursuant to this subtitle if:
- (a) A provision of this subtitle has been violated; and
 - (b) The applicant or employee has suffered or will suffer harm as a result of that violation, which is neither trivial nor speculative.
- 1627.2 Notwithstanding § 1627.1, no applicant or employee may submit a grievance to an agency action under this subtitle if the action is:
- (a) Not subject to a grievance or appeal by law or regulation;
 - (b) Taken to implement the lawful order of a court or other tribunal recognized by law; or

- (c) Agreed to by the applicant or employee.

1628 FILING A GRIEVANCE; TIME LIMITS

1628.1 All grievances shall be made using a grievance form provided by the Director of the District of Columbia Department of Human Resources (DCHR). DCHR shall maintain the grievance form on its internet website.

1628.2 Each grievance shall include the following:

- (a) The name, e-mail address, and phone number of the applicant or employee seeking the relief;
- (b) For employees, the name, e-mail address, phone number, and agency of his or her immediate supervisor;
- (c) The name of the agency at issue;
- (d) A concise written statement of facts, including dates, that establishes the alleged violation;
- (e) A written statement as to the applicant or employee's injury; and
- (f) The relief sought by the applicant or employee.

1628.3 For purposes of this chapter, grievance official means:

- (a) For applicants seeking employment in agencies under the authority of the Mayor, the Director of DCHR, or his or her designee;
- (b) For applicants seeking employment in District government agencies independent of the Mayor's authority, the independent agency head, or his or her designee; and
- (c) For employees, the employee's supervisor who has the authority to resolve the grievance and for whom there is no conflict of interest (typically the immediate supervisor or the immediate supervisor's immediate superior).

1628.4 Grievances of corrective actions and of enforced leave actions of less than ten (10) days shall be filed with the appropriate grievance official within ten (10) days of the issue date of the final decision.

1628.5 All other grievances shall be filed with the appropriate grievance official within forty-five (45) business days from the date of the alleged violation or the final action, whichever is later.

- (a) For applicants, the alleged violation occurs on the date the notification is issued to the applicant of the hiring decision, the date on which the

applicant knew or should have known of the hiring decision, or the effective date of the selectee's appointment, whichever occurs first.

- (b) For employees, the alleged violation occurs when the employee knew or should have known of the events or actions that are the basis for the alleged violation.
- (c) A grievance shall be deemed to have been filed when actually received by the grievance official. The burden of establishing the date of receipt shall rest with the applicant or employee.

1628.6 Grievances may be filed with the grievance official by one of the following means:

- (a) By mail to the official's principal business address;
- (b) By e-mail to the grievance official; or
- (c) By hand delivery to the grievance official's principal business address.

1629 INITIAL GRIEVANCE REVIEW

1629.1 Upon receipt, the grievance official shall make a preliminary determination as to whether the grievance meets the criteria set forth in §§ 1627 and 1628.

1629.2 Within five (5) business days of receipt, the grievance official shall do one of the following:

- (a) Acknowledge receipt and begin processing the grievance pursuant to § 1630;
- (b) Deny the grievance as being a matter not subject to review pursuant to § 1627;
- (c) Deny the grievance as being untimely pursuant to § 1628.4; or
- (d) Request the grievant to supply additional information required by § 1628.2.

1630 FIRST LEVEL GRIEVANCE REVIEWS

1630.1 Within five (5) days of acknowledging the grievance, the grievance official, or designee, shall interview the grievant and review the record.

1630.2 Unless mediation has already been attempted pursuant to § 1634, at the interview, the grievance official shall inform the grievant that he or she has the option of pursuing mediation. The grievant shall execute either a declination of mediation or a mediation agreement. If mediation is declined, the grievance official shall proceed with the initial grievance interview, in accordance with § 1630.3. If

mediation is elected by executing a mediation agreement, mediation shall proceed in accordance with § 1634.

- 1630.3 During the interview, the grievance official, or designee, shall note the grievant's specific allegations, the facts supporting those assertions and the relief being sought by the grievant.
- 1630.4 The grievance official, or designee, shall interview the subject of the grievance and any additional witnesses deemed appropriate to the grievance. Following each interview, the grievance official shall summarize each interview in writing.
- 1630.5 Within five (5) days of interviewing the grievant, the grievance official, or designee, shall issue a first level grievance decision and report based on the totality of the facts.
- (a) If the grievance official finds that the grievance is substantiated by the facts, the grievance decision shall specify the remedy being provided and the date the remedy will be implemented.
- (b) If the grievance official finds that the grievance is not substantiated by the facts, then the grievance shall be denied.
- 1630.6 Within five (5) days of the issuance of the first level grievance decision, a grievant may notify the grievance official in writing that he or she is not satisfied with the decision. The notification shall include any additional arguments and documents that support the grievant's position. Upon receipt of this notification, the grievance official shall proceed to the second level of grievance review.

1631 SECOND LEVEL GRIEVANCE REVIEWS

- 1631.1 At the second level of grievance review, the grievance shall be reviewed by a second level official in the grievant's chain of command who reports directly to the agency head. If the grievance official and the second level official are the same person, the grievance request for further review shall be treated as a notification under § 1631.6 and processed pursuant to § 1632.
- 1631.2 Within two (2) days of receiving the notification specified in § 1630.6, the grievance official shall forward all materials to the second level official for resolution. The materials forwarded shall include the grievance application, the grievance official's decision and report, any interview summaries, any records reviewed by the grievance official in rendering his or her decision, and the notification requesting second level review.
- 1631.3 In his or her discretion, and within no more than ten (10) days, the second level official may interview the grievant and any other individuals deemed necessary. An interview summary shall be created following any interview.

- 1631.4 After having completed any interviews, and any further investigation that may be deemed appropriate by the second level official, the second level official shall issue a second level grievance report and decision based on the totality of the facts.
- 1631.5 If the second level official finds that the grievance is substantiated by the facts, the grievance decision shall specify the remedy being provided and the date the remedy will be implemented.
- (a) If the second level official finds that the grievance is not substantiated by the facts, then the grievance shall be denied.
- (b) The second level grievance decision shall be issued no more than twenty-one (21) days following the second level official's receipt of the grievance and shall inform the grievant of his or her right to seek a final grievance review.
- 1631.6 Within five (5) days of the issuance of the second level grievance decision, a grievant may notify the original grievance official in writing that he or she is not satisfied with the decision and request a third level grievance review. Upon receipt of this notification, the grievance official shall proceed to the third level grievance review.

1632 THIRD LEVEL GRIEVANCE REVIEWS

- 1632.1 At the third level of grievance review, the grievance shall be reviewed by the agency head.
- 1632.2 Within two (2) days of receiving the notification specified in § 1631.6, the grievance official shall forward all materials to the agency head for resolution. The materials forwarded shall include the grievance application, the second level official's decision and report, any interview summaries, any records reviewed by the second level official in rendering his or her decision, and the notification requesting third level review.
- 1632.3 In his or her discretion, and within no more than ten (10) days, the agency head may interview the grievant and any other individuals deemed necessary. An interview summary shall be created following any interview.
- 1632.4 After having completed any interviews, and any further investigation that may be deemed appropriate by the agency head, the agency head shall issue a third level grievance report and decision based on the totality of the facts.
- 1632.5 If the agency head finds that the grievance is substantiated by the facts, the grievance decision shall specify the remedy being provided and the date the remedy will be implemented.

- 1632.6 If the agency head finds that the grievance is not substantiated by the facts, then the grievance shall be denied.
- 1632.7 The third level grievance decision shall be issued no more than twenty-one (21) days following the notification specified in § 1631.6 and shall inform the grievant of his or her right to seek a final review.
- 1632.6 Within five (5) days of the issuance of the third level grievance decision, a grievant may notify the original grievance official in writing that he or she is not satisfied with the decision and request a final review. Upon receipt of this notification, the grievance official shall proceed to the final grievance review.

1633 FINAL GRIEVANCE REVIEWS

- 1633.1 At the final level of grievance review, the grievance shall be reviewed and decided by the personnel authority. For purposes of this section, when the grievant is an employee of the Department of Human Resources, the personnel authority shall mean the City Administrator or his or her designee.
- 1633.2 Within two (2) days of receiving the grievance request for a final review, the grievance official shall forward all materials the agency received during the grievance process to the personnel authority.
- 1633.3 The personnel authority shall conduct a thorough records review of the grievance.
- (a) If the personnel authority finds that the grievance is substantiated by the facts, the grievance decision shall specify the remedy being provided and the date the remedy will be implemented.
- (b) If the personnel authority finds that the grievance is not substantiated by the facts, then the grievance shall be denied.
- 1633.4 The decision of the personnel authority shall be delivered to the agency and the grievant no more than thirty (30) days after receiving the grievance request. The decision of the personnel authority shall be final and not subject to any further grievance or appeal before any administrative body or court.

1634 GRIEVANCES UNDER COLLECTIVE BARGAINING AGREEMENTS

- 1634.1 Any valid negotiated grievance procedure established within a collective bargaining agreement shall supersede and replace the grievance procedures established in this chapter.

1635 MEDIATION

- 1635.1 Mediation shall be initiated by the grievant executing and presenting the grievance official with a mediation agreement, pursuant to § 1630.2. The mediation agreement shall be a standard agreement form issued by the personnel authority. The agreement shall, at a minimum:
- (a) Explain the nature of the mediation process;
 - (b) Explain the respective roles the parties;
 - (c) Explain the confidential and privileged nature of mediation communications, consistent with D.C. Official Code §§ 16-4203 and 16-4207; and
 - (d) Explain the potential remedies that are available, consistent with § 1636.
- 1635.2 The grievance official shall forward a copy of the agreement to the personnel authority. Within five (5) business days, the personnel authority shall designate an individual to serve as a mediator and the agency head, or his or her designee, shall designate an appropriate agency official to serve as the agency representative. The mediator shall either be an attorney licensed to practice law in the District of Columbia or an individual trained in conducting mediation. The agency representative shall have sufficient authority to mediate the dispute.
- 1635.3 The mediator shall schedule the mediation date(s) and conduct the mediation proceedings in such a manner as to ensure a fair and equitable result. However, the mediation process must be concluded within thirty (30) days from the date the mediator was designated by the personnel authority. If mediation has not concluded within that time period, the matter shall be returned to the grievance official for the first level of review.
- 1635.4 The parties may agree to any remedies permitted under § 1636. If an amicable resolution of the grievance is reached through mediation, the terms of the resolution shall be reduced to writing in a Mediation Settlement Agreement and signed by all parties, including the mediator. The written resolution shall be binding on all parties and is not subject to review by any administrative body, court or other tribunal.
- 1635.5 If the parties are unable to resolve the grievance through the mediation process, the grievance shall be returned to the grievance official to resume the first level grievance review. Grievances shall be returned to the grievance official by the mediator on either the date the mediator determines that no resolution can be reached or thirty (30) days from the date the mediator was designated by the personnel authority, whichever is earlier.

1635.6 If a grievance is returned to the grievance official pursuant to § 1635.5, the grievance official shall proceed with the first level grievance review pursuant § 1630.

1636 REMEDIES

1636.1 Whenever a grievance is substantiated, the appropriate deciding official shall establish a remedy that is equitable and fitting to the circumstances.

1636.2 Remedies provided under this section shall be consistent with, but need not precisely conform to, the provisions of this subtitle. However, remedies that vary from the precise language of any regulation shall conform to the variance standards established at Chapter 1.

1636.3 Remedies under this section shall be limited to those remedies within the authority of the personnel authority.

1637 DISMISSAL OF GRIEVANCE

1637.1 A grievant may request a dismissal of the grievance at any time.

1637.2 A grievance official may dismiss a grievance if the grievant substantially fails to carry out his or her responsibilities; fails to participate with; or otherwise impedes the grievance process under this chapter.

1637.3 A dismissal issued pursuant to this section following the issuance of a second level grievance decision shall be with prejudice.

1637.4 A dismissal of a grievance under this section shall not toll or otherwise enlarge the time limits established in § 1628.

1699 DEFINITIONS

1699.1 As used in this chapter the following meanings apply –

Administrative leave – an excused absence with full pay and benefits that is not charged to annual leave or sick leave

Admonition – any written communication from a supervisor or manager to an employee, up to but excluding an official reprimand, that advises or counsels the employee about conduct or performance deficiencies, and the possibility that future violations will result in corrective or adverse action.

Adverse action – a suspension of ten (10) workdays or more, a reduction in grade, or a removal.

Agency – any unit of the District of Columbia government, excluding the courts, required by law or by the Mayor of the District of Columbia to administer any law, rule, or any regulation adopted under authority of law. The term

“agency” shall also include any unit of the District of Columbia government created by the reorganization of one (1) or more of the units of an agency and any unit of the District of Columbia government created or organized by the Council of the District of Columbia as an agency, and shall include boards and commissions as described in D.C. Official Code § 1-603.01(13).

Cause – a reason that is neither arbitrary nor capricious, such as misconduct or performance deficits, which warrants administrative action, including corrective and adverse actions. The classes of conduct and performance deficits outlined in § 1605 constitute causes for corrective and adverse action.

Conduct – the act, manner or process taken by an employee to carry on, including the lack or omission of taking action or carrying out duties and responsibilities.

Corrective action – an official reprimand, involuntary reassignment or a suspension of less than ten (10) workdays.

Days – are calendar days for all periods of more than ten (10) days; otherwise, days are workdays.

Deciding official – the individual who issues a final decision on a disciplinary action in accordance with § 1623.

Disciplinary action – a corrective or adverse action taken against an employee.

Enforced leave – involuntary placement of an employee in a leave status in accordance with § 1617.

Ex parte communication – an oral or written communication between a hearing officer and only one of the parties, either the employee or management.

Exempt employee – individuals serving the District of Columbia in the Management Supervisory Services.

Grievance official – see § 1628.

Hearing officer – an impartial individual who assess the sufficiency of a proposed action consistent with § 1622.

Independent agency – an agency that is not subject to the administrative control of the Mayor.

Manager – an individual responsible for controlling or administering all or part of an agency or its operation. The term “manager” includes all individuals who supervise others and are employed in the Executive, Excepted and

Management Supervisory Services, and similar managerial at-will employees.

Nexus – connection or link (such as a connection to an employee’s duties and responsibilities).

Personnel authority – an individual or entity with the authority to administer all or part of a personnel management program as provided in D.C. Official Code §§ 1-604.01 *et seq.*

Progressive disciplinary process – refers to the incremental steps to correct either misconduct or systemic performance deficits. Typically, the process includes verbal counseling, reprimand, corrective action and adverse action.

Proposing official – an agency head or an official authorized by the agency head to issue a written notice of proposed corrective or adverse action or enforced leave.

Reduction in grade – an involuntary action that changes an employee to a lower grade level, typically with lower pay.

Removal – the involuntary separation of an employee from District government service.

Reprimand – a written, official censure of an employee that is placed in the employee’s Official Personnel Folder.

Subordinate agency – any agency under the direct administrative control of the Mayor.

Summary action – an action taken to immediately suspend or separate an employee pursuant to § 1616.

Suspension – the temporary placing of an employee in a non-duty, non-pay status.

Standard - any criterion, guideline, or measure established by appropriate authority for the purpose of making objective comparisons or determinations for such purposes, including, but not limited to, the classification of positions, establishment of pay, evaluation of qualifications, and appraisal of work performance.

Temporary appointment – a Career Service appointment effected as provided in Chapter 8 of these regulations that has a specific time limitation of one (1) year or less.

Toll - to delay, suspend or hold off the effect of a statute, regulation or rule.

With prejudice – mean without the ability to re-bring an action; for example, a grievance dismissed with prejudice cannot be reinitiated and the dismissal is final.

Supervisor – an individual who supervises another employee or his or her activities.

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

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2014 Repl.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 4209.2 of Chapter 42 (Home and Community-Based Services Waiver For Persons Who Are Elderly and Individuals with Physical Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Register (DCMR).

These emergency and proposed rules amend the previously published final rules governing reimbursement of providers of personal care services under the District of Columbia Home and Community-Based Waiver for persons who are elderly and individuals with physical disabilities by increasing the rates for services rendered by a personal care aide (PCA). These rules amend the previously published final rules by increasing the reimbursement rate by one dollar and twelve cents (\$1.12) per hour, or twenty eight (28) cents per fifteen (15) minute increment.

These rules adjust the rates paid to the provider to incorporate: (a) the benefits requirement under the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (Pub. L. No. 111-148, 124 Stat. 119), as amended, and supplemented by the Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub. L. No. 111-152, 124 Stat. 1029) and the District of Columbia Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code §§ 32-131.01 *et seq.* (2012 Repl.)) and (b) administrative costs following the recent review of the FY 2013 Home Health Agencies cost reports.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of beneficiaries who are in need of personal care aide services. A rate increase is necessary at this time to ensure that there is an adequate provider supply and to maintain continuity of care for beneficiaries who are receiving personal care aide services. To preserve beneficiaries' health, safety, and welfare, and to avoid any lapse in access to personal care aide services, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on November 3, 2015 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until March 2, 2016, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 42, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WHO ARE ELDERLY AND INDIVIDUALS WITH PHYSICAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 4209, REIMBURSEMENT RATES: PERSONAL CARE AIDE SERVICES, is amended as follows:

Subsection 4209.2 is amended to read as follows:

4209.2 Each Provider shall be reimbursed five dollars (\$5.00) per unit of service for allowable services in accordance with the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (Pub. L. No. 111-148, 124 Stat. 119), as amended, and supplemented by the Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub. L. No. 111-152, 124 Stat. 1029) and the District of Columbia Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code §§ 32-131.01 *et seq.*) and (b) administrative costs following the recent review of the FY 2013 Home Health Agencies cost reports as authorized in the approved plan of care, of which no less than three dollars and forty-five cents (\$3.45) shall be paid to the PCA to comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)).

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, 9th Floor, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

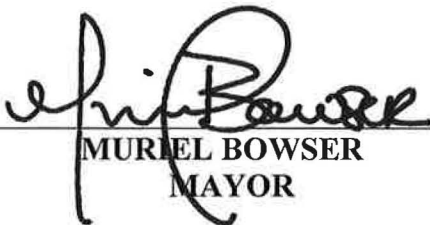
Mayor's Order 2015-237
November 13, 2015

SUBJECT: Delegation — Authority to Chief Financial Officer Pursuant to the Fiscal Year 2016 Tax Revenue Anticipation Notes Act of 2015

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790; Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2014 Repl.), and pursuant to section 13 of the Fiscal Year 2016 Tax Revenue Anticipation Notes Act of 2015, effective November 7, 2015 (D.C. Act 21-196), and as it may be further amended from time to time (hereinafter the "**Notes Act**"), it is hereby **ORDERED** that:

1. The Chief Financial Officer of the District of Columbia is delegated the authority vested in the Mayor pursuant to the Notes Act, to take any action, execute and deliver agreements, documents and instruments as required by or incidental to the issuance of any notes authorized by the Notes Act, perform any covenants contained in the Notes Act, and negotiate the sale of any notes pursuant to a purchase contract as authorized by the Notes Act, including any amendments to such agreements, documents, instruments, covenants or purchase contracts.
2. In the absence or disability of the Chief Financial Officer of the District of Columbia, the Deputy Chief Financial Officer and Treasurer of the District of Columbia is delegated the authority to execute the powers and duties delegated to the Chief Financial Officer as provided in this Order.
3. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to November 7, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2015-238
November 13, 2015

SUBJECT: Delegation — Procurement Authority to the Risk Officer


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) (2014 Repl.), and in accordance with section 3(a)(1) of the District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.83(a)(1)) (2012 Repl. and 2015 Supp.), it is hereby **ORDERED** that:

1. The Risk Officer, as administrator of the Captive Insurance Agency, is delegated the authority to exercise procurement authority for the Captive Insurance Agency in accordance with the provisions of section 3(a)(1) of the District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008 (D.C. Official Code § 1-307.83(a)(1)).
2. The Risk Officer may further delegate this authority to subordinates under his or her jurisdiction.
3. This Order supersedes any provision of any prior Mayor’s Order or Commissioner’s Order to the extent that any such provision is inconsistent with the provisions of this Order.
4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 24, 2013.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-239
November 13, 2015

SUBJECT: Delegation — Authority to the Director of the Department of Public Works Pursuant to the Winter Sidewalk Safety Amendment Act of 2014

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2014 Repl.), and pursuant to the Winter Sidewalk Safety Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-11; 61 DCR 13074) ("**the Act**"), it is hereby **ORDERED** that:

1. The Director of the Department of Public Works is delegated the Mayor's authority to implement and enforce the Act.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-240
November 16, 2015

SUBJECT: Appointment — State Superintendent of Education

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2014 Repl.), and pursuant to the State Superintendent of Education Hanseul Kang Confirmation Resolution of 2015, effective June 2, 2015, Res. 21-0110, it is hereby **ORDERED** that:

1. **HANSEUL KANG** is appointed State Superintendent of Education, Office of the State Superintendent of Education, and shall serve in that capacity for one term of four years to conclude on June 1, 2019.
2. This Order supersedes Mayor's Order 2015-105, dated March 27, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 2, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

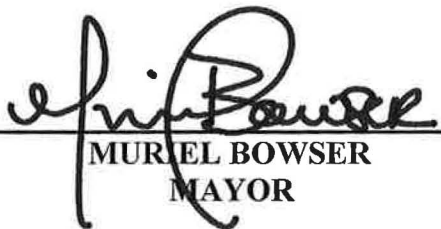
Mayor's Order 2015-241
November 16, 2015

SUBJECT: Appointment — Director, Department of Consumer and Regulatory Affairs

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2014 Repl.), and pursuant to the Director of the Department of Consumer and Regulatory Affairs Melinda Bolling Confirmation Resolution of 2015, effective July 14, 2015, Res. 21-0174, it is hereby **ORDERED** that:

1. **MELINDA BOLLING** is appointed Director, Department of Consumer and Regulatory Affairs, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-133, dated May 7, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 14, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2015-242
November 16, 2015

SUBJECT: Appointment — Chief, District of Columbia Fire and Emergency Medical Services Department

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2014 Repl.), and pursuant to the Chief of the Fire and Emergency Medical Services Department Gregory Dean Confirmation Resolution of 2015, effective July 14, 2015, Res. 21-0178, it is hereby **ORDERED** that:

1. **GREGORY DEAN** is appointed Chief, District of Columbia Fire and Emergency Medical Services Department, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor’s Order 2015-129, dated May 7, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 14, 2015.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-243
November 16, 2015

SUBJECT: Appointment — Chief Administrative Law Judge of the Office of Administrative Hearings


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, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2014 Repl.), and pursuant to the Chief Administrative Law Judge of the Office of Administrative Hearings Eugene Adams Confirmation Resolution of 2015, effective July 14, 2015, Res. 21-0179, it is hereby **ORDERED** that:

1. **EUGENE A. ADAMS** is appointed Chief Administrative Law Judge, Office of Administrative Hearings, and shall serve in that capacity for one term of six years, to conclude on July 13, 2021.
2. This Order supersedes Mayor's Order 2015-118, dated April 29, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 14, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2015-244
November 16, 2015

SUBJECT: Appointment — Director, Department of Parks and Recreation

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2014 Repl.), and pursuant to the Director of the Department of Parks and Recreation Keith Anderson Confirmation Resolution of 2015, effective July 14, 2015, Res. 21-0187, it is hereby **ORDERED** that:

1. **KEITH ANDERSON** is appointed Director, Department of Parks and Recreation and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-083, dated March 9, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 14, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

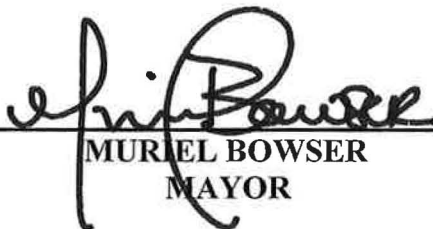
Mayor's Order 2015-245
November 16, 2015

SUBJECT: Appointment — Director, District of Columbia Child and Family Services Agency


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2014 Repl.), and pursuant to the Director of the Child and Family Services Agency Raymond Davidson Confirmation Resolution of 2015, effective July 14, 2015, Res. 21-0189, it is hereby **ORDERED** that:

1. **RAYMOND DAVIDSON** is appointed Director, District of Columbia Child and Family Services Agency, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-131, dated May 7, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 14, 2015.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-246
November 16, 2015

SUBJECT: Appointment — Director, Office of Disability Rights

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2014 Repl.), and pursuant to the Director of the Office of Disability Rights Alexis P. Taylor Confirmation Resolution of 2015, effective July 14, 2015, Res. 21-0190, it is hereby **ORDERED** that:

1. **ALEXIS P. TAYLOR** is appointed Director, Office of Disability Rights, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-134, dated May 7, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 14, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-247
November 16, 2015

SUBJECT: Appointment — Chief Procurement Officer, Office of Contracting and Procurement

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22(2) (2014 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2014 Repl.), and pursuant to the Chief Procurement Officer George Schutter Confirmation Resolution of 2015, effective July 14, 2015, Res. 21-0173, it is hereby **ORDERED** that:

1. **GEORGE SCHUTTER** is appointed Chief Procurement Officer, Office of Contracting and Procurement, and shall serve in that capacity for one term of five years to conclude on July 13, 2020.
2. This Order supersedes Mayor's Order 2015-130, dated May 7, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 14, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF PUBLIC MEETING****Board of Commissioners**

The Board of Commissioners of the District of Columbia Commission on the Arts and Humanities (DCCAH) will be holding a meeting on Thursday, November 19, 2015 at 3:30 p.m. The meeting will be held in the DCCAH Large Conference Room at 200 I Street, SE, Suite 1400, Washington, DC. Below is the draft agenda for this meeting. A final agenda will be posted to the DCCAH website at <http://dcarts.dc.gov/page/commissioner-meetings>.

For further information, please contact the front desk at (202) 724-5613.

DRAFT AGENDA

- | | | |
|-----|---|---------------------------|
| 1. | Public Comment Period | |
| 2. | Call to Order | Chairperson |
| 3. | Adoption of the Agenda | All Commissioners Present |
| 4. | Adoption of Minutes | All Commissioners Present |
| 5. | Chairperson's Report | Chairperson |
| 6. | Executive Director's Report | Executive Director |
| 7. | Office of the Poet Laureate | Poet Laureate |
| 8. | Art All Night Recap | |
| 9. | Board of Ethics and Government Accountability | BEGA Representative |
| 10. | Committee Reports | Respective Committees |
| 11. | Panel Recommendations | |
| 12. | Unfinished Business | All Commissioners Present |
| 13. | New Business and Announcements | All Commissioners Present |
| 14. | Adjournment | Chairperson |

DISTRICT OF COLUMBIA COMMISSION ON THE ARTS AND HUMANITIES**FY2016 MONTHLY MEETING SCHEDULE**

This notice outlines the schedule of the regular meetings of the Board of Commissioners of the District of Columbia Commission on the Arts and Humanities (DCCAHA). The meetings are held with an open public comment period, the public is encouraged to attend. The meetings are held at 200 I Street, SE, Suite 1400, Washington, DC. An agenda for each meeting will be posted on the DCCAHA website at <http://dcarts.dc.gov/page/commissioner-meetings>. Schedule is subject to change.

For further information, please contact the front desk at (202) 724-5613.

DATE	TIME	ROOM NUMBER
Thursday, October 22, 2015	3:30 PM	Suite 1400
Thursday, November 19, 2015	3:30 PM	Suite 1400
Thursday, December 17, 2015	3:30 PM	Suite 1400
Thursday, January 28, 2016	3:30 PM	Suite 1400
Thursday, February 25, 2016	3:30 PM	Suite 1400
Thursday, March 24, 2016	3:30 PM	Suite 1400
Thursday, April 28, 2016	3:30 PM	Suite 1400
Thursday, May 26, 2016	3:30 PM	Suite 1400
Thursday, June 23, 2016	3:30 PM	Suite 1400
Thursday, July 28, 2016	3:30 PM	Suite 1400
Thursday, September 23, 2016	3:30 PM	Suite 1400

DC COMMISSION ON THE ARTS AND HUMANITIES**REQUEST FOR PROPOSALS****Celebrate the Creative Spark**

DC Commission on the Arts and Humanities seeks District-based arts organizations experienced in offering programming for children and youth to deliver arts workshops as part of a month-long celebration of the arts during National Arts in Education Month in March 2016.

Celebrate the Creative Spark! is designed to meet DCCA's goal of developing the creative capacity of children and youth in the city. Participating arts organizations will have the opportunity to build new relationships with schools and share the process and value of their work with them.

Workshops will take place in DC Public and Public Charter Schools across all eight wards of the city, and will reflect the process-driven activities done in arts classrooms that build the creative skills of students.

Requirements:

- Organizations should have a proven track record of offering high quality arts programming for children and youth;
- Organizations should be registered as not-for-profits in the District of Columbia;
- Organizations are required to attend an orientation meeting in order to understand the scope of the project; and
- Organizations are required to create a unit of three workshop lesson plans based on a creativity framework provided to them by DCCA.

Interested organizations are encouraged to contact David Markey at david.markey@dc.gov or (202) 671-1354 for more information by Monday, November 30, 2015.

BREAKTHROUGH MONTESSORI PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****COMMUNITY PLAY THINGS CLASSROOM MATERIALS**

Breakthrough Montessori Public Charter School is seeking a sole source procurement contract with vendor, Community Play Things. The contractor will provide Breakthrough Montessori Public Charter School with classroom furniture necessary for the functioning of the school and implementation of the Montessori program for \$75,000.00 the decision to offer sole source is based on Community Playthings' reputable source for Montessori classroom furniture and serve as leaders in creating durable and reliable classroom furniture. The Montessori program, to be implemented with fidelity, requires durable, high quality, furniture so students can explore during learning.

NIENHUIS THINGS CLASSROOM MATERIALS

Breakthrough Montessori Public Charter School is seeking a sole source procurement contract with vendor, Nienhuis USA. The contractor with provide Breakthrough Montessori Public Charter School with four sets of classroom materials for \$100,000.00. The decision to offer sole source is based on Nienhuis USA's reputation for long lasting durable materials and their current AMI endorsement.

DC SCHOLARS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Special Education Services**

DC Scholars Public Charter School is soliciting proposals for a company to provide the following services:

Counseling
Speech/Language Therapy
Occupational Therapy

Physical Therapy
Applied Behavior Analysis
Comprehensive Psychological Assessments

RFP POINT OF CONTACT (POC) INFORMATION

This RFP is being administered by the following DC Scholars point of contact. Bidders may obtain a full copy of the RFP guidelines and address any questions by contacting:

Clarence Pineda
Regional Director of School Operations
cpineda@scholaracademies.org

All communication regarding this RFP shall be delivered via **email only** (no telephone calls). Bidders should not communicate with any other DC Scholars employee or representative during the RFP process. Questions from bidders regarding the RFP will receive responses that will be communicated to all bidders as a group. Individual responses to each bidder will not be provided. The identity of the person asking the question will be removed.

Proposals are **due Monday, December 7, 2015 by 5:00pm EST** and should be **sent to:**

Jenn Barr Weiss
Deputy Director
jbarrweiss@scholaracademies.org

Documents attached to the proposal email should clearly indicate the **vendor's name**. Proposals not submitted to jbarrweiss@scholaracademies.org will not be considered.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

EDUCATION LICENSURE COMMISSION

REVISED NOTICE OF MEETING SCHEDULE

Pursuant to the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; 23 D.C. Reg. 8734; D.C. Official Code § 38-1301 *et seq.*), and the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), the Education Licensure Commission (“Commission”) hereby gives notice of a revision to the schedule for the Commission’s December 2015 Executive and Public meetings, which was last published in the D.C. Register on March 27, 2015.

The meeting, originally scheduled to take place on Thursday, December 3, 2015, has been rescheduled, as indicated below, to enable the Commission to participate in a local professional development conference scheduled for the same date and time:

DATE	START TIME	END TIME	LOCATION	MEETING TYPE	REASON FOR CLOSURE (if applicable)
December 10, 2015	9:30 AM	1:00 PM	810 First Street, NE 3 rd Floor Grand Hall B	Work Meeting (closed)	D.C. Official Code §§ 2-575(b)(1), (4), (12); 5 DCMR § A8204.1(c)

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

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION (OSSE)
WELLNESS AND NUTRITION SERVICES (WNS)**

NOTICE OF FUNDING AVAILABILITY (NOFA)

DC School Garden Grant (SGG)

Announcement Date: November 20, 2015

Request for Applications (RFA) Release Date: December 4, 2015

Pre-Application Question Period Ends: December 18, 2015

Application Submission Deadline: January 22, 2015

Background: The Office of the State Superintendent of Education (OSSE), Wellness and Nutrition Services (WNS) is soliciting applications for the DC School Garden Grant. The purpose of this grant is to increase the capacity and scope of DC school gardens as educational resources.

Eligibility: OSSE will accept applications from K-12 DC public schools and public charter schools participating in the HSA. Schools must have completed their 2015-2016 HSA School Health Profile to be eligible. Schools may receive this award up to three times in a five year period. OSSE will accept one application for each school campus, however an organization may submit up to four applications with four different schools. Applying schools must partner with a garden-based organization.

Award Period: The grant period is one (1) year beginning on March 14, 2016 and ending on March 13, 2017.

Available Funding for Award: The total funding available for this award period is \$200,000. Applicants may apply for an award amount of up to \$15,000 to fund new and active school garden/farm to school programs.

The RFA and all supporting documents will be available on November 20 at <http://grants.osse.dc.gov>. To receive more information or for a copy of this RFA, please contact:

Sam Ullery
School Garden Specialist
Wellness and Nutrition Services Division
DC Office of the State Superintendent of Education
sam.ullery@dc.gov

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

The District of Columbia Board of Elections hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 1B06, 3D07 and 7F07

Petition Circulation Period: **Monday, November 23, 2015 thru Monday, December 14, 2015**

Petition Challenge Period: **Thursday, December 17, 2015 thru Wednesday, December 23, 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**.

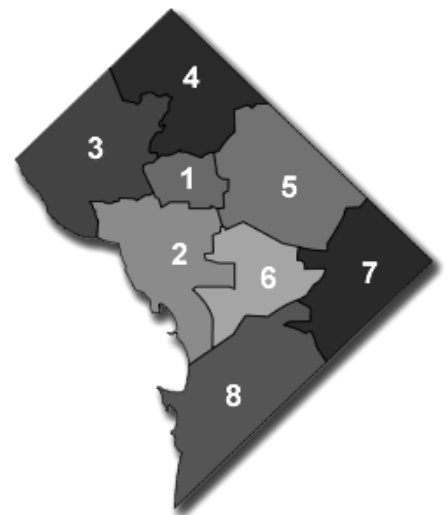
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of OCTOBER 31, 2015**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	40,330	2,600	678	136	113	10,559	54,416
2	26,374	5,140	200	173	93	9,409	41,389
3	33,971	6,226	346	129	87	10,099	50,858
4	44,626	2,111	498	77	117	8,299	55,728
5	47,689	2,028	541	86	143	8,280	58,767
6	49,034	6,168	487	183	151	12,114	68,137
7	44,992	1,182	396	33	109	6,322	53,034
8	41,106	1,142	359	27	129	6,654	49,417
Totals	328,122	26,597	3,505	844	942	71,736	431,746
Percentage By Party	76.00%	6.16%	.81%	.20%	.22%	16.61%	100.00%

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF OCTOBER 31, 2015**

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

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



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of OCTOBER 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,249	27	8	2	5	202	1,493
22	3,542	330	26	16	10	930	4,854
23	2,481	172	44	15	5	659	3,376
24	2,224	238	32	13	6	716	3,229
25	3,271	374	48	11	5	970	4,679
35	2,995	186	49	14	2	757	4,003
36	3,893	252	65	7	10	1,005	5,232
37	2,983	129	51	8	8	693	3,872
38	2,627	122	55	12	10	679	3,505
39	3,915	203	80	6	11	936	5,151
40	3,741	196	100	11	13	1,034	5,095
41	3,191	175	64	14	15	988	4,447
42	1,664	68	33	2	7	438	2,212
43	1,618	58	17	3	4	344	2,044
137	936	70	6	2	2	208	1,224
TOTALS	40,330	2,600	678	136	113	10,559	54,416

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of OCTOBER 31, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	724	162	10	10	9	477	1,392
3	1,417	361	18	8	10	630	2,444
4	1,555	452	5	13	3	688	2,716
5	1,868	570	10	13	6	667	3,134
6	2,056	821	20	8	15	1,127	4,047
13	1,137	217	6	3	0	364	1,727
14	2,516	410	18	15	7	822	3,788
15	2,642	323	21	20	10	783	3,799
16	3,219	381	21	15	10	813	4,459
17	3,924	540	33	25	9	1,205	5,736
129	2,041	330	14	14	4	775	3,178
141	1,986	253	14	16	8	572	2,849
143	1,289	320	10	13	2	486	2,120
TOTALS	26,374	5,140	200	173	93	9,409	41,389

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of OCTOBER 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,190	377	17	2	2	538	2,126
8	2,273	607	28	4	7	721	3,640
9	1,053	469	6	11	6	444	1,989
10	1,653	387	16	6	6	612	2,680
11	3,059	879	40	14	9	1,182	5,183
12	418	172	2	1	2	177	772
26	2,518	300	21	10	4	765	3,618
27	2,310	255	19	10	1	567	3,162
28	2,123	476	32	9	5	693	3,338
29	1,234	233	11	6	7	376	1,867
30	1,238	212	13	4	4	271	1,742
31	2,231	307	20	4	7	536	3,105
32	2,483	291	21	3	4	559	3,361
33	2,632	297	28	7	6	614	3,584
34	2,985	371	29	18	4	895	4,302
50	1,950	246	14	5	6	437	2,658
136	685	93	8	3	1	253	1,043
138	1,936	254	21	12	6	459	2,688
TOTALS	33,971	6,226	346	129	87	10,099	50,858

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of OCTOBER 31, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	1,986	66	29	7	4	366	2,458
46	2,616	81	37	5	10	501	3,250
47	2,812	145	36	4	11	689	3,697
48	2,565	128	29	6	4	515	3,247
49	773	45	15	0	4	183	1,020
51	3,098	505	25	6	5	602	4,241
52	1,206	164	4	0	2	207	1,583
53	1,137	67	20	1	5	230	1,460
54	2,226	76	24	1	5	443	2,775
55	2,312	72	18	3	9	415	2,829
56	2,817	86	33	7	7	600	3,550
57	2,272	68	36	6	12	423	2,817
58	2,096	50	17	4	4	338	2,509
59	2,441	85	28	7	6	393	2,960
60	1,930	65	20	4	4	565	2,588
61	1,468	49	11	1	2	244	1,775
62	3,030	114	27	2	3	350	3,526
63	3,291	120	51	2	10	614	4,088
64	2,152	61	17	8	4	309	2,551
65	2,398	64	21	3	6	312	2,804
Totals	44,626	2,111	498	77	117	8,299	55,728

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of OCTOBER 31, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	3,981	175	67	10	5	915	5,153
44	2,602	212	28	7	14	624	3,487
66	4,273	101	39	4	6	511	4,934
67	2,821	97	21	2	7	386	3,334
68	1,759	132	25	7	6	344	2,273
69	1,980	66	13	2	11	251	2,323
70	1,395	72	20	1	3	205	1,696
71	2,291	63	24	1	9	308	2,696
72	4,016	107	29	5	13	658	4,828
73	1,803	81	28	6	5	321	2,244
74	4,084	207	58	8	10	808	5,175
75	3,244	168	57	14	7	728	4,218
76	1,294	62	13	1	4	254	1,628
77	2,527	99	20	4	11	431	3,092
78	2,761	85	33	4	9	456	3,348
79	1,901	76	16	3	9	330	2,335
135	2,855	181	40	6	10	516	3,608
139	2,102	44	10	1	4	234	2,395
TOTALS	47,689	2,028	541	86	143	8,280	58,767

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of OCTOBER 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	3,864	445	42	14	9	1,030	5,404
18	4,357	318	41	16	11	960	5,703
21	1,124	60	13	3	1	261	1,462
81	4,346	351	40	9	17	874	5,637
82	2,393	239	29	11	9	555	3,236
83	4,148	509	35	17	8	1,083	5,800
84	1,869	409	21	6	7	513	2,825
85	2,606	491	23	14	9	697	3,840
86	2,062	253	26	6	7	449	2,803
87	2,627	234	19	3	11	535	3,429
88	2,040	272	14	4	8	488	2,826
89	2,417	622	23	13	5	721	3,801
90	1,542	249	13	6	9	458	2,277
91	3,831	371	37	17	14	924	5,194
127	3,712	273	48	15	8	763	4,819
128	2,233	199	32	8	7	601	3,080
130	721	283	7	3	2	260	1,276
131	1,793	427	11	14	5	569	2,819
142	1,349	163	13	4	4	373	1,906
TOTALS	49,034	6,168	487	183	151	12,114	68,137

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of OCTOBER 31, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,405	84	13	2	4	244	1,752
92	1,561	38	11	1	6	236	1,853
93	1,437	40	19	2	4	200	1,702
94	1,939	48	17	0	3	289	2,296
95	1,485	43	15	0	2	250	1,795
96	2,234	66	20	1	8	346	2,675
97	1,398	37	17	1	4	191	1,648
98	1,752	42	22	2	4	241	2,063
99	1,286	41	14	2	3	207	1,553
100	2,083	41	15	2	4	247	2,392
101	1,527	24	15	1	5	164	1,736
102	2,297	52	19	0	7	310	2,685
103	3,332	74	35	3	12	519	3,975
104	2,714	71	22	4	10	380	3,201
105	2,300	62	21	3	4	361	2,751
106	2,707	51	17	0	9	385	3,169
107	1,553	46	13	1	4	220	1,837
108	1,081	28	7	1	0	116	1,233
109	897	33	5	0	1	87	1,023
110	3,614	92	21	5	6	408	4,146
111	2,488	60	24	0	6	384	2,962
113	1,958	56	21	1	1	234	2,271
132	1,944	53	13	1	2	303	2,316
TOTALS	44,992	1,182	396	33	109	6,322	53,034

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of OCTOBER 31, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	1,943	56	10	0	7	278	2,293
114	2,983	103	24	1	18	502	3,631
115	2,638	64	19	8	6	592	3,327
116	3,735	93	35	3	11	584	4,461
117	1,867	44	18	0	7	303	2,239
118	2,463	59	25	0	4	395	2,946
119	2,694	103	34	0	11	516	3,358
120	1,787	33	16	2	3	280	2,121
121	2,965	68	26	1	9	429	3,498
122	1,537	38	14	0	8	211	1,808
123	1,980	100	25	5	11	299	2,420
124	2,357	54	15	1	3	316	2,746
125	4,114	97	31	2	9	671	4,924
126	3,257	104	31	2	11	601	4,006
133	1,179	34	10	0	2	158	1,383
134	1,939	37	21	1	3	269	2,270
140	1,668	55	5	1	7	250	1,986
TOTALS	41,106	1,142	359	27	129	6,654	49,417

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

For voter registration activity between 9/30/2015 and 10/31/2015

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	326,902	26,343	3,497	827	942	71,331	429,842
Board of Elections Over the Counter	40	4	0	0	1	8	53
Board of Elections by Mail	118	10	2	1	1	52	184
Board of Elections Online Registration	161	44	3	2	2	47	259
Department of Motor Vehicle	1,499	292	10	16	3	513	2,333
Department of Disability Services	2	0	0	0	0	0	2
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	0	0	0	0	0	0	0
Department of Human Services	9	1	0	0	0	2	12
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	24	4	0	0	0	17	45
+Total New Registrations	1,853	355	15	19	7	639	2,888

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	284	26	4	0	1	71	386
Administrative Corrections	8	0	4	0	15	255	282
+TOTAL ACTIVATIONS	292	26	8	0	16	326	668

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	209	27	2	1	0	65	304
Moved Out of District (Deleted)	39	8	2	0	0	15	64
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	126	13	0	0	0	15	154
Administrative Corrections	830	95	7	16	4	176	1,128
-TOTAL DEACTIVATIONS	1,204	143	11	17	4	271	1,650

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	446	74	10	20	5	158	
- Changed From Party	-167	-58	-14	-5	-24	-447	
ENDING TOTALS	328,122	26,597	3,505	844	942	71,736	431,746

DEPARTMENT OF ENERGY & ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP****2100 L Street, NW and 1050 21st Street, NW**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 2100 L Street, NW and 1050 21st Street, NW, Washington, DC 20036, is Stevens Investors, LLC, 601 13th Street NW, Suite 300N, Washington, DC 20005. The application identifies the presence of dry cleaning solvent and petroleum hydrocarbons diesel range organics in soil and groundwater. The applicant intends to re-develop the property into a multi-story Class A building.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-2A) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 1st Street, N.E., 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2015--037 in any correspondence related to this application.

**DEPARTMENT OF ENERGY & ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

GRANTS FOR

Lead Poisoning Prevention Outreach and Education (Amharic)

The Department of Energy and Environment (DOEE) seeks eligible entities to provide lead poisoning prevention education to the Amharic-speaking population and to increase the number of children under six years of age who are screened for possible lead exposure. The amount available for the project in this RFA is approximately \$30,000.00.

Beginning 11/20/2015, the full text of the Request for Applications (RFA) will be available online at DOEE's website. A person may obtain a copy of this RFA by any of the following means:

Download from DOEE's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the announcement for this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to RFA1524.LHHD@dc.gov with "Request copy of RFA 2015-1524-LHHD" in the subject line.

Pick up a copy in person from the DOEE reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Derrick Smith at (202) 654-6034 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Derrick Smith RE:2015-1524-LHHD" on the outside of the envelope.

The deadline for application submissions is 12/21/2015 at 5:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to RFA1524.LHHD@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;

For additional information regarding this RFA, write to: RFA1524.LHHD@dc.gov.

**DEPARTMENT OF ENERGY & ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

GRANTS FOR

Lead Poisoning Prevention Outreach Coordination

The Department of Energy and Environment (DOEE) seeks eligible entities, as defined below to: (1) increase the number of children screened for lead in FY 16 who are at high risk of lead exposure and live within targeted census tracts located in wards 3, 5 and 8; (2) improve those households' knowledge in the basics of lead poisoning prevention; and (3) assist households living in at-risk housing to obtain assistance in securing lead-safe homes.. The amount available for the project in this RFA is approximately \$40,000.00.

Beginning 11/20/2015, the full text of the Request for Applications (RFA) will be available online at DOEE's website. A person may obtain a copy of this RFA by any of the following means:

Download from DOEE's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the announcement for this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to leadoutreach.grants@dc.gov with "Request copy of RFA 2015-1522-LHHD" in the subject line.

Pick up a copy in person from the DOEE reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Sirila Ray at (202) 654-6037 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Sirila Ray RE:2015-1522-LHHD" on the outside of the envelope.

The deadline for application submissions is 12/21/2015 at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to leadoutreach.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations

-Faith-based organizations

-Universities/educational institutions

For additional information regarding this RFA, write to: leadoutreach.grants@dc.gov.

KIPP DC PUBLIC CHARTER SCHOOLS**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACT****Administrative Software Licenses**

KIPP DC intends to enter into a sole source contract with Deanslist for administrative technology licenses for its Deanslist software. The cost of this contract will be approximately \$25,000. The decision to sole source is due to the fact that this vendor is the exclusive provider of these licenses.

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

The Commission meeting will be on Tuesday, November 17, 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 October 27, 2015 - Action Item, Judge Weisberg.
2. Discussion and Approval of the Criminal Code Revision Project's Approach to Drafting General Provisions - Action Item, Richard Schmechel.
3. Next Meeting – December 19, 2015.
4. Adjourn

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-19**

Z.C. Case No. 14-19

**M Street Development Group, LLC and Square 772 Development Group, LLC
(Consolidated PUD and Related Map Amendment @ Square 772,
Lots 1, 2, 6, 7, 19, 801, and 802)
September 21, 2015**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on July 9, 2015, to consider applications for a consolidated planned unit development ("PUD") and related zoning map amendment filed by M Street Development Group, LLC and Square 772 Development Group, LLC (together the "Applicant"). The Commission considered the applications pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the applications.

FINDINGS OF FACT

The Applications, Parties, Hearings, and Post-Hearing Filings

1. On October 14, 2014, the Applicant filed applications with the Commission for consolidated review of a PUD and related map amendment from the C-M-1 Zone District to the C-3-C Zone District for property located at 300 M Street, N.E. (Lots 1, 2, 6, 7, 19, 801, and 802 in Square 772) (the "PUD Site").
2. The PUD Site is currently improved with a warehouse building and associated surface parking, and is surrounded by a variety of uses, including warehouses and charter school facilities to the north, residential uses to the east and south, and industrial and residential uses to the west. The Applicant proposes to raze the non-historic warehouse building and develop a new mixed-use building composed of retail and residential uses. The building will have a density of 6.21 floor area ratio ("FAR") and will include a total of approximately 418,798 square feet of gross floor area. Approximately 408,496 square feet of gross floor area will be devoted to residential use and approximately 10,302 square feet of gross floor area will be devoted to retail use. The building will include 416 residential units (plus or minus 10%) and a total of approximately 187 off street parking spaces located in a below-grade parking garage. The building will be constructed to a maximum height of 110 feet at its highest point, and will step down to approximately 80 feet and 50 feet from west to east.
3. By report dated January 30, 2015, the District of Columbia Office of Planning ("OP") recommended that the applications be set down. (Exhibit ["Ex."] 13.) At its public meeting held on February 9, 2015, the Commission voted to schedule a public hearing on the applications.
4. The Applicant submitted a prehearing statement on April 21, 2015 (Ex. 16-16I), and a hearing was timely scheduled for the matter. On May 5, 2015, the notice of public

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hearing was mailed to all owners of property located within 200 feet of the PUD Site, to Advisory Neighborhood Commission (“ANC”) 6C, the ANC in which the PUD Site is located, and to ANC 5D, the ANC located directly across the street from the PUD Site. A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on May 15, 2015.

5. At its regularly scheduled public meeting on June 10, 2015, for which notice was properly given and a quorum was present, ANC 6C voted 6-0-0 to support the applications. (Ex. 27.)
6. On June 19, 2015, the Applicant submitted a supplemental prehearing statement in response to comments raised by the Commission at the set down meeting. (Ex. 23-23C.) The supplemental prehearing submission included the following materials: (i) revised architectural plans and elevations with additional information regarding the roof plan and green roof area calculations; (ii) a traffic impact study prepared by Gorove/Slade Associates, Inc., the Applicant's traffic and transportation consultant; and (iii) a list of the proposed public benefits and project amenities for the PUD.
7. On June 29, 2015, OP, the District Department of Transportation (“DDOT”), and the District Department of Energy and Environment (“DOEE”) each submitted reports on the application. The OP report recommended approval of the applications and the requested areas of zoning flexibility, and provided a list of additional information to be submitted by the public hearing. (Ex. 25.) The DDOT report indicated no objection to the applications with the following conditions: (i) the Applicant provide annual bikeshare memberships to all residential tenants and retail employees for the first three years of the project; and (ii) the Applicant provide two additional long-term bicycle parking spaces for retail employees. (Ex. 26.) The DOEE report recommended approval of the applications with the following conditions: (i) meet or exceed the performance requirements of the DC Green Construction Code, and demonstrate a minimum 26% increase over ASHRAE 90.1-2007; (ii) incorporate renewable energy for a minimum of one percent of the building's energy use; (iii) exceed on-site stormwater management requirements or invest in the Stormwater Retention Credit Trading Program; and (iv) reduce the number of parking spaces.
8. The parties to the case were the Applicant and ANC 6C.
9. The Commission convened a public hearing on July 9, 2015, which was concluded that same evening. At the hearing, the Applicant presented four witnesses in support of the applications: Berkeley Shervin on behalf of the Applicant, Sophia Lau of Hickok Cole Architects, Erwin Andres of Gorove/Slade Associates, Inc., and Jeff Lee of Lee and Associates Landscape Architecture. Based upon their professional experience and qualifications, the Commission qualified Erwin Andres as an expert in transportation planning and engineering, and Jeff Lee as an expert in landscape architecture.

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10. At the public hearing, the Applicant submitted to the record its responses to each of the comments raised by OP, DDOT, and DOEE, and a draft list of proposed proffers and conditions for the PUD. (Ex. 32A, 32B.)
11. Stephen Cochran, Development Review Specialist with OP, testified in support of the applications at the public hearing. Evelyn Israel, Transportation Planner with DDOT, also testified in support of the applications. Jay Wilson, program analyst with DOEE, testified in support of the applications and recommended that the Applicant study whether it could incorporate more renewable energy and energy efficient systems into the building, and whether the building could achieve LEED-Gold certification.
12. Commissioner Tony Goodman of ANC 6C06 testified in support of the applications. Commissioner Goodman noted that the Applicant had met with the ANC on numerous occasions, and that the ANC appreciates the design of the building with individual units, private areas, opportunities for urban agriculture, and height step-downs that relate to the context of the neighborhood. Commissioner Goodman also requested that the Applicant provide more affordable housing and reduce the number of proposed off-street parking spaces.
13. The record was closed at the conclusion of the hearing except to receive additional submissions from the Applicant, as requested by the Commission, and to receive the Applicant's proposed Findings of Fact and Conclusions of Law.
14. On July 16, 2015, the Applicant submitted the following additional information, as requested by the Commission at the public hearing: (i) a revised roof plan showing a 1:1 setback of the raised pool deck on the 12th level of the building and a 1:1 setback of the northern-most roof structure on the 9th level of the building; (ii) an explanation of the Applicant's further conversations with DOEE and its increased sustainability commitment; (iii) an explanation of the mix and location of Inclusionary Zoning ("IZ") units in the building, and a revised subsidy for some of the IZ units; (iv) confirmation of the increase in the amount of financial contribution to Two Rivers Public Charter School and Planned Parenthood, and an additional contribution to Playable Art DC; (v) an elevation of the north end penthouse wall facing 4th Street; and (vi) a revised statement regarding the flexibility requested for the exterior building materials. (Ex. 35-35C.)
15. On July 30, 2015, the Commission held a special meeting to review the additional materials submitted by the Applicant. At the close of the meeting, the Commission took proposed action to approve the applications. The proposed action was referred to the National Capital Planning Commission ("NCPC") on July 30, 2015, pursuant to § 492 of the Home Rule Act.
16. On August 6, 2015, the Applicant submitted its list of final proffers and draft conditions. (Ex. 38.)

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17. The Executive Director of NCPC, by delegated action dated August 28, 2015, found that the proposed PUD and related map amendment would be inconsistent with the Comprehensive Plan for the National Capital and other identified federal interests, “due to a minimal violation of the penthouse setback requirements of the Act to Regulate the Height of Buildings in the District of Columbia.” (Ex. 41.)
18. On September 8, 2015, the Applicant submitted a response to NCPC’s delegated action. The response included a revised plan sheet showing revisions to the building’s northernmost penthouse design to address NCPC’s comments regarding the setback of the penthouse, and its compliance with the Height Act. The Applicant’s September 8th submission also provided additional information (and a revised drawing sheet) regarding the proposed mural on the north elevation of the building in response to the Commission’s comments when it took proposed action. (Ex. 40-40B.) The Commission finds that the revised penthouse design complies with the Height Act, and addresses the concern raised by NCPC in the delegated action. The Commission believes that the Applicant adequately addressed its concerns about the mural.
19. The Commission took final action to approve the PUD on September 21, 2015.

The PUD Site and Surrounding Area

20. The PUD Site is located at 300 M Street, N.E., more specifically described as Lots 1, 2, 6, 7, 19, 801, and 802 in Square 772. Square 772 is located in the northeast quadrant of the District and is bounded by N Street to the north, 4th Street to the east, M Street to the south, and 3rd Street to the west. The PUD Site has a combined land area of approximately 67,446 square feet, with approximately 329 linear feet of frontage on M Street, N.E., approximately 270 linear feet of frontage on 3rd Street, N.E., and approximately 150 linear feet of frontage on 4th Street, N.E.
21. The PUD Site is currently improved with a warehouse building and associated surface parking. The PUD Site is surrounded by a variety of uses, including warehouses and charter school facilities to the north, residential uses to the east and south, and industrial and residential uses to the west. The PUD Site is in close proximity to multiple public transportation options, including the NoMa-Gallaudet Metrorail Station, which is located one block away from the PUD Site, as well as numerous Metrobus routes.
22. The PUD Site is presently zoned C-M-1. The Applicant is seeking to rezone the PUD Site to the C-3-C Zone District in connection with this application. The requested map amendment is consistent with the Comprehensive Plan's Future Land Use Map designation of the PUD Site as mixed-use: Medium-Density Commercial, Medium-Density Residential, and Production, Distribution, and Repair. The requested map amendment is also consistent with the Comprehensive Plan's Generalized Policy Map

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designation of the PUD Site as a Land Use Change Area, and is also consistent with the NoMa Small Area Plan's recommendations for the PUD Site.

Existing and Proposed Zoning

23. The PUD Site is currently zoned C-M-1. The C-M Zone Districts are "intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive districts." (11 DCMR § 800.1.) The Zoning Regulations note that "[h]eavy truck traffic and loading and unloading operations are expected to be characteristic of C-M Districts." (11 DCMR § 800.2.) The C-M-1 Zone District prohibits residential development except as otherwise specifically provided. (11 DCMR § 800.4.) As a matter of right, property in the C-M-1 Zone District can be developed with a maximum FAR of 3.0. (11 DCMR § 841.1.) The maximum permitted building height in the C-M-1 Zone District is 40 feet and three stories. (11 DCMR § 840.1.)
24. The Applicant proposes to rezone the PUD Site to C-3-C in connection with this application. The C-3-C Zone District permits medium-high density development, including office, retail, housing, and mixed-use development. (11 DCMR § 740.8.) The C-3-C Zone District permits a maximum building height of 90 feet with no limit on the number of stories. (11 DCMR § 770.1.) In the C-3-C Zone District, the maximum permitted density of all buildings and structures on a lot cannot exceed 6.5 FAR for any permitted use, but density of 8.0 FAR is permitted for projects subject to the Inclusionary Zoning regulations. (11 DCMR § 771.2 and § 2604.1.) The maximum percentage of lot occupancy in the C-3-C Zone District for all uses is 100%. (11 DCMR § 772.1.) Rear yards in the C-3-C Zone District must have a minimum depth of two and one-half inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. (11 DCMR § 774.1.) Pursuant to § 774.11 of the Zoning Regulations, in the case of a through lot or a corner lot abutting three or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure. A side yard is generally not required in the C-3-C Zone District; however, when a side yard is provided, it must have a minimum width of two inches per foot of height of building, but not less than six feet. (11 DCMR § 775.5.)
25. The parking and loading requirements for buildings are based upon the proposed use of the property. For example, an apartment house or multiple dwelling in the C-3-C Zone District requires one parking space for each four dwelling units. (11 DCMR § 2101.1.) Retail or service establishments in excess of 3,000 square feet are required to provide one parking space for each additional 750 square feet of gross floor area. (*Id.*) An apartment house or multiple dwelling with 50 or more units in all zone districts is required to provide one loading berth at 55 feet in depth, one loading platform at 200 square feet, and one

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service/delivery space at 20 feet in depth. (11 DCMR § 2201.1.) A retail or service establishment with 8,000 to 20,000 square feet of gross floor area must provide one loading berth at 30 feet in depth, one loading platform at 100 square feet, and one service/delivery loading space at 20 feet in depth. (*Id.*)

26. Consistent with the C-3-C development parameters, the Applicant will develop the PUD Site with a mix of residential and retail uses. A tabulation of the PUD's development data is included on Sheet A-02 of the Architectural Plans and Elevations ("Plans"). (Ex. 23A1.)

Description of the PUD Project

27. As shown on the Plans, the Applicant is seeking consolidated PUD approval and a zoning map amendment to develop a mixed-use residential and retail development in the NoMa District. The building will have an overall density of 6.21 FAR and will include a total of approximately 418,798 square feet of gross floor area. Approximately 408,496 square feet of gross floor area will be devoted to residential use and approximately 10,302 square feet of gross floor area will be devoted to retail use. The building will include 416 residential units (plus or minus 10%) and a total of approximately 187 off street parking spaces located in a below-grade parking garage. The building will be constructed to a maximum height of 110 feet at its highest point, and will step down to approximately 80 feet and 50 feet from west to east.
28. The project is located in a context that varies in use and scale, including Uline Arena to the southwest, recent large-scale NoMa developments to the west, the Union Market and Gallaudet University to the north, and residential uses to the southwest. The project is sensitive to its varied context and responds in size, form, and in its use of materials. The building steps down significantly in height towards the east where the context is more residential. The program consists of market-rate and affordable dwelling units, a ground level that is programmed with retail and residential uses that activate the street, and two levels of parking below grade. The project is located one block away from the NoMa-Gallaudet Metro Station and provides residents with ample, secure bicycle parking. Parking and loading access is located along the rear alleys to the north of the PUD Site, which will divert vehicular traffic away from the residential uses at M and 4th Streets.
29. The building responds to the PUD Site in its elegant expression and rich palette of materials. The base of the building brings the overall scale down at the street level. The building will be brick and glass to maintain a sense of openness and connectivity to the streetscape. The artisanal brick will pay homage to the light-industrial history of the neighborhood but simultaneously be detailed and designed to feel residential and contemporary. Along 3rd Street, N.E., the brick frames and glass retail storefronts are broken down into small retail bays. Along the western portion of M Street, the building takes on the form of a low-rise multifamily building, and to the east of M Street and 4th Street, the building's modules are even smaller to express a townhouse form as walk-up

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- units. The walk-up units are punctuated by projecting glass bays that will enliven and activate the streetscape with their residential presence. Directly above the building's middle volume on M Street, the building further scales the façade height down and the light metal panels allow it to have a softer presence. The building announces itself with its corner entry at 3rd and M Streets diagonally across from the Uline Arena, and steps back from the property line along portions of M Street. Along the length of this volume are inset balconies carved from the mass that stagger between the uppermost two floors. The volume on 3rd Street, across from Central Armature Works, has 10 floors of residential units above the retail base. This portion of the building faces the urban side of the PUD Site, where it relates to the large-scale development to the west. The façade is a high quality precast concrete panel system that looks like stone and is punctuated by inset balconies and windows.
30. The Applicant will pursue LEED-Gold certification for the building and will integrate a host of sustainable features, including green roofs, street-level stormwater collection, bioretention planting areas, sustainable materials, street and interior bike parking, electric car-charging stations in the parking levels, and energy-efficient building design and systems, including photovoltaic ("PV") panels to achieve one percent renewable energy for the building. If the Applicant is unable to achieve one percent renewable energy, it will instead demonstrate a minimum 26% savings relative to the appropriate baseline for the project as defined by ASHRAE 90.1-2007 Appendix G - Performance Rating Method and following the LEED v2009 EAp2: Minimum Energy Performance calculation methodology.
31. The organization of the ground-floor program will provide a sense of neighborhood activity and security at the street level. The residential entrance is located at the corner of 3rd and M Streets. There will be a concierge at the reception desk immediately inside with visual access to the sidewalk leading to the NoMa Metrorail station. This will provide a street presence with eyes on M Street 24 hours a day. The street-level program varies in accordance with the context. Neighborhood retail storefronts are concentrated on 3rd Street, which are intended to be activated by local retail and restaurants that will have outdoor seating. A neighborhood linear park located at M Street between 3rd Street and Abbey Place will have plantings, special paving, grouped seating for socializing, and appropriate lighting. Along M Street and to the east of Abbey Place, the project transitions to a much more residential, townhouse vernacular. These walk-up units will have individual ground-floor entries that relate to the immediate surrounding residential neighborhood. The overall streetscape will be a lush, accessible amenity shared and enjoyed by the entire neighborhood.
32. The project will at a minimum comply with the Inclusionary Zoning Regulations set forth in Chapter 26 of the Zoning Regulations, which require that eight percent of the residential gross floor area of the project be set-aside for households earning up to 80% of the area median income ("AMI"). As indicated in the IZ Calculation Chart shown below, the

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Applicant will set aside no less than eight percent of the residential gross floor area, as computed by DCRA’s Certificate of Inclusionary Zoning Compliance (“CIZC”) Form, to IZ units (approximately 32,680 square feet of gross floor area and 35 units). Within that eight percent, approximately 26,993 square feet of gross floor area (28 units) will be devoted to households earning up to 80% of the AMI, and approximately 5,687 square feet of gross floor area (seven units) will be devoted to households earning up to 50% of the AMI.

Residential Unit Type	GFA/Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	408,496 sf GFA (100%)	416 units (plus or minus 10%)	Market, IZ	N/A	N/A
Market Rate	375,816 sf GFA (92%)	381	Market Rate	N/A	N/A
IZ	5,687 sf GFA (1.4%)	7	50% AMI	For the life of the project	rental
IZ	26,993 sf GFA (6.6%)	28	80% AMI	For the life of the project	rental

Zoning Flexibility

33. The Applicant requested the following areas of flexibility from the Zoning Regulations as discussed below.
34. ***Flexibility from the Loading Requirements.*** Pursuant to § 2201.1 of the Zoning Regulations, the Applicant is required to provide the following loading facilities: one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep. Due to the proposed uses for the building and the anticipated needs of the building residents, the Applicant is seeking flexibility to provide two loading berths at 30 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep.
35. The Commission finds that the Applicant’s requested flexibility to provide two 30-foot deep loading berths rather than a 55-foot-deep loading berth is appropriate and reasonable for the project. The Applicant cannot fit a 55-foot berth on the PUD Site, accessed from the public alley, because doing so would interfere with the location of the ramp to the parking garage, service corridors, and egress pathways. Moreover, given the nature and size of the residential units, it is unlikely that the building will be served by 55-foot

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trucks. The loading areas will be used by the residents when they move in or out of the building, and any other use by residents will be infrequent and can be restricted to times which pose the least potential conflict with retail users. Therefore, the Commission finds that the proposed loading facilities will accommodate the uses in the building, and thus approves the requested loading flexibility.

36. ***Flexibility from the Side Yard Requirements.*** A side yard is generally not required in the C-3-C Zone District; however, when a side yard is provided, it must have a minimum width of two inches per foot of building height, but not less than six feet. (11 DCMR § 775.5.) Given that the PUD Site has frontage on three streets, for zoning purposes, the front of the building is on 4th Street, N.E., the rear of the building is on 3rd Street, N.E., and the side lot lines are along the existing public alley to the north of the site and along M Street, N.E. As shown on the Plans, the building is set back 11'6" from the northern side lot line to increase the width of the public alley to provide sufficient space for vehicular and truck access to the PUD Site, and to locate the proposed utility vaults in private space consistent with DDOT's policy. This setback results in the creation of a side yard which measures 11'6" in width, instead of the required width of 18'4".
37. The Commission finds that setting the building back an additional 6'10" for the full height of the building would adversely impact the design and layout of the building. For example, a setback of 18'4" would create an exorbitantly wide alley entrance, allowing an unfettered view of the rear of the buildings beyond. Additionally, the larger setback would require the repositioning of the building's square footage to the portion of the building along M Street, which would increase building height closest to the existing townhouses. Moreover, the Commission finds that the requested side yard flexibility will not have any adverse impacts on any adjacent uses since the portion of the proposed building adjacent to the side yard is more than 24 feet away from the PUD Site's northern property line.
38. ***Flexibility from the Roof Structure Requirements.*** The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because: (i) there will be multiple roof structures; (ii) the roof structures in certain locations cannot reasonably be set back from all walls a distance equal to their height above the roof; and (iii) two roof structures will have walls of unequal height. The building includes one roof structure on the roof of the 9th level of the building, and two roof structures on the 12th level of the building. The roof structure on the 9th level is 16 feet in height and is set back at least 1:1 from all edges of the roof. The northern roof structure on the 12th level of the building has multiple heights to achieve the 1:1 setback along the northern edge of the building (11'3" and 18'6"), and setback relief is necessary since this structure does not meet the 1:1 setback along the building's eastern and court-side walls. The southern roof structure on the 12th level of the building has a height that steps from 16' to 18'6", and meets the setback requirement from all street frontages. However, relief is required since this roof structure is adjacent to an interior courtyard and has multiple heights. In addition,

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flexibility is required for the pool handrail and adjacent shading structures on the 12th level of the building, which are not set back 1:1 from the interior courtyard walls. The handrail is 42" above the pool deck and the shading structure has a height of 9'6" above the pool deck.

39. The Commission finds that each roof structure is a necessary feature of the building and has been designed to minimize and adverse impacts. The structures are separated due to the Building Code requirement for separation of egress, as well as the desire to break up massing on the roof. The structures require setback relief only along the internal courts and along the alley to the east, and otherwise meet the setback requirements from all street frontages. The Commission finds that the location and number of roof structures is driven by the layout and design of the residential units, and that the Applicant is providing the greatest possible setbacks, given the size of the roofs and the internal configuration of the building. The Commission also finds that each element of the roof has been located and designed to minimize its visibility. The location and number of structures are driven by the layout and design of the residential units. Therefore, the Commission concludes that the intent and purposes of the Zoning Regulations will not be materially impaired by the proposed roof structures, and that the light and air of adjacent buildings will not be adversely affected by granting this flexibility.

Development Flexibility

41. The Applicant also requests flexibility in the following additional areas:
- a. To be able to provide a range in the number of residential units of plus or minus 10%;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;
 - c. To vary the number, location, and arrangement of parking spaces, and the number of parking garage levels, provided that the total number of parking spaces is not reduced below the minimum number required by the Zoning Regulations;
 - d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, including window frames, doorways, railings, and trim; and other changes to comply with applicable District of Columbia laws and regulations that are necessary to obtain a final building permit;

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- e. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the building does not decrease below the LEED-Gold designation;
- f. To vary the location and number of PV panels so long as the panels achieve a 1:1 setback from all exterior walls and one percent renewable energy for the building. In the alternative, if the Applicant is unable to achieve one percent renewable energy for the building, flexibility to instead demonstrate a minimum 26% savings relative to the appropriate baseline for the project as defined by ASHRAE 90.1-2007 Appendix G - Performance Rating Method and following the LEED v2009 EAp2: Minimum Energy Performance calculation methodology;
- g. To vary the location and design of the ground-floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including those of the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use; and
- h. To vary the final selection of exterior signage on the building consistent with the Building Code.

Project Benefits and Amenities

- 42. Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a)). The building will have a positive impact on the visual and aesthetic character of the immediate neighborhood and will further the goals of urban design while enhancing the streetscape. The project is sensitive to its varied context and responds in size, form, and in its use of materials. The organization of the ground floor provides a sense of neighborhood activity and security at the street level, and the overall project involves a significant amount of landscape, garden, and open space features.
- 43. Housing and Affordable Housing (11 DCMR § 2403.9(f)). The Applicant will develop a total of approximately 408,496 square feet of gross floor area for new housing. Of the housing, a minimum of eight (approximately 32,680 square feet of gross floor area and 35 units) will be devoted to IZ units. Within that eight percent, approximately 26,993 square feet of gross floor area (28 units) will be devoted to households earning up to 80% of the AMI, and approximately 5,687 square feet of gross floor area (seven units) will be devoted to households earning up to 50% of the AMI. Given that the PUD Site's existing zoning does not permit any residential use as a matter of right, all of the housing and affordable housing proposed for the PUD Site is treated as a project amenity pursuant to 11 DCMR § 2403.9(f).
- 44. Environmental Benefits (11 DCMR § 2403.9(h)). The Applicant will ensure environmental sustainability through the implementation of sustainable design features and strategies to enhance the sustainable nature of the PUD Site's mixed-use, transit-rich

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location and to promote a healthy lifestyle for the project's residents. The project provides a host of environmental benefits consistent with the recommendations of 11 DCMR § 2403.9(h), and the building will achieve LEED-Gold certification under the United States Green Building Council ("USGBC") LEED for New Construction v2009. The project will integrate many sustainable features, including green roofs, street-level stormwater collection/bioretenion planting areas, sustainable building materials, street and interior bike parking, provisions for electric car-charging stations in the parking garage, and an energy efficient building design and systems. The project will dedicate rooftop space to accommodate an apiary/bee hive, and will also incorporate PV panels to achieve one percent renewable energy for the building. If the Applicant is unable to achieve one percent renewable energy, it will instead demonstrate a minimum 26% savings relative to the appropriate baseline for the project as defined by ASHRAE 90.1-2007 Appendix G - Performance Rating Method and following the LEED v2009 EAp2: Minimum Energy Performance calculation methodology.

45. Transportation Benefits (11 DCMR §2403.9(c)). The Applicant incorporated a number of elements designed to promote effective and safe vehicular and pedestrian access to the PUD Site, convenient connections to public transit services, and onsite amenities such as bicycle parking and sufficient vehicular parking. The Applicant will undertake the following improvements:
- a. Widen by permanent easement the east-west alley located along the northern property line from 14.75' x 149.8' to 24' x 149.8', as shown on Sheets C01 and C07 of the Plans, which constitutes a significant improvement and will facilitate safe vehicular movement; (Ex. 23A6.)
 - b. Eliminate a total of eight existing curb cuts along the north side of M Street, the east side of 3rd Street, and the west side of 4th Street, which will restore approximately 265 linear feet of curb face for public parking;
 - c. Request that DDOT remove the existing "Police Parking Only" spaces located on the east side of 3rd Street, adjacent to the PUD Site, which will result in the return of curb-side space to public on-street parking; and
 - d. Furnish and install approximately 16 bicycle racks at the street level for public use. A minimum of two of the 16 bike racks will be installed along M Street.
46. The Applicant will implement the following transportation demand management ("TDM") strategies:
- a. Designate a TDM Coordinator to be responsible for organizing and marketing the TDM plan and serving as a point of contact with DDOT;

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- b. Price all on-site parking at market rates at minimum, defined as the average cost for parking in a quarter-mile radius from the PUD Site. All residential parking will be unbundled from the cost of leasing apartments or purchasing condos;
 - c. Provide bicycle parking that meets the existing regulatory minimums. Include a bicycle maintenance area in the bicycle room with a bike pump and toolset;
 - d. Display an electronic message board in the residential lobby of the building that provides information on public transportation and other alternative transportation modes;
 - e. Include in its residential leases a provision that prohibits tenants from obtaining a Residential Parking Permit ("RPP") from the D.C. Department of Motor Vehicles ("DMV"), under penalty of lease termination;
 - f. Distribute move-in transportation welcome packets to each resident upon move-in. The packets will include information such as:
 - i. Promotion for DDOT's goDCgo website;
 - ii. Brochures on carsharing, ridesharing, and bikesharing programs;
 - iii. Tips on smartphone applications and websites to use to navigate public transportation options;
 - iv. Maps for nearby bicycle routes and lanes;
 - v. Maps for Metrorail, Metrobus and DC Streetcar routes; and
 - vi. Information on how to efficiently maintain cars to maximize fuel efficiency; and
 - g. Offer an annual Capital Bikeshare membership to all initial renters of each residential unit and to the first 20 retail employees of the retailers in the building for the first three years that the project is open.
47. Employment Benefits (11 DCMR § 2403.9(j)). The Applicant will submit to the Department of Consumer and Regulatory Affairs ("DCRA") a First Source Employment Agreement executed by the Applicant, consistent with the First Source Employment Agreement Act of 1984 and the Apprenticeship Requirements Amendment Act of 2004, and in substantially the same form as the First Source Employment Agreement included in the record at Exhibit 16I.

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48. Uses of Special Value to the Neighborhood and the District of Columbia as a Whole (11 DCMR § 2403.9(I)). The Applicant will make the following contributions:
- a. Spend up to \$50,000 for the installation of public art on M Street at the terminus of Abbey Place;
 - b. Contribute \$20,000 to Two Rivers Public Charter School for the relocation of concrete benches and sidewalk repair;
 - c. Contribute \$10,000 to Planned Parenthood of Metropolitan Washington for the purpose of purchasing furniture and equipment for the organization's community room;
 - d. Contribute \$25,000 to Playable Art DC, a play and place-making initiative in partnership with OP and the District Department of Parks and Recreation ("DPR"), which brings innovative art-based play spaces to neighborhoods with underserved park space in the District through a design competition. The \$25,000 contribution will be made to a new Playable Arts DC site at one of the following locations: 1200 block of 4th Street, N.E.; the corner of N Street and Florida Avenue, N.E.; or along the Metropolitan Branch Trail between M Street and L Street;
 - e. Contribute \$50,000 to WMATA for the installation of two additional fare gates/turnstiles at the M Street exit of the NoMa Metrorail station to increase capacity during rush hour;
 - f. Install the following improvements adjacent to the PUD Site's property line on the north side of M Street, the east side of 3rd Street, and the west side of 4th Street:
 - i. Replace the sidewalk with a new granite curb and gutter. Paving will include upgraded accent bands and granite cobble pavers, subject to DDOT approval;
 - ii. Plant approximately 20 new canopy trees and 20 new ornamental trees;
 - iii. Install planters and trash receptacles for public use;
 - iv. Install Washington Globe street lights and other street level lighting; and
 - v. Install bioretention planters along the north side of M Street; and
 - g. Expend up to \$140,000 to make the following off-site improvements:

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- i. Demolish the existing sidewalk at the south side of the 300 block of M Street and replace it with a new sidewalk, curb, and gutter, in compliance with DDOT standards and specifications. The new sidewalk will be brick to match the existing condition;
- ii. Replace existing street lights with NoMa's standard Washington Globe fixtures at the following locations: (a) on the south side of the 300 block of M Street; (b) Abbey Place; (c) 1100 block of 3rd Street – East Side Only; (d) 1100 block of 4th Street; (e) 400 block of M Street. Replacement of fixtures is subject to availability and adequate capacity of existing street light electrical infrastructure; and
- iii. The \$140,000 will be allocated first to the work identified in paragraph (i), and any remaining proceeds will then be allocated to the work in paragraph (ii).

Comprehensive Plan

49. The Commission finds that the PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The PUD significantly advances these purposes by promoting the social, physical, and economic development of the District through the provision of a high-quality residential development with ground-floor retail on the PUD Site, without generating any adverse impacts. The project will create new neighborhood-serving retail opportunities to meet the demand for basic goods and services, and will promote the vitality, diversity, and economic development of the surrounding area.
50. The District of Columbia Comprehensive Plan Future Land Use Map designates the PUD as mixed-use: Medium-Density Commercial, Medium-Density Residential, and Production, Distribution, and Repair land use category.
51. The Medium-Density Commercial category is used to define areas where buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The C-2-B, C-2-C, C-3-A, and C-3-B Zone Districts are generally consistent with this land use category, although other zones may apply in some locations.
52. The Medium-Density Residential designation is used to define neighborhoods or areas where mid-rise (four-to-seven stories) apartment buildings are the predominant use. Pockets of low- and moderate-density housing may exist within these areas. The Medium-Density Residential designation also may apply to taller residential buildings

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surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone Districts are generally consistent with the medium-density designation, although other zones may apply in some locations.

53. The PDR category is used to define areas characterized by manufacturing, warehousing, wholesale and distribution centers, transportation services, food services, printers and publishers, tourism support services, and commercial, municipal, and utility activities which may require substantial buffering from noise, air pollution, and light-sensitive uses such as housing. The PDR designation is not associated with any industrial zone and therefore permits a building height of up to 90 feet with 6.0 FAR.
54. The Commission finds that although the C-3-C Zone District is not specifically listed among the corresponding land use categories for the PUD Site's applicable designations, the C-3-C Zone District designation is not inconsistent with the Future Land Use Map. The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. (10A DCMR § 226.1(a); Z.C. Order No. 11-13; Z.C. Order No. 10-28; Z.C. Order No. 14-08.) Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. (*Id.*) By definition, the Map is to be interpreted broadly. (*Id.*) Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through planned unit developments) may result in heights that exceed the typical ranges cited here. (*Id.* at § 226.1(c).) The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. (*Id.* at § 266.1(d).) Therefore, the Commission finds that the proposed map amendment is not inconsistent with the Future Land Use Map.
55. The Commission further finds that in evaluating the map amendment, the PUD Site should be viewed as a whole, not as a specific parcel. The Commission notes that when taken in context with the surrounding neighborhood, the PUD Site is in the center of a highly dynamic area that is quickly expanding and growing taller. The proposed C-3-C zoning classification will enable the PUD Site to be developed as a mixed-use development built to a maximum density of approximately 6.21 FAR, which is consistent with the amount of density permitted in medium density commercial zones. For example, the C-2-C Zone District permits 6.0 FAR as a base and up to 7.2 FAR utilizing the IZ bonus. The proposed building will be constructed to a maximum height of 110 feet at its highest point, and will step down to approximately 80 feet and then to 50 feet from west to east, along M Street. This range of heights is consistent with the medium-density classification and the PDR designation and is appropriate given the location of the PUD Site.

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56. The District of Columbia Comprehensive Plan Generalized Policy Map designates the PUD Site in a Land Use Change Area category. The guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and to promote the adaptive reuse of existing structures. Many of the Land Use Change Areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks, and civic facilities. As Land Use Change Areas are redeveloped, the District aspires to create high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods.
57. The Commission finds that the proposed rezoning and PUD redevelopment of the PUD Site is consistent with the policies indicated in the Land Use Change Area. The existing C-M-1 Zone District is inconsistent with the Policy Map's designation of the PUD Site since C-M Zone Districts are "intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive districts." (11 DCMR § 800.1.) In contrast, the proposed mix of new residential and retail uses in the project will help to improve the overall neighborhood fabric and bring new residents and retail uses to the area.
58. The Commission finds that the PUD is also consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as discussed in the paragraphs below.
59. ***Managing Growth and Change.*** In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and non-residential uses. The Comprehensive Plan also states that redevelopment and infill opportunities along corridors are an important part of reinvigorating and enhancing neighborhoods. The Commission finds that the PUD is fully consistent with each of these goals. Redeveloping the PUD Site as a vibrant mixed-use development with residential and retail uses will further the revitalization of the NoMa East neighborhood. The proposed retail spaces will create new jobs for District residents, further increase the city's tax base, and will help to reinvigorate the existing neighborhood fabric.
60. ***Creating Successful Neighborhoods.*** One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development; from development of the Comprehensive Plan to implementation of the plan's elements. The proposed PUD furthers this goal since, as part of the PUD process, the Applicant has worked closely with ANC 6C to ensure that the development provides a positive impact on the immediate neighborhood.

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61. *Building Green and Healthy Communities.* One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (10A DCMR § 221.3.) The building on the PUD Site will include a significant number of sustainable design features and is located in a transit-rich environment, reducing the need to use private vehicles to access the site.
62. The Commission also finds that the PUD furthers the objectives and policies of many of the Comprehensive Plan's major elements as set forth in the Applicant's Statement in Support and in the OP reports. (Ex. 4, 13, 25.)

Office of Planning Report

63. On January 30, 2015, OP submitted a report recommending setdown of the applications. (Ex. 13.) The OP report stated that OP supports the applications, and that they are not inconsistent with the Comprehensive Plan's objectives for the area or with the Generalized Land Use and Policy Maps. The OP report noted that the proposed density, of which 98% would be devoted to residential use, would be at the upper end of what is typically considered appropriate for medium-density land uses, and that the maximum proposed height of 110 feet is 20 feet taller than is usual for a medium-density residential or commercial structure. However, the OP report concluded that the concentration of this height on the western end of the building, closer to the rail tracks and the 130-foot-high buildings in NoMa, better enables lowering the building's height to 80 feet and 50 feet where the building would be adjacent to blocks of two- and three-story rowhouses to its south and east. The OP report also noted that the PUD is not inconsistent with the written elements of the Comprehensive Plan, including the Land Use, Transportation, Housing, Environmental Protection, Urban Design, and Central Washington Area Elements.
64. On June 29, 2015, OP submitted a second report recommending approval of the applications. (Ex. 25.) This OP report restated that the PUD is not inconsistent with the Comprehensive Plan's objectives for the area or with the Generalized Land Use and Policy Maps. The OP report also noted that the level of benefits and amenities is commensurate with the requested zoning change, density increase, and zoning relief. The OP report provided a chart that indicated (i) the Applicant's response to requests for information at setdown, and (ii) additional information needed from the Applicant by the public hearing.

DDOT Report

65. On June 29, 2015, DDOT submitted a report indicating that it has no objection to the applications with the following conditions: (i) the Applicant provide annual bikeshare membership to all residential tenants and retail employees for the first three years of the

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project; and (ii) the Applicant provide two additional long-term bicycle parking spaces for retail employees. (Ex. 26.) At the public hearing, the Applicant agreed to both of DDOT's conditions as further described in Finding of Fact No. 46.

DOEE Reports

66. On June 29, 2015, DOEE submitted a report recommending approval of the applications with the following conditions: (i) meet or exceed the performance requirements of the DC Green Construction Code, and demonstrate a minimum 26% increase over ASHRAE 90.1-2007; (ii) incorporate renewable energy for a minimum of one percent of the building's energy use; (iii) exceed on-site stormwater management requirements or invest in the Stormwater Retention Credit Trading Program; and (iv) reduce the number of parking spaces. Subsequent to the public hearing, the Applicant met with DDOE representatives and revised its environmental proffers such that the building will achieve LEED-Gold and will incorporate PV panels to achieve one percent renewable energy for the building. If the Applicant is unable to achieve one percent renewable energy, it will instead demonstrate a minimum 26% savings relative to the appropriate baseline for the project as defined by ASHRAE 90.1-2007 Appendix G - Performance Rating Method and following the LEED v2009 EAp2: Minimum Energy Performance calculation methodology.
67. On July 24, 2015, DOEE submitted a report stating that the Applicant's changes to its sustainability proffers adequately addressed all of the DOEE's concerns and that DOEE therefore supported the project. (Ex. 37).

ANC 6C Reports

68. At its regularly scheduled public meeting on June 10, 2015, for which notice was properly given and a quorum was present, ANC 6C voted 6-0-0 to support the applications. (Ex. 27.) The report stated a number of concerns about the adequacy of the proffered public benefits of the project. Commissioner Tony Goodman of ANC 6C06, who was authorized by the ANC to represent it as a party, testified in support of the applications at the public hearing.
69. On July 24, 2015, Commissioner Goodman submitted a letter on behalf of ANC 6C, that responded to the Applicant's July 16, 015 submission. The letter did not state whether the letter was approved by the ANC at a properly noticed meeting with a quorum present. The letter stated that Mr. Goodman believed the revisions to the building's north elevation were improvements, and requested that the Commission prohibit the Applicant from adding leasing advertisements on the North elevation of the building. The letter further stated that the Mr. Goodman supported the Applicant's enhancements to its public benefits package, and asked the Commission to require the Applicant to complete the improvements to the sidewalk on the south side of the 300 block of M Street, S.E. prior to closing the sidewalk on the north side of the street, and to require the Applicant to allocate any remaining funds after the sidewalk and light fixture improvements for

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additional pedestrian sidewalk and public space beautification in ANC 6C in NoMa. The letter expressed support for the Applicant's requested flexibility of exterior building materials. (Ex. 36.)

Post-Hearing Submission

70. On July 16, 2015, the Applicant submitted a post-hearing submission, which included the following information requested by the Commission at the public hearing: (i) a revised roof plan showing a 1:1 set back of the raised pool deck on the 12th level of the building and a 1:1 setback of the northern-most roof structure on the 9th level of the building; (ii) an explanation of the Applicant's further conversations with DOEE and its increased sustainability commitment; (iii) an explanation of the mix and location of IZ units in the building, and a revised subsidy for some of the units to be set aside to households earning up to 50% of the AMI; (iv) confirmation on the increase in amount of financial contribution to Two Rivers Public Charter School and Planned Parenthood, and an additional contribution to Playable Arts DC; (v) an elevation of the north end penthouse wall facing 4th Street; and (vi) a revised statement regarding the flexibility requested for the exterior building materials. (Ex. 35-35C.)

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71. Based on the documents and information submitted in the Applicant's Post-hearing Submission, the Commission makes the following findings:
- a. The redesign of the roof plan results in appropriate roof structure setbacks;
 - b. The revised environmental benefits are appropriate for the PUD Site and consistent with DOEE's expectation and requests;
 - c. The mix, location, and increased subsidy provided for the IZ units is improved and appropriate, given the project's proposed height and density;
 - d. The revised public benefits are commensurate with the degree of development incentives requested and any potential effects of the PUD;
 - e. The Applicant provided the requested north end penthouse wall elevation; and
 - f. The Applicant's revised statement regarding the flexibility requested for the exterior building materials is appropriate.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.

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5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The mixed uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. The applications can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project's benefits and amenities are reasonable tradeoffs for the requested development flexibility.
8. Approval of the PUD is appropriate because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the PUD Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission carefully considered the ANC 6C's recommendation for approval and concurs in its recommendation. The Commission notes the ANC expressed a number of issues and concerns in the report that all related to the adequacy of the public benefits proffered by the Applicant. The Applicant enhanced its public benefits proffers, and for the reasons discussed above, the Commission believes the proffered public benefits are adequate to justify approving the application.
11. The Commission also considered the letter written by Commissioner Goodman. The letter was written by Commissioner Goodman in his capacity as representative of the ANC as a party to this case. However, the letter cannot serve as a written report of an ANC to which great weight must be given because the letter does not state that it was approved by the entire ANC at a properly noticed meeting with a quorum present. Nevertheless, because the correspondence came from a party representative, the Commission carefully considered Mr. Goodman's requests, but declined to grant them. Specifically, the Commission will not prohibit the Applicant from placing leasing advertisements on the north elevation of the building because there is no justification for such a prohibition in the record. The Commission also decided not to require the Applicant to perform all

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sidewalk improvements on the south side of the street before closing the north side of the street to begin work on that side of the street. Any construction in public space must be approved by DDOT, and the Commission will defer to DDOT's assessment of how the performance of that work should be sequenced. Finally, the Commission determined not to require that the Applicant allocate any additional leftover funds from the public space improvements required by this Order for additional public improvements. The value of a public benefit is not determined by the money that is spent to provide it, but the intrinsic value of the benefit to the public. Thus the public space improvements proposed are valuable regardless of how much the Applicant expends to accomplish them. Once constructed to the satisfaction of DDOT nothing more is required of this Applicant as to that proffer.

12. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 et seq. (2007 Repl.)).

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the applications for consolidated review and approval of a planned unit development and related map amendment from the C-M-1 Zone District to the C-3-C Zone District for property located at 300 M Street, N.E. (Lots 1, 2, 6, 7, 19, 801, and 802 in Square 772). The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

A. Project Development

1. The PUD shall be developed in accordance with the Architectural Plans and Elevations dated June 19, 2015 (Ex. 23A1-23A7) as modified by the revised architectural plans submitted on July 9 and 16, 2015 and September 8, 2015 (Ex. 29, 35A, and 40A) (the "Plans"), and as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the Plans, the PUD shall be a mixed-used project consisting of approximately 418,798 square feet of gross floor area (6.21 FAR), with approximately 408,496 square feet of gross floor area devoted to residential use and approximately 10,302 square feet of gross floor area devoted to retail use. The project shall have 416 residential units, plus or minus 10%, and shall have a maximum height of 110 feet.
3. The Applicant is granted flexibility from the loading requirements (§ 2201.1); the side yard requirements (§ 775.5); and the roof structure requirements (§§ 411 and 770.6), consistent with the approved Plans and as discussed in the Development Incentives and Flexibility section of this Order.

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4. The Applicant shall also have flexibility with the design of the PUD in the following areas:
 - a. To be able to provide a range in the number of residential units of plus or minus 10%;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;
 - c. To vary the number, location, and arrangement of parking spaces, and the number of parking garage levels, provided that the total number of parking spaces is not reduced below the minimum number required by the Zoning Regulations;
 - d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, including window frames, doorways, railings, and trim; and other changes to comply with applicable District of Columbia laws and regulations that are necessary to obtain a final building permit;
 - e. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the building not decrease below the LEED-Gold designation;
 - f. To vary the location and number of PV panels so long as the panels achieve a 1:1 setback from all exterior walls and one percent renewable energy for the building. In the alternative, if the Applicant is unable to achieve one percent renewable energy for the building, flexibility to instead demonstrate a minimum 26% savings relative to the appropriate baseline for the project as defined by ASHRAE 90.1-2007 Appendix G - Performance Rating Method and following the LEED v2009 EAp2: Minimum Energy Performance calculation methodology;
 - g. To vary the location and design of the ground-floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including those of the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use; and

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- h. To vary the final selection of exterior signage on the building consistent with the Building Code.

B. Public Benefits

1. **Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project**, the Applicant shall dedicate a minimum of eight percent of the residential gross floor area of the building, as computed by the CIZC Form (approximately 32,680 square feet of gross floor area and 35 units) to IZ units. Within that eight percent approximately 26,993 square feet of gross floor area (28 units) will be devoted to households earning up to 80% of the AMI, and approximately 5,687 square feet of gross floor area (seven units) will be devoted to households earning up to 50% of the AMI. The IZ units shall maintain affordability in accordance with all applicable requirements of Chapter 26 of the Zoning Regulations.
2. **Prior to the issuance of a building permit**, the Applicant shall register the project with the USGBC to commence the LEED certification process under the USGBC's LEED for New Construction v2009 standards. **Prior to the issuance of a Certificate of Occupancy for the building**, the Applicant shall furnish a copy of its LEED certification application submitted to the USGBC. The application shall indicate that the building has been designed to include at least the minimum number of points to achieve LEED-Gold certification under the USGBC's LEED for New Construction v2009 standards.
3. **For the life of the project**, the Applicant shall integrate the following sustainable design features into the building: green roofs (Ex. 35A, Sheets 30-31 and 50-51), street-level stormwater collection/bioretenion planting areas (Ex. 23A6, Sheets L01-L10, and Ex. 35A, Sheet A53); sustainable building materials (Ex. 35A, Sheet A53); street and interior bike parking (Ex. 23A4, Sheet 26); provisions for electric car-charging stations in the parking garage (Ex. 23A5, Sheets 32-33); and an energy efficient building design and systems (Ex. 35A, Sheet A53).
4. **For the life of the project**, the Applicant shall dedicate rooftop space to accommodate and allow for an apiary/bee hive to be installed and maintained by residential or retail tenant(s).
5. **Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project**, the Applicant shall install rooftop PV panels to achieve one percent renewable energy for the building. In the alternative, if the Applicant is unable to achieve one percent renewable energy, the Applicant shall instead demonstrate a minimum 26% savings relative to the appropriate baseline for the

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project as defined by ASHRAE 90.1-2007 Appendix G - Performance Rating Method and following the LEED v2009 EAp2: Minimum Energy Performance calculation methodology.

6. **Prior to issuance of a Certificate of Occupancy for the building and for the life of the project**, the Applicant shall undertake the following activities to promote effective and safe vehicular and pedestrian access to the Site:
 - a. Widen by permanent easement the east-west alley located along the northern property line from 14.75' x 149.8' to 24' x 149.8', as shown on Sheets C01 and C07 of the Plans;
 - b. Eliminate a total of eight existing curb cuts along the north side of M Street, the east side of 3rd Street, and the west side of 4th Street;
 - c. Request that DDOT remove the existing "Police Parking Only" spaces located on the east side of 3rd Street, adjacent to the Property; and
 - d. Furnish and install approximately 16 bicycle racks at the street level for public use, with a minimum of two of the 16 bike racks installed along M Street.

7. **Prior to the issuance of a Certificate of Occupancy for the building**, the Applicant shall submit to DCRA evidence that the Applicant executed and submitted a First Source Employment Agreement to DOES, consistent with the First Source Employment Agreement Act of 1984 and the Apprenticeship Requirements Amendment Act of 2004, and in substantially the same form as the First Source Employment Agreement. (Ex. 16I.)

8. **Prior to the issuance of a Certificate of Occupancy for the building**, the Applicant shall submit to DCRA evidence that the Applicant has made the following contributions or expenditures. The Applicant shall provide proof to the Zoning Administrator that the items or services funded have been or are being provided in order to obtain a Certificate of Occupancy. The Applicant shall:
 - a. Commission an artist for the installation of public art (in an amount up to \$50,000) on M Street at the terminus of Abbey Place;
 - b. Contribute \$20,000 to Two Rivers Public Charter School for the relocation of concrete benches and sidewalk repair;
 - c. Contribute \$10,000 to Planned Parenthood of Metropolitan Washington for the purpose of purchasing furniture and equipment for the organization's community room;

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- d. Contribute \$25,000 to Playable Art DC for a play and place-making initiative in partnership with OP and DPR to bring an innovative art-based play space to a neighborhood with underserved park space in the District through a design competition. The space will be located at one of the following locations: 1200 block of 4th Street, N.E.; the corner of N Street and Florida Avenue, N.E.; or along the Metropolitan Branch Trail between M Street and L Street;
 - e. Contribute \$50,000 to WMATA for the installation of two additional fare gates/turnstiles at the M Street exit of the NoMA Metrorail station to increase capacity during rush hour;
 - f. Install the following improvements adjacent to the PUD Site's property line on the north side of M Street, the east side of 3rd Street, and the west side of 4th Street:
 - i. Replace the sidewalk with a new granite curb and gutter. Paving shall include upgraded accent bands and granite cobble pavers, subject to DDOT approval;
 - ii. Plant approximately 20 new canopy trees and 20 new ornamental trees;
 - iii. Install planters and trash receptacles for public use;
 - iv. Install Washington Globe street lights and other street-level lighting; and
 - v. Install bioretention planters along the north side of M Street; and
 - g. Request that DDOT remove the existing "Police Parking Only" spaces located on the east side of 3rd Street, adjacent to the PUD Site.
9. **Prior to the issuance of a Certificate of Occupancy for the building**, the Applicant shall expend up to \$140,000 to make the following off-site improvements, or shall post a deposit with DDOT of up to \$140,000 to make the following off-site improvements:
- a. Demolish the existing sidewalk at the south side of the 300 block of M Street and replace it with a new sidewalk, curb, and gutter, in compliance with DDOT standards and specifications. The new sidewalk shall be brick to match the existing condition;

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- b. Replace existing street lights with NoMa's standard Washington Globe fixtures at the following locations: (1) on the south side of the 300 block of M Street; (2) Abbey Place; (3) 1100 block of 3rd Street – East Side Only; (4) 1100 block of 4th Street; and (5) 400 block of M Street. Replacement of fixtures is subject to availability and adequate capacity of existing street light electrical infrastructure; and
- c. The \$140,000 shall be allocated first to the work identified in section (a), and any remaining proceeds shall then be allocated to the work in section (b).

C. Transportation Incentives

1. **Prior to issuance of a Certificate of Occupancy for the building and for the life of the project**, the Applicant shall provide the following TDM strategies:
 - a. Designate a TDM Coordinator to be responsible for organizing and marketing the TDM plan and serving as a point of contact with DDOT;
 - b. Price all on-site parking at market rates at minimum, defined as the average cost for parking in a quarter-mile radius from the PUD Site, and unbundle all residential parking from the cost of leasing apartments or purchasing condos;
 - c. Provide bicycle parking that meets the existing regulatory minimums and include a bicycle maintenance area in the bicycle room with a bike pump and toolset;
 - d. Display an electronic message board in the residential lobby of the building that provides information on public transportation and other alternative transportation modes; and
 - e. Include in its residential leases a provision that prohibits tenants from obtaining an RPP from the DMV under penalty of lease termination.
2. **Upon initial residential move-in and for the life of the project**, the Applicant shall distribute move-in transportation welcome packets to each resident. The packets shall include information such as:
 - a. Promotion for DDOT's goDCgo website;
 - b. Brochures on carsharing, ridesharing, and bikesharing programs;

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- c. Tips on smartphone applications and websites to use to navigate public transportation options;
 - d. Maps for nearby bicycle routes and lanes;
 - e. Maps for Metrorail, Metrobus and DC Streetcar routes; and
 - f. Information on how to efficiently maintain cars to maximize fuel efficiency.
3. **Upon initial residential and retail move-in and for the first three years after the issuance of a Certificate of Occupancy for the building**, the Applicant shall offer an annual Capital Bikeshare membership to all renters of each residential unit and to the first 20 retail employees of the retailers in the building.

D. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the PUD Site in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 14-19. Within such time, an application must be filed for a building permit, with construction to commence within three years of the effective date of this Order.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act.

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Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

4. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

On July 30, 2015, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the applications at the close of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen not present, not voting).

On September 21, 2015, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on November 20, 2015.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FILING****Z.C. Case No. 15-29****(Jemal's Gateway DC, LLC – Consolidated PUD & Related Map Amendment @
Square 2960, Lot 17)
November 9, 2015****THIS CASE IS OF INTEREST TO ANCs 4A and 4B**

On November 4, 2015, the Office of Zoning received an application from Jemal's Gateway DC, LLC (the "Applicant") for approval of a consolidated planned unit development ("PUD") and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 17 in Square 2960 in northwest Washington, D.C. (Ward 4), on property bounded by Eastern Avenue, N.W. (northeast), Georgia Avenue, N.W. and Alaska Avenue, N.W. (east), Kalima Road, N.W. (south), and a private road and private property (west). The property is currently zoned C-2-A/R-1-B. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the C-2-B Zone District.

The property is currently improved with two one-story buildings and related surface parking. The Applicant proposes to construct a mixed-use multi-family building of retail and residential uses, with a full-service grocery store at ground level. The maximum height of the building will be 73'4" and the total gross floor area will be approximately 273,308 square feet, with a maximum density of 3.12 floor area ratio ("FAR").

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FILING****Z.C. Case No. 15-30****(Georgetown Day School, Inc. – Consolidated PUD & Related Map Amendment @
Squares 1672, 1673, and 1733)
November 9, 2015****THIS CASE IS OF INTEREST TO ANC 3E**

On November 4, 2015, the Office of Zoning received an application from Georgetown Day School, Inc. (“Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 4, 803, 804, 812, 815, and 817 in Square 1672 (“WMATA Site”); Lots 822 and 824 in Square 1673 (“School Parcel”); and Lots 7, 20, 817, 818, and 839 in Square 1733 (“Mixed Use Parcel”) in northwest Washington, D.C. (Ward 3), on property at 4748, 4750, and 4800 Wisconsin Avenue, N.W.; 4200 and 4203 Davenport Street, N.W.; 4219 Chesapeake Street N.W.; 4228 Ellicott Street, N.W.; and 4852 42nd Street, N.W. The property also includes the proposed closing of certain public rights-of-way, including a public alley, a portion of Davenport Street, N.W., and a portion of 42nd Street, N.W. The Applicant is proposing a PUD-related map amendment to rezone some of the property, for the purposes of this PUD, from C-2-A to C-2-B, from R-2/C-2-A to R-2, and from C-2-A to R-3.

The Applicant proposes to develop the School Parcel with a new building to house GDS’ Lower and Middle School, a below-grade parking structure, new open space, and incorporation of the WMATA chiller plant on the WMATA Site into the new school building. The Mixed-Use Site will be developed with two mixed-use buildings with ground-floor retail and upper-level residential uses.

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

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

Order No. 18502-A of Jemal's Gram LLC, Motion for Minor Modification of Approved Plans in Order No. 18502, pursuant to § 3129 of the Zoning Regulations.

The original application was pursuant to 11 DCMR § 3104.1, for a special exception to allow multiple roof structures not meeting the normal setback requirements under §§ 411.11 and 770.6, and to extend the zoning controls under § 2514.2, to construct an eleven story mixed-use office, retail and service building in the DD/C-2-C and DD/C-3-A Districts at premises 655 New York Avenue, N.W. (Square 450, Lots 4, 6, 21, 33, 34, 40, and 803-818).¹

The application, as amended, is pursuant to 11 DCMR § 3104.1, for a special exception to extend the zoning controls under § 2514.2, to construct an 11-story mixed-use office, retail and service building in the DD/C-2-C and DD/C-3-A Districts at premises 655 New York Avenue, N.W. (Square 450, Lots 4, 6, 21, 25, 33, 34, 39, 40, 800, 803-818, 825, and 830-832).

HEARING DATE (Application No. 18502)	February 5, 2013
DECISION DATE (Application No. 18502):	February 5, 2013
FINAL ORDER ISSUANCE DATE (No. 18502):	February 6, 2013
MINOR MODIFICATION DECISION DATE:	November 3, 2015

SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6 in the record of Application No. 18502.) An amended self-certification form was submitted to the record in Case No. 18502-A. (Exhibit 3D.)

BACKGROUND

On February 5, 2013, the Board of Zoning Adjustment (“Board” or “BZA”), by a vote of 4-0-1, approved the Applicant’s original request for special exception approval to construct an 11-story mixed-use office, retail and service building in the DD/C-2-C and DD/C-3-A Districts. In BZA Order No. 18502 (the “Order”), the Board approved the

¹ According to the application for minor modification and the revised plans submitted with that application, the development no longer requires a special exception for the penthouse setback that was previously granted by the Board. Also, the request for modification of the approved plans would incorporate the additional land owned the Applicant in Square 450. This additional land is comprised of Lots 25, 39, 800, 825, 830-832 and occupies the remainder of Square 450 to the east of the original site. (Exhibit 3.) The Applicant submitted an amended self-certification with the modification application which removed the request for special exception from § 411.11. (Exhibit 3D.) The caption has been amended to reflect these changes.

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Applicant's original request, pursuant to 11 DCMR § 3104.1, for a special exception to allow multiple roof structures not meeting the normal setback requirements under §§ 411.11 and 770.6, and to extend the zoning controls under § 2514.2, to construct an 11-story mixed-use office, retail and service building in the DD/C-2-C and DD/C-3-A Districts at premises 655 New York Avenue, N.W. (Square 450, Lots 4, 6, 21, 33, 34, 40, and 803-818). The Order approving the original request was issued on February 6, 2013. (Exhibit 3A.) That approval was conditioned on the Applicant carrying out the construction in accordance with the architectural drawings included in the application at Exhibit 10 in the record of Case No. 18502.

Order No. 18502 became effective on February 16, 2013, and included a requirement that the Applicant submit a building permit application within two years of the effective date. The Applicant timely submitted its building permit application to the Department of Consumer and Regulatory Affairs ("DCRA") on January 8, 2015. (Exhibit 3B.) That building permit application is at DCRA pending approval.

MOTION FOR MINOR MODIFICATION OF APPROVED PLANS

On October 16, 2015, the Applicant submitted a request for a minor modification to the Board's previous approval, in particular of the approved plans, in Application No. 18502 and, pursuant to 11 DCMR § 3100.5, also asked for a waiver of the two-year deadline for filing such a request. (*See*, Exhibits 1 and 3-3E in Case No. 18502-A.)

In Application No. 18502-A, the Applicant requested modification of the approved plans to incorporate the additional land owned the Applicant in Square 450. This additional land, comprised of Lots 25, 39, 800, 825, 830-832, occupies the remainder of Square 450 to the east of the original site. As a result of the proposed expansion, the land area for the project will increase to approximately 96,992 square feet. On this enlarged building site, the Applicant would expand the office building design that was approved by the Board in Order No. 18502² to accommodate a potential anchor tenant for the expanded building. The building design originally approved in Order No. 18502 has been minimally modified, along its east elevation, in order to allow for this expansion. The Applicant submitted a booklet of drawings with both the approved drawings and proposed revised drawings with Application No. 18502-A. (Exhibit 3C1-3C3.)

In the application for minor modification, the Applicant indicated that no additional zoning relief is needed to accomplish the expanded design. Further, the Applicant noted that under the revised design, the development no longer would require the special exception relief related to penthouse setback that was previously granted by the Board.

Based on the revised self-certification in Exhibit 3D accompanying the modification application, the caption in this case has been amended in this Order to reflect the relief being granted and all of the Lots in Square 450 that are part of the subject property, including the additional lots added by the expansion of the project. This application (No. 18502-A) is considered a continuation of Case No. 18502.

² The design was also reviewed and approved by the Historic Preservation Review Board.

BZA APPLICATION NO. 18502-A**PAGE NO. 3***Waiver of Two-Year Filing Deadline.*

Subsection 3129.3 of the Zoning Regulations indicates that a request for minor modification "of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application." The motion for minor modification was filed beyond the two-year period cited in § 3129.3; consequently, the Applicant requested a waiver of that deadline, pursuant to 11 DCMR § 3100.5. The Applicant stated that the timing of the request related to the recent acquisition by the Applicant of the property in the eastern portion of Square 450 to allow for the proposed expansion and to accommodate an important anchor tenant that was not foreseen at the time of the original approval. Finding that the recent acquisition of new land on the eastern side of the project site justified the waiver of the time requirement, the Board granted the waiver. The waiver would not prejudice the rights of any party and is not prohibited by law.

Determination That the Modification Was Minor.

Subsection 3129.6 of the Zoning Regulations authorizes the Board to grant, without a hearing, requests for minor modifications of approved plans that do not change the material facts upon which the Board based its original approval of the application. (11 DCMR § 3129.6.) The Board found that no material facts upon which the Board had based its original approval of the application were changed by the expanded design. Rather, the redesign eliminated the need for one of the special exceptions already approved for penthouse setbacks.

The Merits of the Minor Modification of Approved Plans.

The Applicant's request for a minor modification of Order No. 18502 complies with 11 DCMR § 3129. Subsection 3129.2 states that "[t]he Board shall consider requests to approve minor modifications to plans approved by the Board, as set forth in §§ 3125.7 and 3125.8. The request shall be in writing, shall state specifically the modifications requested and the reasons therefore and include a copy of the plans for which approval is now requested." The Applicant's request for minor modification met all of these requirements.

Pursuant to § 3129.4, all requests for minor modifications of plans shall be served on all other parties to the original application and those parties are allowed to file comments within 10 days of the filed request for minor modification. The Applicant provided proper and timely notice of the request for minor modification by First Class mail to Advisory Neighborhood Commission ("ANC") 6E, by Hand Delivery to Single Member District ANC 6E-04, and to the Office of Planning. The site of this application is located within the jurisdiction of ANC 6E³, which is automatically a party to this application. An ANC report dated October 9, 2015, was submitted to the record, recommending approval of the request for minor modification to Order No. 18502. The ANC's report stated that at a regularly scheduled and properly noticed meeting on October 6, 2015, at which a quorum was present, the ANC voted (6 in favor, 0 opposed, and 0 abstentions) in support of the modification application. (Exhibit 3E.)

³ The development was previously in the jurisdiction of ANC 2E, prior to redistricting.

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There was no OP report in the record.

The only parties to the case were the ANC and the Applicant. No parties appeared at the public meeting in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for minor modification of approval, including approved plans, in Case No. 18502. Based upon the record before the Board and having given great weight to the ANC report filed in this case, the Board concludes that in seeking a minor modification to the original approval and plans in Case No. 18502, the Applicant has met its burden of proof under 11 DCMR § 3129, that the minor modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification and amendment of the Board's approval in Application No. 18502 is hereby **GRANTED, SUBJECT TO THE APPROVED REVISED PLANS IN EXHIBITS 3C1-3C3**.

In all other respects, Order No. 18502 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON FEBRUARY 5, 2013: 4-0-1

(Lloyd J. Jordan, Nicole C. Sorg, Anthony J. Hood, and Jeffrey L. Hinkle to Approve. The third mayoral member vacant.)

**VOTE ON MODIFICATION OF APPROVAL AND AMENDED APPLICATION:
3-0-2⁴**

(Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller to Approve; Frederick L. Hill, not present or participating; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

FINAL DATE OF ORDER: November 5, 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.

⁴ Board Members Heath and Miller read the record in order to participate in this application.

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

Application No. 18990 of Diana Kurnit and Jonathan Brumer, as amended¹, pursuant to 11 DCMR § 3104.1, for a special exception under § 223 to allow a replacement rear deck addition at a one-family semi-detached dwelling, not meeting the lot occupancy requirements of § 403, the side yard requirements of § 405, and the nonconforming structure requirements of § 2001.3, in the R-2 District, at premises 5330 42nd Street, NW, (Square 1664, Lot 30).

HEARING DATES: May 12, 2015 and June 16, 2015

DECISION DATE: June 16, 2015

DECISION AND ORDER

Diana Kurnit and Jonathan Brumer, the property owners of the subject premises (the “Owner” or the “Applicants”), filed an application with the Board of Zoning Adjustment (the “Board”) on February 26, 2016, for a special exception under § 223 of the Zoning Regulations to allow the construction of a deck located within the rear yard of a one-family semi-detached dwelling, wherein the completed project will not conform to the lot occupancy requirements of § 403, the side yard requirements of § 405, or the nonconforming structure requirements of § 2001.3 of the Zoning Regulations. For the reasons explained below, the Board voted to approve the application after the public hearing was completed on June 16, 2015.

PRELIMINARY MATTERS

The Zoning Administrator (“ZA”) Memorandums

This matter was referred to the Board by the ZA of the Department of Consumer and Regulatory Affairs. The ZA initially referred the matter for special exception relief encompassing only lot occupancy relief. (Exhibit 7.) However, the ZA Memorandum was revised twice, first to revise the lot occupancy calculations and add a requirement for side yard relief (Exhibit 42) and, later, to note that the ZA had granted minor flexibility under §.407 of the Zoning Regulations regarding the rear yard requirements. (Exhibit 45.) The Board reviewed this application based upon the revised determination that is reflected in Exhibit 45.

The Application

The Applicants provided two initial options for special exception review, an original proposal for a deck with a depth of 10 feet, and a second proposal for a slightly smaller deck with a depth of

¹ The Applicant did not request relief under § 2001.3. However, the Office of Planning (“OP”) suggested that relief was needed under this provision, as the proposed deck would extend the nonconforming side yard. The Board agreed with OP and granted this technical amendment to the application on its own motion.

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9.6 feet. Both proposals show a stairway and landing on the south side of the deck or, when facing the rear of the dwelling from the public alley, to the right of the deck.² The Applicant ultimately chose to proceed with its original option. As a result, the Board only considered the original proposal under the §§ 223 and 3104 standards.

Notice of Public Hearing

Pursuant to 11 DCMR § 3113.13, notice of the hearing was sent to the Applicants, all owners of property within 200 feet of the subject site, Advisory neighborhood Commission (“ANC”) 3E, and the District of Columbia Office of Planning (“OP”). The Applicants posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect. (Exhibit 43.)

Request for Party Status

The Board received and granted a request for party status from Jane Waldmann (“Ms. Waldmann” or the “Opposition Party”), the owner and resident of 5332 42nd Street. (Exhibit 41.) Ms. Waldmann maintains that the proposed deck with a staircase to the south, will affect the privacy and enjoyment of her own rear porch (an enclosed deck), will reduce the amount of light in her basement, and will result in the loss of “plantable” green space on the Applicants’ property. Ms. Waldmann’s preference is for the Applicants to locate the staircase on the north side of the deck, at their shared property line, in order to create additional separation between the properties. (Exhibit 41.)

ANC Report

ANC 3E filed a report based upon the initial ZA memorandum. (Exhibit 38.) However, when the ANC received the ZA’s revised memorandum, the ANC reviewed the application based upon the new lot occupancy calculations and the additional request for special exception relief encompassing the side yard requirements. In its report submitted on April 14, 2015, the ANC indicated that, at a regularly scheduled monthly meeting with a quorum present, the ANC voted to support the amended special exception application. (Exhibit 40.) The ANC noted that the neighboring property owner to the north (Ms. Waldmann) objected to the Applicants’ proposed location for the deck staircase. However, the ANC stated that it supported the Applicants’ proposed staircase location, because the proposed design would preserve more green space in the northern portion of the yard, including an existing tree. The ANC asserted that, in contrast, the proposal favored by the objecting neighbor would require the removal of the tree. (Exhibit 40.)

² The filings are somewhat confusing as they relate to directions. What the Applicant describes as to the south or to the “right” of the property from the rear, the Office of Planning describes as to the east of the property. What the Applicant describes as to the north or to the “left” of the property from the rear, the Office of Planning describes as to the west of the property. For the sake of simplicity, this Order shall reference directions from the property going north and south, rather than directions to the west and east, or to the left or right from the rear.

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Office of Planning (“OP”) Report

OP prepared a written report supporting the application. (Exhibit 44.) OP noted that placement of the staircase to the south, as proposed by the Applicants, will not unduly affect light and air to the adjacent property or unduly compromise the privacy of use and enjoyment of neighboring properties. (Exhibit 4.) In addition, OP’s representative, Maxine Brown-Roberts, testified at the public hearing, stating that OP considered both options presented by the Applicants (the 10-foot deck and the 9-foot, six inch deck) and found that both met the criteria of § 223. (Transcript of June 16, 2015 (“T.”), p. 83.)

Persons in Support/Opposition

The Board received 26 letters in support from nearby property owners (Exhibits 14-16, 26-27, and 36) and no letters from persons in opposition to the application other than a letter from Ms. Waldmann before she requested party status. (Exhibit 32.) No persons testified in support or in opposition to the application other than the Applicants and the Opposition Party.

FINDINGS OF FACT

The Site and Surrounding Area

1. The subject property is located at 5330 42nd Street, NW, Square 1664, Lot 30, in the R-2 zone district.
2. The rear of the lot abuts a 15-foot wide public alley.
3. Properties in the surrounding area are predominantly one-family semi-detached dwellings.
4. The lot is improved with a two story one-family semi-detached dwelling that was built sometime during the 1920s.
5. When the Applicants purchased the property in 2013, the dwelling had a rear deck that extended approximately seven feet out from the rear of the dwelling. The deck had become unsafe and could not be repaired. The Applicants therefore propose to replace it.

The Adjacent Neighbor

6. The property owned by the Opposition Party (the 5332 property) to the north of the subject property, is contiguous to the site owned by the Applicants.
7. The two dwellings (owned by the Applicants and the Opposition Party) share a party wall and are symmetrical in design. Both properties were originally designed with rear porches. In the center of the two properties, each originally had a landing onto which

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doors opened to the dwelling. The landings each led to staircases to the ground level at the joint property line. (Exhibit 41.)

8. During the mid-eighties, the Opposition Party enclosed the porch at her property and created a screened porch. She maintained the porch landing and staircase in the original location at the joint property line. (Exhibit 47.)
9. The Opposition Party also maintains a privacy fence at her property. (T., p. 88.)

The Proposed Deck

10. The deck proposed by the Applicants would be approximately 19 feet wide, the width of the subject dwelling, and would be 10 feet deep. (Exhibit 8, OP Report, Exhibit 44.)
11. The deck proposed by the Applicants varied from the original design of the dwelling, as the staircase was planned at the southern side of the dwelling instead of at the joint property line at the northern side of the dwelling. (Exhibit 8, OP Report, Exhibit 44.)
12. Placing the stairway to the south of the deck will preserve more green space than if the stairway were placed to the north, because the green space to the north is larger and more usable. (Exhibit 37, T., p. 77-79.)
13. Placing the stairway to the south of the deck, instead of to the north of the deck, will also preserve the mature myrtle tree which is located on the north side of the property. (Exhibit 8, T. p. 83.)

Zoning Relief

14. Section 403 of the Zoning Regulations requires that each structure in an R-2 zone allow a maximum lot occupancy of 40%. The existing lot occupancy (without a deck) is 39%. The dwelling and 10 foot deep replacement deck would have a 50% lot occupancy; and the dwelling and 9.6-foot replacement deck would have a 48% lot occupancy. (OP Report, Exhibit 44.)
15. Subsection 405.3 of the Zoning Regulations requires, in most cases, that each semi-detached dwelling in an R-2 zone provide a minimum side yard of eight feet on the resulting free-standing side.
16. Subsection 405.8 of the Zoning Regulations allows a minimum side yard of five feet in the case of a dwelling, such as this one, where the dwelling existed on or before 1958. In these cases, however, the side yard (less than eight feet), may not be decreased. (11 DCMR § 405.8.)

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17. The only side yard at the property is 5.3 feet. With the proposed deck and staircase construction, the side yard would be only 1.3 feet. Because the nonconforming side yard would be extended by the deck addition, relief is also required under § 2001.3(b)(2).
18. Section 404 of the Zoning Regulations requires a 20-foot minimum rear yard for structures in the R-2 zone. While the proposed deck will result in a rear yard that is slightly less than 20 feet, the ZA has granted minor flexibility for the rear yard setback pursuant to § 407 of the Regulations. (Exhibit 45.) Thus, no request is made to this Board to grant rear yard relief.

The Impact of the Proposed DeckVisual Intrusion

19. The elevation plans, photographs, and site plan show the relationship of the proposed deck to adjacent buildings, and also show views from the public alley at the rear of the property.
20. The proposed deck will not be visible from 42nd Street but will be visible from the public alley at the rear of the property.
21. Many dwellings along the alley have rear additions, enclosed decks, and open decks that are similar to the deck proposed by the Applicants. The Board credits OP's finding that the proposed deck would not visually intrude upon the character, scale, and pattern of houses along the adjacent alley. (OP Report, Exhibit 44, p. 4.)

Light and Air

22. The Board credits OP's finding that the proposed height and area of the deck and the stairway location would not affect the light and air to adjacent residences or rear yards along the alley. (OP Report, Exhibit 44, p. 3.)
23. The Board credits OP's finding that the Opposition Party's own porch and stairway, which is above and in front of the basement entrance, limits the light and air that is available to the basement of the property. (OP Report, Exhibit 44, p. 3.)
24. The Board credits OP's finding that the proposed deck and stairway will not be covered and would not block light and air to the neighboring property to the south. (OP Report, Exhibit 44, p. 3.)

Privacy

25. The Board credits OP's finding that the proposed deck will be set back 19.76 feet from the 10-foot alley and will not impact the privacy of properties across the alley. (OP Report, Exhibit 44, p. 44.)

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26. The Board credits OP's finding that the placement of the stairway to the south, as proposed by the Applicant, will help to reduce movements between the deck and the northern yard (near the 5332 property), and will reduce any noise generated by the use of the proposed deck. (OP Report, Exhibit 44, p. 4.)
27. The Board credits OP's finding that the Opposition Party's fence will help to lessen views from the proposed deck onto the enclosed porch at the 5332 property. (OP Report, Exhibit 44, p. 4.)

CONCLUSIONS OF LAW

The Applicant is seeking a special exception pursuant to 11 DCMR §§ 223 and 3104.1 to construct an addition to a one-family dwelling in an R-2 District, where the proposal will not comply with the lot occupancy requirements of § 403, the side yard requirements of § 405 and the nonconforming structure requirements of § 2001.3. As stated in § 3104.1 of the Zoning Regulations (Title 11 DCMR), the Board "is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) ... to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title." In this case, the "special conditions" are those specified in §§ 223.2 through 223.5.

As noted by the Court of Appeals:

In evaluating requests for special exceptions, the BZA is limited to a determination of whether the applicant meets the requirements of the exception sought. "The applicant has the burden of showing that the proposal complies with the regulation; but once that showing has been made, the Board ordinarily must grant the application." *National Cathedral Neighborhood Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 753 A.2d 984, 986 n. 1 (D.C.2000) (quoting *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1032-33 (D.C.1995)).

Georgetown Residents Alliance v. District of Columbia Bd. of Zoning Adjustment, 802 A.2d 359, 363 (D.C. 2002).

In this case, the Board concludes that the Applicant has satisfied the two general tests stated in § 3104.1 and the specific conditions contained in § 223.

As to the general test, the Board concludes that the requested special exception will "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps." (11 DCMR § 3104.1.) The proposed deck will not change the residential use of the dwelling and

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will be in harmony with the existing residential neighborhood. With respect to whether the special exception will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, the Board concludes that this standard is satisfied if the specific conditions of § 223 are met. These will be discussed in the section below entitled “The ‘special conditions’ for an addition under § 223.1”.

The “special conditions” for an addition under § 223.1.

Under § 223.1 of the Zoning Regulations, an addition to a one-family dwelling shall be permitted even though it does not comply with applicable area requirements if approved by the Board as a special exception, subject to its not having a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

223.2(a) The light and air available to neighboring properties shall not be unduly affected. While the proposed deck will be slightly larger than the previous deck, there is no evidence of negative impacts to the light and air that is available to neighboring properties. The Opposition Party maintained that her light and air would be adversely impacted by the proposed deck; however, OP found that the Opposition Party’s own porch prevented light and air from coming into the basement level of her dwelling. (Findings of Fact 22-24.) Furthermore, when questioned by the Chairman, the Opposition Party conceded as much. (T., p. 90.) Thus, it is reasonable for the Board to conclude that the proposed deck would have only a minimal effect (at best) on the light and air available to the Opposition Party, and would not “unduly” affect her property.

223.2(b). The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. The Board also concludes that the proposed deck will not affect the privacy of use and enjoyment of neighboring properties. (Findings of Fact 25-27.) The Opposition Party insists that a stairway on the Applicants’ property which mirrors her own stairway is necessary to create an additional buffer, and is the only means by which her privacy can be protected. The Board does not agree. First, the fact that the stairway will be located farther away from the 5332 property may, in fact, provide more privacy than if the stairway were closer to the property. Second, there is no dispute that the Opposition Party’s own stairway (approximately four feet wide) can remain as an effective buffer to the Applicants’ property. Finally, the Opposition Party’s privacy will also be protected by the enclosure of her own porch and by the wooden privacy fence on her property.

223.2(c). The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. As explained in the Findings of Fact, the proposed deck will only be visible from the public alley at the rear, and not from 42nd Street. The size and design of the proposed deck is similar to many

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other additions and decks that may be viewed from the rear and will not be incompatible with surrounding dwellings in any way. (Findings of Fact 19-21.)

223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts. The subject property is in the R-2 zone (Finding of Fact 1.) With the proposed deck, the lot occupancy will be no more than 50%. (Finding of Fact 16.) Therefore, this condition will be met.

The Board is required under § 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21), as amended; D.C. Official Code § 1-9.10(d)(3)(A)), to give “great weight” to the issues and concerns raised in the affected ANC’s recommendations. As noted, the ANC voted to support the special exception application. The Board found the ANC’s advice to be persuasive. In particular, the ANC supported the Applicants’ proposal to place the deck staircase at the southern end of the deck instead of the northern end, reasoning that more green space would be preserved in the Applicants’ rear yard, including a mature tree. As explained previously, this is a plausible reason for the Applicants’ design preference. The Board supports this preference where it has been shown, as here, that the design has no adverse effects on neighboring property owners.

In reviewing a special exception application, the Board is also required under D.C. Official Code § 6-623.04(2001) to give “great weight” to OP recommendations. OP also supported the application. The Board found the advice in OP’s written report to be persuasive, and has credited OP with various findings in this Order.

For the reasons stated above, the Board concludes that the applicant has satisfied the burden of proof with respect to the application for a special exception under § 223 to allow the issuance of a building permit authorizing the construction of a rear deck in the R-2 zone.

Therefore, for the reasons stated above, the application for a special exception is hereby **GRANTED, SUBJECT TO APPROVED PLANS AT EXHIBIT 5.**

VOTE: 4-0-1 (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey Hinkle, and Marcie I. Cohen to Approve; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: November 9, 2015

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PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 19029 of Eric Piersma, as amended¹, pursuant to 11 DCMR § 3103.2, for a variance from the minimum lot dimensions requirements under § 401.11, to allow the renovation of a flat into a three-unit apartment house in the R-4 District at premises 1338 Fairmont Street N.W. (Square 2861, Lot 35).

HEARING DATES: June 30, 2015, July 7, 2015, September 15, 2015, and October 6, 2015²

DECISION DATE: October 6, 2015

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by two memoranda, dated March 25, 2015 and May 15, 2015, from the Zoning Administrator, both of which stated that Board of Zoning Adjustment ("Board" or "BZA") approval is required for the following:

"Variance from § 401.11 to increase the number of dwelling units without providing the minimum lot area required for the units (§ 3103.2)."
(Exhibits 6 and 23.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1A filed a letter report, dated June 24, 2015, which indicated that at a properly noticed, regularly scheduled public meeting held on June 4, 2015, with a quorum of Commissioners present, the ANC voted 9:1:1 to support the application and that there was no opposition to the application. (Exhibits 30 and 34.) Also, at the July 7, 2015 hearing, Single Member District ANC 1B08 testified in support of the original application.

The Office of Planning ("OP") submitted a timely report on June 30, 2015, indicating that it could not support the Board granting the original application for four units. (Exhibit 31.) The Applicant submitted a request under Exhibit 44 for the Board to bifurcate its motion to consider separately: (1) the original four-unit proposal, and (2) approval of adding a third unit only. After hearing the comments of the Board, the Applicant withdrew its request to bifurcate the motion, and indicated that, instead, it wished for the

¹ The Applicant amended the application at the public hearing to propose a three-unit apartment house instead of four-unit one. The Board approved the amended application, giving leave for the Applicant to submit revised plans showing a three-unit apartment house. (Exhibit 46.)

² This case was postponed from June 30, heard on July 7, and again postponed from September 15, and continued to allow the Applicant to provide financial information, and decided on October 6.

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Board to consider only the alternative plan for three units. Although the OP recommended denial of the application for four units, at the hearing on October 6, 2015, OP testified that it would not oppose the Applicant's alternative proposal for a three-unit design.

By its letter, dated June 19, 2015, the District Department of Transportation ("DDOT") submitted a report of "no objection" to the application. (Exhibit 26.)

Five letters in support from neighbors were submitted under Exhibit 22. Another letter of support was submitted by Edward Bruske who described his experience in the business of apartment rentals as well as his support for the application. (Exhibit 43.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for variances from the strict requirements of the minimum lot dimensions requirements under § 401.11, to allow the renovation of a flat into a three-unit apartment house in the R-4 District. The only parties to the case were the Applicant and the ANC. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 46**.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

VOTE: **3-0-2** (Marnique Y. Heath, Frederick L. Hill, and Marcie I. Cohen to Approve; Jeffrey L. Hinkle, not participating or voting; the third Mayoral appointee vacant.)

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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: November 10, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

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